

► Expert Consenting Panel

FAST-TRACK CONSENTING

Waerenga Solar Farm

IN THE MATTER

of applications by
**WAERENGA SOLAR FARM
LIMITED** and
**TRANSPower NEW
ZEALAND LIMITED** to the
**ENVIRONMENTAL
PROTECTION AUTHORITY**
("EPA") under the COVID-19
Recovery (Fast-Track
Consenting) Act 2020 to
establish and operate the
Waerenga Solar Farm in
Waerenga, Waikato Region.

Expert Consenting Panel:

Sue Simons (Chair)

Dr Ngaire Phillips

Maxine Moana-Tuwhangai

Cherie Lane

Date of decision:

22 December 2023

**RECORD OF DECISION OF THE EXPERT CONSENTING PANEL UNDER
CLAUSE 37 OF SCHEDULE 6 OF THE ACT**

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ACRONYMS

The following abbreviations and acronyms have been used throughout this decision.

AEE	Assessment of Environmental Effects Boffa Miskell July 2023
ALE	Assessment of Landscape Effects Boffa Miskell April 2023
AMP	Avifauna Monitoring Plan
Applicants	Waerenga Solar Farm Limited and Transpower New Zealand Limited
BESS	Battery Energy Storage System
BSSMP	Battery Energy Storage System Safety Management Plan
CIA	Cultural Impact Assessment Te Hira Consultants June 2023
CMP	Construction Management Plan
CTMP	Construction Traffic Management Plan
DOC	Department of Conservation
E&SCP	Erosion and Sediment Control Plan
Economics Report	Economics Assessment Brown Copeland & Co Limited December 2022
EIA	Ecological Impact Assessment Boffa Miskell April 2023
EPA	Environmental Protection Authority
ERMP	Ecological Restoration Management Plan
ERP	Emergency Response Plan
FENZ	Fire and Emergency New Zealand
FMP	Flocculation Management Plan
Forest and Bird	New Zealand Royal Forest and Bird Society
Freshwater NES	Resource Management (National Environmental Standards for Freshwater) Regulations 2020
FTCA	COVID-19 Recovery (Fast-track Consenting) Act 2020
FTE	Full-time equivalent
HAIL	Hazardous Activities and Industries List
HSNO Act	Hazardous Substances and New Organisms Act 1996
ITA	Integrated Transportation Assessment Stantec March 2023

LGOIMA	Local Government Official Information and Meetings Act 1987
Minister	Minister for the Environment
NES-CS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
Noise Assessment	Assessment of Noise Effects Styles Group May 2023
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
Panel	Expert Consenting Panel – Sue Simons (Chair), Cherie Lane, Dr Ngaire Phillips and Maxine Moana-Tuwhangai
PDP	Waikato Proposed District Plan
Project	Refers to the proposal to establish and operate a large solar electricity generation farm at Waerenga, north Waikato
PSI	Preliminary Site Investigation CSI June 2022
RMA	Resource Management Act 1991
Site	Refers to the 385ha site in Waerenga, north Waikato that the solar electricity generation farm will be located at
SMP - CL	Site Management Plan – Contaminated Land
SRP	Sediment Retention Pond
Transpower	Transpower New Zealand Limited
Vision and Strategy	Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River
Waikato River Settlement Act	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
WDC	Waikato District Council
WRC	Waikato Regional Council
WRPS	Waikato Regional Policy Statement
WSFL	Waerenga Solar Farm Limited

1. **PART A: INTRODUCTION AND THE PANEL'S DECISION AND REASONS**

Introduction

- 1.1 Waerenga Solar Farm Limited ("WSFL") and Transpower New Zealand Limited ("Transpower"), together referred to as the "Applicants", are seeking consent for activities to establish a photovoltaic solar farm on a 385 ha site in Waerenga, north Waikato Region ("Project"). It is anticipated that this solar farm will generate 190 megawatts of electricity. The relevant authorities that would normally consider the Applicants' resource consent applications for the Project are Waikato Regional Council ("WRC") and Waikato District Council ("WDC").
- 1.2 WSFL is the applicant for the construction and operation of the solar farm. Transpower is the applicant for construction and operation of the substation and transmission associated connections which will facilitate the transmission of energy from the proposed Waerenga solar farm into the National Grid.
- 1.3 The Applicants applied to the Minister for the Environment ("Minister") pursuant to section 27 of the Resource Management (Covid-19 Recovery Fast Track Consenting) Act 2020 ("FTCA") to have the applications for the Project referred to an expert consenting Panel for determination. The Applicants' referral application was granted, and the Applicants subsequently filed its applications with the Environmental Protection Authority ("EPA") as per Schedule 6 of the FTCA.
- 1.4 The application was referred to an Expert Consenting Panel tasked to consider and determine the Applicants' application in accordance with the FTCA procedures. The expert consenting panel comprises specialist resource management lawyer Sue Simons (Chair), independent planning consultant, Cherie Lane, ecology specialist, Dr Ngaire Phillips, and iwi consultant Maxine Moana-Tuwhangai (together, "the Panel").
- 1.5 Gen Hewett, EPA Project Lead, provided administrative and logistical support throughout the Panel's decision-making process under the FTCA.
- 1.6 This is the decision report of the Panel.

The Panel's decision and reasons

- 1.7 The key issues in contention related to the application of the National Policy Statement for Highly Productive Land 2022 ("NPS-HPL"), the Project's creation of employment in regard to meeting the FTCA purpose, and landscape and visual effects, (including provision and timing of landscape planting to mitigate adverse visual effects of the Project for surrounding property owners and occupiers).
- 1.8 The culmination of the Panel's process of deliberations are decisions:

- (a) That no hearing was required on any issues on the basis that information available to the Panel was adequate and able to be adequately tested via FTCA procedures; and
- (b) To grant the resource consents applied for subject to the conditions contained in **Appendix 1**.

1.9 The findings that support the reasons for the Panel's decision are addressed throughout this decision report but can be summarised as follows:

- (a) The Project is consistent with and will promote the purpose of the FTCA in terms of providing:

"...employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources."

- (b) The Project provides very significant benefits in terms of renewable energy generation that are consistent with:

- (i) The objectives of the National Policy Statement for Renewable Electricity Generation 2011 ("NPS-REG"); and

- (ii) The matters of national importance to which the NPS-REG applies, namely:

(a) *"The need to develop, operate, maintain, and upgrade renewable electricity generation activities throughout New Zealand; and*

(b) *The benefits of renewable electricity generation."*

- (c) In terms of benefits, the Project will also result in producing local ecological benefits through the retirement of the existing dairy farm and proposed ecological enhancements.
- (d) Engagement with iwi and hapū has been genuine and effective, and iwi and hapū support the Project, as confirmed via the cultural impact assessments provided.
- (e) Potential adverse effects during construction (noise and vibration, construction traffic, dust, erosion and sediment control) have been assessed to be minor and can be addressed through the implementation of conditions of consent and a Construction Management Plan ("CMP").
- (f) Due to the nature of the activity, potential adverse effects associated with the ongoing day-to-day operation of the solar farm will be minor.
- (g) Potential adverse effects on rural character, residential amenity effects, and associated landscape and visual effects, including glint

and glare, will be addressed by landscape planting via the conditions imposed by the Panel.

(h) Given that potential adverse effects fall within a fairly narrow compass and can be adequately addressed, and having regard to the significant positive effects associated with the Project, the Panel is satisfied that:

(i) The Project aligns with relevant national, regional, and local planning instruments; and

(ii) The purpose of the RMA is better served by a grant of consent subject to the conditions that the Panel has elected to impose, rather than a decline of consent.

1.10 The Panel considers that the Project delivers a number of significant benefits with comparatively few adverse effects.

Purpose and scope of decision report

1.11 The purpose of this decision report is to canvass the application and issues arising, and to set out the Panel's process of reasoning and findings.

1.12 The scope and structure of this decision report is set out in the table of contents above. For the most part, those aspects of our decision report dealing with the assessment of effects or of relevant planning and policy instruments follow the structure of the Boffa Miskell assessment of environmental effects, dated 6 July 2023 ("AEE") to facilitate cross-referencing of the decision with the AEE. The exceptions to that approach relate to:

(a) Mana whenua issues, which the Panel considers warrants separate and primary consideration.

(b) Addressing positive effects separately from potential adverse effects.

(c) The manner and order in which some of the topics are addressed, e.g., the merging of the potential adverse effects assessment for effects which will occur in both the construction and operation phase of the Project (such as noise, transport, ecology etc), and including the assessment of social and economic effects within the positive effects section.

1.13 All members of the Panel have read and closely considered the comprehensive Boffa Miskell AEE, all supporting technical reports, the Applicants' responses to further information, reports commissioned by the Panel, and the comments made by all persons and bodies invited to comment. In the interests of brevity, it is neither proposed (nor considered necessary) to restate (or footnote) in detail the technical assessments and comments provided other than in relation to the main matters in contention.

2. PART B: PROCEDURAL MATTERS

2.1 The Panel commenced its functions on 11 September 2023. From that date, the Panel was required by Clause 37 of the FTCA to deliver a decision within

25 working days from the date that invited comments closed, (Thursday 26 October 2023) i.e., 30 November 2023. However, an extension of the timeframe for the Panel to write its decision was made to 26 January 2024.

- 2.2 The Panel convened its first meeting on the 19 September 2023 via videoconference (Microsoft Teams).
- 2.3 Following the Panel's initial meeting, the Panel met via videoconference on a weekly basis. Videoconference meetings were held on 26 September 2023, 3 October, 13 October, 26 October, 31 October, 8 November, 15 November, and 8 December 2023.
- 2.4 The Panel undertook a Site visit on Wednesday 11 October 2023 accompanied by EPA Project Lead, Gen Hewett. The Panel drove through the Site and a representative of the landowner was in a separate vehicle to provide the Panel access to various parts of the Site. The Panel noted the location of the streams and wetlands on the Site and the proposed location of the substation and Battery Energy Storage System ("BESS").
- 2.5 The Panel also drove along the various surrounding roads independently from the landowner's representative and observed the Site and surrounds from various viewpoints used in the Assessment of Landscape Effects ("ALE"), noting the proximity of the adjacent/nearby dwellings to the proposed solar farm.

Invitations for comments and comments received.

- 2.6 Under the FTCA process, public and limited notification is not permitted but the Panel are required to invite comments on the application from a number of people and/or groups.
- 2.7 On 4 October 2023, in accordance with the FTCA, the Panel issued invitations to a number of parties and organisations to comment on the applications. Comments were required to be filed by 26 October 2023.
- 2.8 In total, 16 comments were received. The key issues of concern expressed by the persons/entities who supplied comments are set out in the table attached as Appendix 2.
- 2.9 One person who was invited to provide comments on the Project wrote to the EPA on 24 November 2023 to advise that they did not receive an invitation to comment as it was delivered to the address of the business entity they represent and not to their personal and/or home address. They therefore considered that they have missed the opportunity to provide comment on the proposal and draft conditions. The Panel is satisfied that it has taken all opportunities to contact all affected parties to advise of their opportunity to provide comments on the proposal and draft conditions.
- 2.10 While it is unfortunate that this person was not living at the address that the Panel were provided and therefore did not receive the invitation to comment, the Panel consider that allowing them to comment at such a late stage in the process would significantly impact the Panel's ability to issue the decision report within the statutory timeframes.

Requests for further information

- 2.11 The Panel issued three separate requests for further information to the Applicants to clarify and further explain issues raised by the application.

Appointment of Expert Advisors

- 2.12 Two issues arose in the course of reviewing the application that required the appointment of external expert advisers to assist the Panel in accordance with Clause 10(3) of the Fifth Schedule to the FTCA.
- 2.13 The issues are addressed in the body of this record of Decision but are related generally to the legal implications of the NPS-HPL, and a review and further analysis of the Economics Report provided in the AEE.

Circulation of draft conditions

- 2.14 The Panel spent a great deal of time reviewing and discussing the proposed conditions and circulated an amended set of conditions for comment on 21 November 2023 with a requirement that comments be received by 24 November 2023. This was subsequently amended to the 2 December 2023 to provide a more reasonable timeframe for comments on draft conditions to be provided.

3. PART C: THE SITE AND PROJECT AND CONSENTS REQUIRED

The Site

- 3.1 The application site ("Site") comprises several parcels of rural land held in 18 separate records of title over an area of 385 ha mostly utilised for dairy farming. The location and configuration of the Site is shown in Section 2 of the AEE.
- 3.2 The parcels on the Site are separately owned by R and T Pastoral Limited and Professional Trustee Services Limited. Four farm dwellings exist on the Site and are currently occupied by the Site's landowners and farm staff.
- 3.3 The location of the Site within Waikato is considered to be ideally suited to solar farms for the reasons provided at Section 2.4 of the AEE, which can be summarised as comprising flat land with high sunshine hours and proximate to the National Grid transmission lines.
- 3.4 The flat topography of the Site includes some existing artificial drainage channels. The Site contains a number of ecological features including identified indigenous species, areas of wetland and various streams. An assessment of the existing vegetation and ecological features of the Site is filed as Appendix 9 to the AEE.¹
- 3.5 In regard to the Site's surrounding environment, the AEE notes that the land is also zoned General Rural, is sparsely populated, and is predominantly used for dairy, grazing and other rural activities.

1 AEE, Appendix 9 - Ecological Impact Assessment.

Key elements of Project

- 3.6 The Project will consist of the construction, operation, and maintenance of an estimated 190MWp photovoltaic solar farm connected to the National Grid. The key elements of the Project include approximately 304,000 solar panels, associated infrastructure, a BESS, a National Grid substation, and 25-metre-high monopoles for connection to the National Grid.
- 3.7 An indicative layout overview of the proposed Project is provided in Figure 3-1 at Section 3.1 of the AEE. Appended to the AEE as Appendix 5 is a full version of the indicative Project drawings.²
- 3.8 The solar panels will cover approximately 85 - 90 ha of the Site's total surface area and will rotate to follow the sun, starting and ending each day at its maximum inclination of circa 60 degrees from horizontal.
- 3.9 The height of, and distance between, the solar panels are set out at Section 3.3.1 of the AEE. Figures 3-3 and 3-4 show the design of the solar panels, based on 625Wp panels. The AEE states the possibility that the final design of the solar panels may differ slightly from Figures 3-3 and 3-4, but that any changes will unlikely alter the overall footprint of the Project and height and distance of panels.
- 3.10 The preliminary substation design is a total area of circa 7,500m². The AEE states that the substation design will be confirmed as part of the subsequent detailed design process.
- 3.11 Earthworks will be required for the underground cable installation and topsoil scraping.
- 3.12 Construction will be completed over approximately 15-18 months in accordance with a Construction Management Plan ("CMP") developed prior to construction.
- 3.13 Decommissioning and rehabilitation of the Site will occur at the end of the proposed 40-year operational period.

Consents required, reasons and activity status

- 3.14 The Project triggers the need for various consents under a number of statutory planning documents that provide consenting requirements.³
- 3.15 As per sections 86B to 86G of the RMA, because the Proposed Waikato District Plan ("PDP") is currently progressing through the appeals process, rules within the PDP have legal effect and the Waikato District Plan ("WDP") remains operative. Accordingly, resource consent is required under both plans.

² AEE, Appendix 5 - Proposal plans.

³ These includes the Operative Waikato District Plan ("WDP"); Proposed Waikato District Plan ("PDP"); Waikato Regional Plan ("WRP"); Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 ("NES-CS"); and Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA").

WSFL's consent triggers

- 3.16 In regard to WSFL's aspects of the Project, the consent triggers under the Waikato District Plan ("WDP") and the Proposed District Plan are set out in Table 1 and Table 4 of Section 4 of the AEE. Overall, the WSFL components of the application require consent as a discretionary activity under the WDP.
- 3.17 Under the PDP, the application requires resource consent for a discretionary activity for WSFL's infrastructure aspects that are not specifically provided for under small-scale or community-scale electricity generation. Resource consent for the proposed earthworks will also be required under the PDP as a restricted discretionary activity. Further, as the sightline requirement for vehicle accesses is not met, resource consent will also be required as a discretionary activity.
- 3.18 Under the Waikato Regional Plan ("WRP"), the earthworks required for the Project, a total of approximately 20,500m², requires resource consent as a discretionary activity.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES-CS")

- 3.19 The Preliminary Site Investigation ("PSI"), prepared by Guy Sowry of CSI and filed to the AEE as Appendix 13⁴, recognises that activities within the Hazardous Activities and Industries List ("HAIL") in the NES-CS have occurred on the site, including waste disposal to land (farm dumps) and persistent pesticide use (diquat).
- 3.20 Under clause 5(1)(a) of the NES-CS, the Site is a "piece of land". Whether the NES-CS regulations will apply will turn on whether the land on the Site when operating as a solar farm will be "production land".
- 3.21 Currently, as an operating farm, the Site is production land.
- 3.22 The AEE considers that operation of the Project will not cease the land being production land because the Applicants propose to use the land for sheep grazing underneath the solar panels. If it is decided by the Panel that the land on the Site will not cease to be production land, then the regulations of the NES-CS will not apply as the Project does not include any of the listed activities under clause 5(8) of the NES-CS.
- 3.23 The AEE, in taking a cautious and without prejudice approach, states that in the event that the Panel does not agree that the land will not cease to be production land, then the NES-CS regulations will apply to the Site.⁵
- 3.24 Accordingly, the Applicant seeks consent under the NES-CS as per Regulation 11(1) of the NES-CS for disturbance of soil that exceeds the permitted volume of Regulation 8(3).

⁴ AEE, Appendix 13 – Preliminary Site Investigation.

⁵ Under clause 5(1)(a) of the NES-CS, the Site is a "piece of land".

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("Freshwater NES")

- 3.25 No resource consents are required under the Freshwater NES.

Transpower's consent triggers

- 3.26 In regard to Transpower's aspects of the Project, the consent triggers under the WDP and the PDP are set out in Table 8 and Table 9 of the AEE.
- 3.27 Overall, Transpower requires resource consent under the WDP as a discretionary activity.
- 3.28 Under the PDP, Transpower will require resource consent for the proposed earthworks as a restricted discretionary activity. Transpower will also require resource consent for the substation as a restricted discretionary activity, and for the connections to the National Grid from the substation as a discretionary activity.
- 3.29 Transpower does not require resource consent under the Regional Plan Rule 5.1.4.13 – Soil Disturbance, Roding and Tracking and Vegetation Clearance. This is because the bulk of the earthworks involved with the Project for the Site, including the substation, are addressed under WSFL's application.

NES-CS

- 3.30 As mentioned above, the PSI for the Site (AEE, Appendix 13) identified that HAIL activities have occurred on the Site; however, these activities have not taken place in the location of the proposed substation.
- 3.31 The PSI and AEE conclude overall that it is highly unlikely for any risk to human health or freshwater environments to occur as a result of the Project.

Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NESETA")

- 3.32 The NESETA will apply to the activities that relate to the grid injection point connection to Transpower's Otahuhu – Whakamaru C (OTA-WKM-C) 220 kV transmission line between Towers OTA-WKM-C-0341 and OTA-WKM-C-0342.
- 3.33 Under the NESETA, the relevant Transpower works are generally expected to be a permitted activity, as shown in the table in the NESETA Assessment, filed with the AEE as Appendix 18.⁶

Overall assessment of activity status in AEE

- 3.34 Overall, the consents have been considered to be a discretionary activity and accordingly, section 104B of the RMA is relevant here.

4. PART D: MANA WHENUA MATTERS

⁶ AEE, Appendix 18 - National Environmental Standards for Electricity Transmission Activities (NESETA) Assessment.

- 4.1 This section considers matters relevant to mana whenua, including discussions on consultation, cultural impact assessments from mana whenua/iwi, statutory analysis as it relates to mana whenua/iwi, Iwi Environmental Management Plans and further comments received.

Consultation with Mana Whenua

- 4.2 The AEE, at section 7.2, Table 2, summarises the consultation undertaken prior to the AEE being released.

Cultural impact assessments

- 4.3 A cultural impact assessment ("CIA") filed with the AEE as Appendix 14, has been prepared for the Project in consultation with mana whenua on behalf of the iwi authorities.⁷ Additionally, Ngaati Whanaunga Incorporated Society has prepared a CIA on behalf of Ngaati Whanaunga, filed with the AEE as Appendix 14A ("Ngaati Whanaunga CIA").⁸
- 4.4 On 10 July 2023, the Applicants made a request on behalf of Ngaati Whanaunga that the Ngaati Whanaunga CIA be withheld from general publication. In response, the Panel, via its first minute issued on 20 September 2023⁹, requested that Ngaati Whanaunga clarify with the Panel its reasons for requesting:
- (a) that its CIA be withheld from general publication; and
 - (b) that a fully redacted version of its CIA be published on the EPA website.
- 4.5 The Applicants provided a response to the Panel on the 28 September 2023 which considered that the grounds for withholding information in section 7(2)(b)(a) of the Local Government and Official Information and Meetings Act 1987 ("LGOIMA") had been met. The Applicants' response provided correspondence from Ngaati Whanaunga which considered that the CIA is culturally sensitive because it contains information regarding Ngaati Whanaunga's cultural history and addresses the presence of waahi tapu. Ngaati Whanaunga consider that publicly disclosing this information would be contrary to tikanga Maaori.
- 4.6 The correspondence confirms that Ngaati Whanaunga are comfortable with some sections of the CIA not being redacted. In light of this, the Applicants and Ngaati Whanaunga prepared a revised version of the CIA for publication, attached to the Applicants' response as Attachment B.¹⁰
- 4.7 Accordingly, the Applicants requested that the Panel withholds the full CIA from general publication and that the redacted version be published. The Panel considered these requests and advised in its third minute, dated 2 October 2023, that it was satisfied that the withholding of the information in question would not affect the affected parties' ability to understand the

7 AEE, Appendix 14 – Cultural Impact Assessment.

8 AEE, Appendix 14A - Ngaati Whanaunga Cultural Impact Assessment.

9 Minute 1, dated 20 September 2023.

10 Memorandum of counsel on behalf of Waerenga Solar Farm Limited, Response to Minute 1, dated 28 September 2023.

application and assess its actual and potential effects on the environment when providing comments on the application.¹¹

Statutory assessment

- 4.8 Schedule 6 of the RMA requires all persons performing functions and exercising powers to act in a manner that is consistent with the principles of Te Tiriti o Waitangi ("Treaty") and any Treaty Settlements.
- 4.9 All applications require additional information, namely:
- (a) Clauses (1)(h) and 9(2)(g) regarding a planning document recognised by a relevant iwi authority and lodged with a local authority;
 - (b) Clause 9(1)(i) regarding information about Treaty Settlements;
 - (c) Clause (9)(5) which requires applications for resource consent to include a CIA or a statement of reasons given by the relevant iwi authority for not providing a CIA;
 - (d) Clause 9(6)(b) regarding customary marine title groups;
 - (e) Clause 10(1)(e) and (f) regarding iwi or hapu consultation and responses ; and
 - (f) Clause 10(1)(h) regarding protected customary rights.

Treaty settlements

- 4.10 Section 6.6.1 of the AEE identifies five Treaty Settlements relevant to the geographical location of the Project:
- (a) Waikato Tainui Claims Settlement Act 1995;
 - (b) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ("Waikato River Settlement Act");
 - (c) Ngati Paoa Deed of Settlement 20 March 2021;
 - (d) Ngati Tamaoho Claims Settlement Act 2018; and
 - (e) Ngati Tamatera Treaty Settlement.
- 4.11 The Waikato River Settlement provides for Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River ("Vision and Strategy") which is incorporated into the Waikato River Settlement Act.
- 4.12 Section 3 of the Waikato River Settlement Act sets out the overarching purpose of that settlement:

"To restore and protect the health and wellbeing of the Waikato River for future generations".

11 Minute 3, dated 2 October 2023.

- 4.13 Section 3(2)(a) requires that the Waikato River Settlement Act must be interpreted in a manner that best furthers the overarching purpose of the settlement.
- 4.14 The CIA prepared by Te Hira Consultants Limited on behalf of mana whenua notes that the management of runoff from the substation platform, the cessation of dairy farming from the Site, and the opportunities for habitat/riparian restoration of the streams within the Site will result in overall net ecological benefits.
- 4.15 The proposed benefits to the Site and the adjoining watercourses are therefore expected to contribute to the restoration and protection of the health and wellbeing of the wider Waikato River catchment; thereby achieving the overarching objective of the Vision and Strategy.

Customary Marine Title and Protected Customary Rights

- 4.16 An assessment of planning documents prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 is not required in this instance as there are no Customary Marine Title or Protected Customary Rights Applications which affect the Site.

Mana whenua mitigation recommendations

- 4.17 Mana whenua have offered three mitigation recommendations:
- (a) Waahi Taonga: the protection and enhancement of 'whakapapa' cultural connectivity and indigenous place-making, and sites of significance.
 - (b) Nga Koi Ora: the protection and enhancement of freshwater, waterways, resource species, and biodiversity.
 - (c) Kotahitanga: working to improve partnership outcomes with mana whenua including economic, social, cultural and spiritual relationships with the Site.

Proposed conditions

- 4.18 Mana whenua collectively supports the Project conditional upon achieving the mitigation recommendations as reflected in the proposed set of consent conditions in section 8 of the AEE and the memorandum of understanding between the Applicants and mana whenua.
- 4.19 The consent conditions put forward by the Applicants have been reviewed and amended by the Panel. The Panel considers that the set of consent conditions appended to this decision report will ensure that the cultural and spiritual considerations are appropriately managed.

Iwi Environmental Management Plans

- 4.20 Waikato Tainui's Environment Plan – Tai Tumu , Tai Pari, Tai Ao, outlines Waikato Tainui's vision of environmental restoration early/pre-European times.

The Panel's findings

4.21 The Panel finds:

- (a) That the Applicants have undertaken good faith consultation with iwi and are committed to continuing its relationship with iwi throughout the life of the Project and beyond.
- (b) The Applicants have acted in a manner that is consistent with:
 - (i) The Principle of the Treaty; and
 - (ii) The current and pending Treaty settlements.
- (c) The Applicants have appropriately considered relevant iwi Environmental Management Plans.
- (d) A grant of consent is consistent with the objectives of Part 2 of the RMA as it relates to mana whenua / iwi matters.

5. PART F: EVALUATION OF EFFECTS

- 5.1 There are a range of potential adverse effects associated with the proposal. In this section of our decision report, we address each of these potential effects (generally but not always) in the order in which they are addressed in the AEE.
- 5.2 We then set out the Panel's key findings on that issue and express a conclusion on potential adverse effects.

Ecological effects

- 5.3 An Ecological Impact Assessment (EIA) was undertaken to support the application. Potential effects on terrestrial vegetation, wetlands, freshwater ecosystems, avifauna, herpetofauna and bats were assessed. The EIA determined that, with mitigation/management, all potential effects will be either avoided or range between very low and low, with some positive effects and net gains. Those potential effects where mitigation has been proposed are discussed below.
- 5.4 The EIA notes that without mitigation there are identified risks of mortality/injury from solar panel strike during operation to resident birds and also to birds that may travel through the Site, in particular water-associated birds.
- 5.5 Mitigation of these effects is proposed through the development of an Avifauna Monitoring Plan ("AMP") which will detail avifauna collision monitoring methods to be undertaken over a period of 2 years post-construction. The AMP would also include further measures to be taken in response to an unacceptable level of effect (higher than low mortality collision effect based on literature assessment), including interventions such as physical deterrents or panel orientation controls.

- 5.6 Subsequent to receipt of comments, the Applicants proposed a condition requiring a protocol for responding to the incidental discovery of injured or dead avifauna (as well as herpetofauna and bats).
- 5.7 The EIA also notes that, without mitigation, a moderate-high level of effect on Waerenga Stream from sediment and runoff could result during construction.
- 5.8 The Applicants consider that mitigation of effects on aquatic environments associated with sediment and runoff will be achieved through the implementation of the Erosion and Sediment Control Plan ("E&SCP").
- 5.9 In response to comments from WRC, the Applicants have agreed to a condition of consent requiring the preparation and certification (by WRC) of an E&SCP. In addition, WRC has proposed a condition requiring stabilisation of the Site over the winter months and specifications relating to continuation of winter earthworks.
- 5.10 The Applicants have also prepared a draft Ecological Restoration Management Plan ("ERMP") which includes specific details related to riparian planting with respect to fencing, livestock and maintenance around wetland and riparian zones. These activities will also contribute to mitigation of effects on aquatic ecosystems.
- 5.11 Due to the current use of the Site for dairy farming, water quality on the Site is expected to be improved by the change of use to a solar farm, as a result of a reduction in nutrient inputs.
- 5.12 Several comments were received relating to potential effects on the Threatened – Nationally Critical long tailed bat, which the AEE had assessed as being negligible due to their low frequency of occurrence. Both the Department of Conservation ("DOC") and the Royal Forest and Bird Society ("Forest and Bird") expressed concern at the limited extent of the bioacoustic survey undertaken and the adequacy of the baseline information to inform the assessment of effects.
- 5.13 In response, the Applicants proposed conditions of consent related to further mitigating any effects associated with construction activities.

The Panel's Findings

- 5.14 The Panel is satisfied that the proposed mitigations will adequately address the potential adverse effects on the ecological values of the Site.

Landscape, natural character, and visual effects

- 5.15 The AEE contains an ALE and is accompanied by a Solar Voltaic Glint and Glare study.¹²
- 5.16 The ALE concludes that effects on landscape character will result from the temporary disruption to existing rural characteristics and values during

12 AEE, Appendix 6 - Assessment of Landscape Effects.

construction, and the permanent modification of the existing rural values and wider long-term impacts on the landscape character and amenity of the area.

- 5.17 The effects on landscape character are anticipated to increase incrementally as construction progresses through each phase of the development as more solar panels are erected.
- 5.18 The ALE describes the site as being highly modified as a dairy farm and outside any recognised areas of landscape value and as such has a low sensitivity to change. However, the Site is an open and expansive landscape which will experience large scale change.
- 5.19 The ALE also acknowledges that there are potential temporary, short term, high adverse effects for three identified properties which have direct views of the Site during construction.
- 5.20 The Panel considered that landscape planting for the purposes of screening was of particular importance and conditions have been imposed to require screen planting to commence in the first planting season after consent is granted.
- 5.21 Revegetation using native plant species is proposed to be carried out along the stream and river margins on the Site which has the potential to enhance biodiversity values in this area.
- 5.22 The solar farm activities will be excluded from the existing extensive wetland to the north of the Site. While no restoration or enhancement is planned for the wetland, the exclusion of dairy cows and the related large nitrate dosages are likely to contribute to a healthier wetland and improved water quality. This issue is discussed in greater detail in the context of ecology.
- 5.23 Many of the comments received from surrounding neighbours were concerned about the landscape and visual effects. The altered landscape and loss of rural amenity and views was mentioned frequently, with one neighbour referring to the proposed solar farm as a 'dominant industrial installation'.
- 5.24 In response, the Applicants offered up an enhanced ecological report and further conditions on many issues but declined to make any changes to the conclusions reached in the ALE.

Glint and glare effects

- 5.25 The potential adverse effects associated with the glint and glare from the solar panels being seen and affecting the amenity of households in the vicinity, was raised by some owners and occupiers in the vicinity.
- 5.26 Appended to the ALE was a Solar Photovoltaic Glint and Glare Study. Various roads and dwellings were analysed. The results showed that there would be some solar reflections directed to some roads and dwellings, including along Keith Road, Jefferis Road, Awariki Road and Waikiwi Road (equivalent to 10km of road). The analysis showed that while solar reflections would be geometrically possible for 35 out of the 38 requested dwelling receptors, of these 35 dwellings, 21 are not predicted to have visibility of the reflective

area, and therefore, overall, the impact of glint and glare is categorised as low due to a number of factors, including the following:

- (a) Solar reflections would be possible but would occur for less than three months a year and be less than 60 minutes on any given day.
- (b) There are large separation distances between the reflective area and the receiver.
- (c) Existing or proposed screening (or a combination of both) partially blocks the visibility of the reflective area.

5.27 Therefore, no significant impact was predicted.

5.28 The Panel has imposed conditions that require adequate planting to screen neighbours and road users from the adverse effects of landscape and visual effects, and the Landscape Plan must likewise be prepared to screen the adverse effects of glint and glare.

The Panel's findings

5.29 The Panel finds that there will be some adverse effects on landscape value, particularly during construction, but is satisfied that conditions requiring screen planting and the implementation of a comprehensive Landscape Plan will mitigate the visual effects and those of glint and glare.

Potential reduction of property values

5.30 A number of comments made by local landowners expressed a concern that their property value would be reduced as a result of the local adverse effects of the Project, principally those local effects in terms of adverse landscape / visual and rural amenity effects just addressed. It is, therefore, appropriate to address that effect here.

5.31 This issue was not addressed in the AEE on the basis that we assume that adverse effects on property values do not, for the reasons outlined below, comprise adverse effects for the purpose of assessing an application under the Resource Management Act 1991 ("RMA") and/or FTCA.

Relevant legal principles

5.32 The extent to which a potential diminution of property values in the context of resource consent applications or notices of requirement has been considered many times over many years. The authorities have all consistently held that a potential reduction in the property value is not relevant as a stand-alone effect but rather as a proxy for the adverse effects that may result in that alleged devaluation.

5.33 In *North Canterbury Gas Ltd v Waimakariri DC*,¹³ the Environment Court acknowledged that:¹⁴

¹³ *North Canterbury Gas Ltd v Waimakariri DC* EnvC A217/02 at [86].

¹⁴ *North Canterbury Gas Ltd* at [86].

"The Courts have held in cases involving disputes as to valuation effects that the evidence is often speculative and unhelpful, and that physical effects on the environment are usually of more importance to the case."

- 5.34 In *Tram Lease Ltd v Auckland Transport*¹⁵, the Environment Court provided a helpful summary of observations by the Environment Court in several other judgments in relation to the Court's view on the adverse effects a project may have on property value¹⁶. It stated that:

*"The starting point is that effects on property values are generally not a relevant consideration, and that diminution of property values will generally simply be found to be a measure of adverse effects on amenity values and the like."*¹⁷

*Similarly in Bunnick v Waikato District Council*¹⁸, the Court held that if property values are reduced as a result of activities on an adjoining property, then any devaluation experience would no doubt reflect the effects of that activity on the environment. The Court held that it was preferable to consider those effects directly rather than the market's response, because the market can be an imperfect measure of environmental effects."

The Panel's findings

- 5.35 In making its findings, the Panel is bound by the decisions of the Environment Court. Based on the well-established legal principles outlined above, the Panel finds that the potential diminution of property values as a result of adverse effects is not a relevant consideration in determining whether resource consent should be granted. On that basis, we are required to disregard the comments raising this issue other than to confirm that the Panel finds that in this instance, any adverse effects on amenity (visual and glint and glare) are considered to be mitigated, thus the valuation concerns are addressed.

Effects on soil resource

- 5.36 The AEE contains a Soil and Resource Report, prepared by Hanmore Land Management,¹⁹ which investigates the location and extent of high class soils on the proposed Site, as defined by the Operative Waikato Regional Policy Statement ("Waikato RPS") and the WDC's PDP as well as the NPS-HPL.
- 5.37 The investigation determined that 90.9% of the property is classified as highly productive land (Class 2 or 3). Of that, 18.7% is also classified as high class soils.
- 5.38 The Soil and Resource Report author concluded that:

15 *Tram Lease Ltd v Auckland Transport* [2015] NZEnvC 137.

16 at [57]-[59].

17 *Foot v Wellington District Council*, EnvC W073/98 at [256].

18 *Bunnick v Waikato District Council*, EnvC A42/96, page 6.

19 AEE, Appendix 10 - Soil and Resource Report for Waerenga Solar Farm.

"...the productive potential of the soil will be utilised for pasture production and to support the primary electricity generation for the life of the project.

...

...the productivity potential of the soil will not be diminished by the Project as it will remain largely undisturbed with only hard stand area being impacted".

- 5.39 Many of the comments received expressed concern about the potential loss of highly productive land and questioned whether a solar farm was an appropriate use for the land. The use of the Site in these circumstances is addressed in detail under Section 6 of this decision report.

The Panel's findings

- 5.40 The Panel is satisfied that the proposed land use will not diminish the productivity potential of the soil resources of the Site.

Transport effects

- 5.41 The AEE contains an Integrated Traffic Assessment ("ITA") which assesses both the operational and construction traffic effects of the proposal.²⁰
- 5.42 The Project is sited within a network of local roads – Jefferis, Awariki, and Keith Roads, and an arterial Road – Waerenga Road. Access points to the Site are proposed from all roads except Jefferis Road. All access points will require upgrading to the Heavy Commercial standard in the Regional Infrastructural Technical Specification with the width at gates to be widened to 7 metres to allow for two-way vehicle movements.
- 5.43 It is clear that the construction phase will generate the more significant traffic effects.

Operational Traffic Generation

- 5.44 The operation of the solar farm does not require any staff to be on the Site. There may be intermittent attendances on the Site for maintenance and stock management. As a result, there is not expected to be any specific traffic management measures required to support the on-going maintenance operations associated with the proposal.

Construction Traffic Generation and Effects on the Roding Network

- 5.45 The AEE provides only a generic overview of the construction methodology as the main contractor responsible for construction of the proposal has yet to be appointed. Therefore, indicatively, it is estimated that materials and equipment will be delivered to the Site over a period of four to six months. Traffic generated is estimated to be on average 1,120 – 1680 vehicle movements (two-way) per month or 55 to 85 vehicle movements per day. This would include 30 to 40 heavy vehicle movements per day.

- 5.46 Staff numbers for construction activity will number approximately 165 with up to 250 workers on site in peak times. It is estimated this will generate around 120 vehicle movements per day.
- 5.47 Due to the impact on the surrounding road network, conditions will require a Construction Traffic Management Plan ("CTMP") to be prepared in consultation with WDC. The AEE identifies the matters that must be addressed in the CTMP in order to ensure, for example, that heavy traffic is safely accommodated on all routes and that intersections and access points operate safely for turning traffic.
- 5.48 The ITA identifies a number of construction traffic management recommendations and the Applicants have accepted each of these recommendations. As the ITA recommended road widening and upgrades, the Panel requested clarification as to what road upgrades and widening are proposed. In response, the Applicants identified a number of specific road and intersection widenings, predominantly on Keith Road and Awariki Road, and referred back to the need for the appointed contractor to confirm construction activities and the finalisation of a CTMP.
- 5.49 In addition, WDC, as one of the parties invited to comment, provided the following comment:
- (a) *Roading & Traffic WDC notes it has renewals programmed for Keith and Jefferis Roads, including pavement rehabilitation on Keith Road for February and March 2024 and reseals for the next two years. In the event the Panel is of a mind to grant the application, WDC would like to better understand the timing and extent of the proposed road upgrades and how this might impact on the programmed works at the Applicants' earliest convenience. Construction is estimated to take approximately 15-18 months and will involve a significant amount of heavy vehicle movements. Given the road will still be available to be utilised by the wider public during this period, it is recommended that a condition be imposed requiring the maintenance of the road during this time (see Section 7 – Conditions, below).*
- 5.50 The Panel agreed that such a condition was appropriate.

The Panel's findings

- 5.51 In light of all the information received, the Panel accepts the findings in the AEE and supporting documentation and finds that, with the implementation of the conditions to be imposed, any off-site adverse effects associated with construction traffic can be adequately addressed and will be acceptable, thus precluding consent being declined on the basis of traffic construction effects.

Archaeological effects

- 5.52 The AEE contains an Archaeological Assessment which concluded that there are no known archaeological values associated with the Site and

recommended that no alterations or limitations be placed upon the Project based on archaeological values.²¹

- 5.53 It was also recommended, and the Panel agrees, that all earthworks associated with the Project should be undertaken under the provisions of an Accidental Discovery Protocol and a condition providing for this recommendation has been imposed.

The Panel's findings

- 5.54 The Panel finds that a condition requiring an Accidental Discovery Protocol satisfactorily addresses the possibility of any adverse effects arising in the context of archaeological effects.

Cultural effects

- 5.55 Consistent with the Panel's findings in Part D of this decision report, the Panel remains satisfied that the conditions imposed ensure that there will be no adverse cultural effects.

Noise effects

- 5.56 Potential noise effects associated with both the construction and the operation of the solar farm have been addressed in the Assessment of Noise Effects ("Noise Assessment") contained in the AEE.²²
- 5.57 The Noise Assessment concludes that the operation of the solar farm will readily comply with the General Rural Zone noise standards when measured and assessed at any notional boundary on another site. The daytime and nighttime noise contours demonstrate that noise will be entirely internalised within the boundaries of the Site.
- 5.58 Noise levels during the construction phase are expected to comply with the guideline noise limits in NZS 6803:1999: Acoustics Construction Noise.
- 5.59 Conditions addressing operational and construction noise limits have been offered and will ensure that noise emissions from the proposal will be reasonable at all times.
- 5.60 There were a number of comments, particularly from neighbours, expressing concern about adverse noise effects.
- 5.61 In response, the Applicants relied on the Noise Assessment and stated further that the distance of at least 100 metres of all the neighbouring dwellings from operational noise sources, such as the substation, meant there would be no adverse noise effects on neighbours.

The Panel's findings

- 5.62 In light of the information received and considered, the Panel accepts the Applicants' position as per the AEE and finds that, with the conditions

21 AEE, Appendix 12 - Archaeological Assessment.

22 AEE, Appendix 7 - Assessment of Noise Effects.

proposed, any off-site effects associated with noise can be adequately addressed and will be acceptable.

Heat island effects

- 5.63 While not addressed in the AEE, comments on the application and on conditions received expressed concern regarding heat island effects. This was explained as an increase in ambient air temperature resulting from the heat generated from the solar panels and was illustrated by comparing a vegetated ecosystem to an urban area or a solar farm where there is little or no vegetation.
- 5.64 The concerns expressed included micro-climate effects on neighbours who might experience a four degree increase in ambient temperature generated above the solar panels. Due to the natural features in the Waerenga Valley, evapotranspiration is higher than usual which some commentators said will increase cloud cover and lower the amount of electricity that could be generated and alter local weather conditions. In turn, concern was expressed about consequential adverse impacts on nearby Significant Natural Areas and wildlife, on the one hand, and local residents on the other.
- 5.65 In response, the Applicants explained that in a vegetated environment, the plants/vegetation release heat dissipating latent energy by water within the plants turning into water vapour by way of transpiration. Where vegetation is removed from the environment, there is a build-up of heat because heat is not being removed by the transpiration process.
- 5.66 The Applicants stated that they were aware of studies of solar farms in arid environments, where vegetation has been removed, that demonstrated a heat island effect due to temperature increase. They further explained that they are unaware of any recorded heat island effect at a solar farm installed on pasture with surrounding vegetation. Therefore, the Applicants opined that there is no reason to consider that a temperature increase would occur at Waerenga Solar Farm.

The Panel's findings

- 5.67 The Panel is satisfied that while a heat island effect has been observed in certain instances of solar farms in arid unvegetated environments, the explanation from the Applicants is that the pastoral environment at Waerenga Solar Farm does not require that conditions be imposed to address heat island effects.

Contaminated land

- 5.68 The AEE contains a Preliminary Site Investigation Report ("PSI"), which evaluated the ground conditions to determine if a HAIL has occurred at the Site, which may present a potential risk to human health and/or the environment.²³ The report noted that, given the long history of pastoral farming on the site, there is evidence of waste disposal to farm dumps and persistent pesticide use (diquat).

- 5.69 The PSI identified the potential on-site receptors to be development workers and aquatic organisms in the Waerenga Stream.
- 5.70 The risk to construction workers on site was, however, assessed as low. In terms of earthworks, development workers will be protected from any harm by virtue of the work being carried out by excavators.
- 5.71 The recommendation was that a Site Management Works Plan be developed to address the unearthing of historical dumps or other unknown HAIL activities prior to site development occurring.
- 5.72 The risk to aquatic organisms was also assessed as being low as potential contaminants will be bound to the sediment within on-site watercourses.

The Panel's findings

- 5.73 The Panel agreed that a condition requiring the preparation of a Site Management Plan (Contaminated Land) was necessary to manage any unexpected discoveries of contamination.

Hazardous substances

- 5.74 A report prepared by Dr Paul Heveldt for Boffa Miskell (on behalf of the Applicants) assessed the potential risks and associated compliance requirements of hazardous substances associated with the Project.²⁴
- 5.75 The Project will involve the storage of hazardous substances, namely oil, within the three transformers in the substation, and oil within the transformers which are contained within up to 42 cabinet structures, as well as lithium-ion storage batteries within the BESS. In addition, the inert gas sulphur hexafluoride (SF₆) will also be used for electrical insulation and as an arc suppressant within electrical equipment.
- 5.76 It is expected that up to 210,000 litres of heat transfer oil will be held within the substation transformers. The substation transformer will be surrounded by a bund capable of storing the full volume of this oil, allowing for a 10% contingency, which will contain the oil. Any water containing oil within the bunded area (resulting from rainfall) can be drained off via oil/water separators connected to the bund drains and will be treated and discarded appropriately.
- 5.77 The cabinet structures will each have drip trays placed beneath them to collect spills or leaks.
- 5.78 The lithium-ion battery storage array within the BESS, which is intended to retain energy on-site and help manage energy flow into the National Grid, has potential issues of fire and explosion risk which need to be taken into account in the design and operation of the solar farm facility. A BESS Safety Management Plan ("BSSMP") is proposed. Conditions have been imposed to that effect.
- 5.79 SF₆ is supplied as a compressed gas and is colourless, odourless and non-flammable. It is an inert material and is non-toxic. It is classified as non-

24 Request for information No 2, 4 October 2023 - Hazardous Substances Report.

hazardous under the Hazardous Substances and New Organisms Act 1996 ("HSNO Act"). The only hazard of SF₆ as such is that it is an asphyxiant if released in a confined area, i.e., it may displace oxygen. The report concludes that the total quantity of SF₆ across the facility will be well below the permitted activity threshold under the WDP.

- 5.80 Preparation of an Emergency Response Plan ("ERP") and monitoring and maintenance schedules are also proposed, and conditions have been imposed to that effect.
- 5.81 Comments received from Fire and Emergency New Zealand ("FENZ") proposed that their involvement in the development of the proposed ERP should happen at the earliest opportunity to ensure that best practice fire risk management procedures are considered during the detailed design phase. FENZ provided additional wording of proposed conditions, which were accepted by the Applicants.

The Panel's findings

- 5.82 The Panel is satisfied that the hazardous substances present on the Site will not exceed thresholds for either upper tier major hazard facilities as prescribed in Schedule 2 of the Health and Safety at Work (Major Hazard Facilities) Regulations 2016, and thus the Panel accepts that the Project does not involve the development of any hazardous installations.
- 5.83 The Panel is also satisfied that the ERP and BSSMP, prepared in consultation with FENZ, will adequately mitigate any risks associated with hazardous substances used on the Project.

Natural hazards

Geotechnical

- 5.84 The AEE includes a Geotechnical Investigation Report by GMW Geosciences which assessed the relevant geohazards on the Site.²⁵ This investigation identified that:
 - (a) The risk of rupture of the Kerepehi Fault (approximately 25kms away) affecting the Site is considered to be low.
 - (b) The risk of surface expression of liquefaction is considered low for both the proposed substation and the panel frames under the range of design seismic cases considered.
 - (c) Based on a preliminary qualitative assessment, the stream banks and open drains appear to be relatively stable at existing slope gradients. However, stream alignments are subject to change over time and can generate lateral displacements during earthquake shaking. The report recommends a setback zone of nominally 3 times the depth of the stream or drain from the crest.
 - (d) An expansive soils assessment has been made and it concludes that soils encountered across most of the Site falls within the limits for

Class S "slightly" expansive soils, while soils encountered underlying the peat soils within the western side of the Site falls within the limits for Class A "non-" expansive soils.

- 5.85 Based on the ground conditions encountered in the field investigations and the geohazards, the Geotechnical Investigation Report has provided foundation design recommendations for the substation and the solar panel design.
- 5.86 The Panel notes that no specific condition had been proposed requiring design recommendations be adhered to, and so the Panel, when reviewing and amending the draft set of conditions, amended condition 1 to provide that the design be undertaken in accordance with the information submitted in the AEE.

The Panel's findings

- 5.87 The Panel is satisfied that, based on the AEE and the amendment of condition 1 of the consent conditions, adverse effects from natural hazards will not be such as to preclude consent being granted.

Flooding

- 5.88 The Applicants' AEE contains a Flood Assessment Report by Stantec which provides flood hazard information for the solar farm.²⁶
- 5.89 Hydrological and hydraulic modelling was undertaken to inform the flood assessment in accordance with the Waikato stormwater run-off modelling guidelines.
- 5.90 The Project does not include habitable buildings; therefore, the purpose of the flood assessment report was a matter of ensuring that the Project is designed to minimise any potential for damage to the on-site structures.
- 5.91 The eastern boundary of the Site has the potential for deeply flooded areas and as a consequence will not be occupied by solar panels.
- 5.92 Solar panels are proposed in the modelled, shallower flood areas as the panels can structurally and functionally sustain a flood of approximately 1000mm because the only part of the structures underwater would be the steel support structures and not the panels themselves.
- 5.93 In addition, Transpower requires, in the National Grid standards for substations, detailed design to account for a 1 in a 450-year flood event.
- 5.94 A number of surrounding property owners and occupiers' comments observed that the low-lying areas of the subject Site are often flooded, with one neighbour estimating 4 to 6 floods annually. The flood assessment report acknowledges this is the case and the array of solar panels has been arranged on the Site to take this flooding pattern into account.

The Panel's findings

- 5.95 The Panel is satisfied that the risk of flooding has been adequately addressed and that it does not create an impediment to consent being granted.

Stormwater

- 5.96 No increase in stormwater run-off is expected from the area covered by the solar panels, due to minimal changes in permeable surfaces and ground vegetation cover.
- 5.97 All pre-development runoff directions and overland flow paths will be maintained and no watercourse will receive any more or less runoff from its contributing catchment than it did prior to development.
- 5.98 In the case of the substation, battery storage area and office platforms, it is proposed to direct the run-off from the two hard stand areas into a drain that runs between the two. The drain will be widened to provide both attenuation and treatment. From there, the water will flow into a proposed constructed wetland.
- 5.99 The proposed constructed wetland is to be designed in accordance with the WRC Stormwater Management Guideline (TR2020/07) and will treat stormwater run-off from the catchment area during a 50% AEP storm event in order to capture first flush contaminants. The wetland is to be sized to attenuate flows back to pre-development flow rates for storms up to 1% AEP storm event.
- 5.100 Treated water from the wetland attenuation pond will then be piped back under the existing farm road and link up with the existing farm watercourse.

The Panel's findings

- 5.101 The Panel is satisfied that the proposed conditions for the constructed stormwater wetland will adequately mitigate any risks associated with stormwater on the Site.

Erosion and sedimentation

- 5.102 The Applicants' AEE includes a Civil Servicing Infrastructure Assessment Report (prepared by Lysaght) which specifies that during the construction of the solar panels and substation, erosion and sediment control structures will be installed in accordance with the WRC's Erosion and Sediment Control Guidelines.²⁷
- 5.103 While the AEE records that erosion is expected to present a negligible risk due to the Site's flat topography and the nature of the works, sediment run-off into drains and streams presents the potential for adverse effects.
- 5.104 It is proposed that a stabilised construction entrance be constructed to prevent excessive erosion occurring from vehicle movements to and from the Site.
- 5.105 Likewise, clean water diversion channels will be used to intercept overland flow to reduce the degree of erosion within construction areas. Dirty water

27 AEE, Appendix 15 - Civil Servicing Report.

will be diverted to decanting earth bunds or sediment retention ponds ("SRP"), depending on catchment size. Silt fences will be installed around all receiving water bodies downstream of open works areas in order to capture suspended sediment in the run-off before it is discharged.

- 5.106 The conditions reflect the requirement by WRC for an E&SCP to be provided to WRC at least 10 days prior to works commencing. The contents of the E&SCP are comprehensively described in the proposed conditions.
- 5.107 In addition, should the E&SCP incorporate the requirement for a rain activated flocculent dosing system, conditions 19 and 20 require the provision of a Flocculation Management Plan ("FMP") prior to the implementation of any such flocculation treatment system. The Panel notes that an assessment of potential effects of the use of flocculant has not been undertaken by the Applicants.

The Panel's findings

- 5.108 The Panel finds that, with the implementation of the conditions required by the Panel and methods recommended in the AEE, any potential adverse effects in terms of potential erosion and sediment discharges can be adequately addressed and will not preclude consent being granted for the proposal.

Dust

- 5.109 The AEE notes that exposed surfaces during construction have the potential to generate dust, particularly during windy and/or dry conditions.
- 5.110 Dust suppression measures have been proposed as part of the CMP. In addition, a Preliminary Dust Management Plan ("DMP") has been prepared and conditions have been imposed that reflect the Preliminary DMP that accompanied the comments on draft conditions from the Applicants.
- 5.111 The Panel considers the Preliminary DMP to be suitably comprehensive and provides an appropriate basis for the preparation of the DMP as part of the CMP.
- 5.112 A review of dust management practices is also addressed through a condition which enables WDC to initiate a review of any or all conditions of consent as well as a number of WRC conditions that comprehensively address dust in regard to earthworks.

The Panel's findings

- 5.113 The Panel is satisfied that the proposed dust management and monitoring practices and the associated consent conditions address potential dust issues arising from the Project.

Potential adverse effects – the Panel's overall findings

- 5.114 This section of the Panel's decision report has addressed all potential adverse effects associated with the implementation of the Project and the ongoing operation of the solar farm and has made findings in relation to each. Having regard to each of those findings, the Panel, overall, finds that there are no

potential adverse effects that, collectively or individually, cannot be addressed by appropriate conditions or preclude the granted consent.

Positive effects

- 5.115 Section 19 of the FTCA sets out the factors that are required to be considered when determining whether the project meets the purpose of FTCA. This includes potential positive effects (benefits) of the Project. This section addresses such effects.
- 5.116 The key areas of alignment between the purpose of the FTCA and the Project are those set out in section 8 of this decision report.
- 5.117 The Applicants have identified the following positive effects (benefits) of the project in Section 5.1 of the AEE:
- (a) The Project will provide a significant contribution to New Zealand's target for renewable energy generation, through the provision of electricity for approximately 46,000 homes.
 - (b) The electricity generated by the Project could potentially displace 130 million kilograms of New Zealand's CO² emissions from fossil fuel electricity generation, or power additional transport from electric vehicles by 1.6 billion vehicle-kilometres travelled.
 - (c) The Project will contribute to environmental, economic, and social resilience by further diversifying renewable energy resources and resulting in greater security in electricity supply.
- 5.118 The Project will contribute direct and indirect social and economic benefits including:
- (a) The construction costs over the 15–18 month construction period is expected to be between \$185 – 355 million spent within the Waikato District and Waikato Region.
 - (b) During the construction period a total of 66-80 full time equivalent jobs will be created in the Waikato District and a further 136-164 in Waikato Region.
 - (c) Annual expenditure on operation of the solar farm is expected to be approximately \$3.7 million within Waikato District and \$4.1m within the Waikato Region.
 - (d) The Project will provide ongoing employment for approximately 6-8 full-time equivalent ("FTE") jobs within the Waikato District and 7-9 FTE jobs in the Waikato Region.
- 5.119 The Site will have dual use in continuing to be used for agricultural purposes although dairying will be replaced with sheep grazing which has lower environmental impacts.
- 5.120 Removal of dairying activities will see ecological benefits to wetlands and watercourses.

- 5.121 The proposed benefits to the Site and the adjoining watercourses are expected to contribute to the restoration and protection of the health and wellbeing of the wider Waikato River catchment; thereby achieving the overarching objective of the Vision and Strategy.
- 5.122 Comments in support of the project were received from WDC and Heritage New Zealand Pouhere Taonga.
- 5.123 The Panel was conscious that the purpose of the FTCA is set out in Section 4 of the FTCA as follows:

"The purpose of this Act is to urgently promote employment to support New Zealand's recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources."

- 5.124 Having identified that the operational solar farm would be essentially unmanned and would only be creating 13 – 17 FTE jobs in total between the district and the region, the Panel was uncertain as to whether the project was meeting this purpose. A brief Assessment of Economic Effects ("Economics Report") was provided at Appendix 17 of the AEE but left the Panel concerned that more information on the agri-economics of the Project was required.²⁸ As a result, Greg Akehurst of Market Economics was commissioned by the Panel to provide expert economics advice and peer review the Economics Report provided by the Applicant.²⁹
- 5.125 Mr Akehurst undertook a peer review and further analysis and concluded that the proposed use of the Site against the counterfactual (where it continues as a dairy farm) indicates that employment over the forty-year period will be in broadly similar ranges. He concluded, however, that the economic output is much greater from the solar farm and sheep farming activities. The electricity will be used by many New Zealand households and businesses. Furthermore, the location of the solar farm has the added benefit of providing capacity in the North Island and therefore contributes to decentralisation of electricity production, enhancing resilience and sustainability of the National Grid.
- 5.126 As a result, the Panel is satisfied that the Project will represent a boost to the district and regional economies through the generation of greater output value notwithstanding the uncertainty of whether there would be greater long term employment benefits.
- 5.127 Nonetheless, we are satisfied the project achieves the purpose of the FTCA.

6. **PART G: ASSESSMENT OF STATUTORY PLANNING INSTRUMENTS**

- 6.1 A number of national, regional, and district-level policy and planning instruments need to be considered and assessed in the context of these

28 AEE, Appendix 17 - Economic Assessment.
29 as per Minute 6, dated 31 October 2023.

applications. This section of our decision report addresses those policy and planning instruments that are or may be relevant to the proposed solar farm.

National Policy Statement for Renewable Energy Generation 2011

- 6.2 The NPS-REG was promulgated in 2011 to set out:

"...objectives and policies to enable the sustainable management of renewable electricity generation under the Resource Management Act 1991."

- 6.3 The generation of energy from solar sources falls within the definition of "renewable electricity generation." The Project is required to be considered as a "renewable electricity generation activity" for the purposes of considering the objectives and policies of the NPS-REG.

- 6.4 The Panel has accorded the NPS-REG considerable attention and weight in considering the Project. Relevant considerations were canvassed in section 6.5.1.1 of the AEE and need not be repeated here. However, the Panel wishes to highlight aspects of the NPS-REG that it has had particular regard to.

- 6.5 The Preamble to the NPS-REG highlights³⁰:

"The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment..."

Development which increases renewable energy generation capacity can have effects that span local, regional, and national scales, often with adverse effects manifesting locally and positive effects manifesting nationally".

(Emphasis ours.)

- 6.6 The stated objective of the NPS-REG is:³¹

"To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation."

- 6.7 The matters of national significance to which the NPS-REG applies are:³²

(a) "The need to develop, operate, maintain, and upgrade renewable electricity generation activities throughout New Zealand; and

30 National Policy Statement for Renewable Energy Generation 2011, page 3.

31 National Policy Statement for Renewable Energy Generation 2011, page 4.

32 National Policy Statement for Renewable Energy Generation 2011, page 4.

(b) The benefits of renewable electricity generation."

- 6.8 The NPS-REG contains strong directions to decision-makers considering resource consent applications (or developing policy or planning instruments) to recognise the benefits of renewable electricity generation activities, with a strong implication that such activities may need to be looked upon more favourably than non-renewable energy activities in a context in which renewable energy activities conflict with competing environmental considerations. For example, Policy C:

"C. Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.

Policy C1

Decision-makers shall have particular regard to the following matters: (a) the need to locate the renewable electricity generation activity where the renewable energy resource is available."

- 6.9 Other policies that the Panel has had particular regard to include the following:³³

"A. Recognising the benefits of renewable electricity generation activities.

Policy A

Decision makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable generation activities. These benefits include:

...

(b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation.

B. Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources

Policy B

Decision-makers shall have particular regard to the following matters:

...

(c) meeting or exceeding the New Zealand Government's national target for the

33 National Policy Statement for Renewable Energy Generation 2011, page 5.

generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.”

- 6.10 The positive effects (benefits of the proposal) are specifically considered in Section 5 of this decision report. It is sufficient for present purposes to record that the AEE notes that the proposed solar farm will be one of the largest in the country, therefore making a significant contribution to meeting New Zealand’s renewable electricity targets. It is considered that this will provide diversification of renewable generation sources, with New Zealand currently reliant on hydro generation.
- 6.11 The AEE summarises the operational advantages of the proposal, including proximity to the National Grid, proximity to areas of high electricity demand, land area availability and climatic conditions, with the conclusion made that the proposal would help achieve the objective of the NPS-REG.

The Panel’s findings

- 6.12 The Panel finds that the proposal is consistent with and will promote the objectives of the NPS-REG through the creation of the proposed solar farm, as a source of renewable energy. The proposal meets relevant policies of the NPS-REG, with appropriate mitigation measures proposed in response to identified localised, temporary adverse effects, in order to enable the benefits of providing for this new renewable electricity generation activity.

Proposed National Policy Statement for Renewable Energy Generation 2023

- 6.13 On 20 April 2023, the government released a proposed replacement NPS-REG for consultation (“NPS-REG 2023”). Although the NPS-REG 2023 is only at the consultation stage and subject to change, the AEE still provides an assessment of the Project against the proposed provisions.
- 6.14 The proposed legislation places emphasis on the objective of achieving a significant increase in the provision of renewable energy sources, in a timely manner in order to meet New Zealand’s emission reduction targets. The management of and provision for the operational and functional needs of such facilities is also supported through this proposed legislation.

The Panel’s findings

- 6.15 The Panel finds that the solar farm is a Project that entirely supports the aspirations of the proposed NPS-REG 2023, and that the Project will be appropriately managed to ensure that the facility is functionally and operationally supported.

National Policy Statement on Electricity Transmission 2008

- 6.16 The overarching objective of the National Policy Statement on Electricity Transmission 2021 (“NPS-ET”) is to recognise the national significance of the country’s electricity transmission network. This places emphasis on the requirement that activities be managed to ensure that the operation of the transmission network is not compromised and (of particular relevance to this

application), that the existing transmission network is maintained and upgraded to meet the needs of present and future generations.

- 6.17 The AEE details the policy framework of the NPS-ET, being in summary to identify the national benefits of these transmission activities; to manage effects; and to recognise locational and operational constraints.
- 6.18 The proposed construction of a new substation and monopole connection, as integral components of the proposed solar farm operation, form part of this transmission upgrade which, it is considered, will assist in meeting future electricity supply needs. The AEE acknowledges that the location and design of these facilities relate both to the existing transmission line alignment and to distances to neighbouring and residential buildings. Furthermore, the Site for the proposed facility is clear of areas of high natural and recreational value (as expressed in the policy directives of the NPS-ET).
- 6.19 A proposed replacement NPS-ET, which is currently at consultation stage, introduces a policy to recognise Māori interests in relation to these transmission activities, with early engagement to protect sites of significance; and policy to acknowledge and mitigate adverse effects that may result on local amenity values.

The Panel's findings

- 6.20 The Panel finds that the proposed solar farm is consistent with the objective and policies of the NPS-ET as it will facilitate the extension of the existing transmission network (thus assisting in the provision for the future security of supply of electricity) in a form and design that has operational and locational advantages. Adverse effects will be satisfactorily managed as part of the overall construction and operation measures proposed.

National Policy Statement for Freshwater Management 2020

- 6.21 The purpose of the National Policy Statement for Freshwater Management 2020 ("NPS-FM") is stated to be:³⁴

"...to ensure that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems*
- (b) second, the health needs of people (such as drinking water)*
- (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future."*

- 6.22 The AEE states that the Project:
 - (a) Will not result in adverse effects on the health and wellbeing of freshwater ecosystems. Riparian planting will help improve the health

34 National Policy Statement for Freshwater Management 2020, s 2.1.

and wellbeing of water courses within the Site, which assist in the protection of indigenous freshwater species.

- (b) The change in use from dairy to sheep grazing is expected to have beneficial effects on the health and wellbeing of freshwater systems.

- 6.23 Further, under the NPS-FM, freshwater must be managed in a way that gives effect to Te Mana o te Wai. The AEE notes that the Applicants have undertaken consultation with iwi and a CIA has been prepared.
- 6.24 Overall, the AEE finds that the Project is consistent with the NPS-FM in that it will not result in any loss of wetland or stream extent.

The Panel's findings

- 6.25 The Panel finds that the proposed solar farm is consistent with the objectives and policies of the NPS-FM.

National Policy Statement for Highly Productive Land 2022

- 6.26 The subject site is located in Waikato, on soils classified as LUC 2,3 and 4. Thus, 90.9% of the site is classified as 'highly productive land' in accordance with the NPS-HPL.
- 6.27 Clause 3.9(1) of the NPS-HPL requires territorial authorities to avoid inappropriate use of highly productive land that is not 'land-based primary production'.
- 6.28 Clause 3.9(2)(j)(i) provides for an exception where the use or development of highly productive land is associated with 'the maintenance, operation, upgrade, or expansion of specified infrastructure'. Specifically, the word 'construction' is not included in the exception.
- 6.29 The Panel requested clarification from the Applicants as to how and whether this application had a consenting pathway given the strong directive that such development should be avoided and that this proposal, being 'construction', might not qualify for consideration/consent.
- 6.30 In response, the Applicants conceded that while the proposal 'may not fall within the strictly applied wording of the implementation clause' it did, in their opinion, fall within the intended scope of clause 3.9(2)(J)(i).
- 6.31 The Applicants also drew our attention to the fact that sheep grazing was to occur on the land beneath the solar panels throughout the life of the Project, which effectively ensures the land continues to be used for a land-based primary production. Furthermore, the life of the Project following construction is 40 years after which the solar farm would be decommissioned, and the land remediated and returned to pastoral uses.
- 6.32 As the NPS-HPL only came into effect in October 2022, there was very little in the way of precedents to assist the Panel in resolving this issue with certainty. As a result, the Panel sought legal advice from Mr Jeremy Brabant³⁵, specialist barrister in Environmental Law, regarding the

35 as per Minute 6, dated 31 October 2023.

application of the NPS-HPL with, specifically, a review of the Applicants' interpretation of the effect of the NPS-HPL on the proposal and whether the application falls within the ambit of the exception in clause 3.9(2)(j)(i) of the NPS-HPL.

- 6.33 It was Mr Brabant's opinion that while a plain reading of cl 3.9(2)(j)(i) does not expressly provide for 'construction', a strict interpretation of the clause to exclude construction activities would not be consistent with the NPS-HPL when read as a whole. He gave the example that the term 'development' in clause 3.9(2)(j)(i) on plain meaning would include construction.
- 6.34 The Panel was also persuaded that the use or development of highly productive land is not inappropriate where it is 'associated with' the maintenance, operation, upgrade, or expansion of specified infrastructure. It is almost certain that development in association with the upgrade or expansion of existing specified infrastructure (which is recognized as nationally important) will require construction.
- 6.35 We also agreed with the legal advice that the application of a strict interpretation would create inconsistencies with the other relevant National Policy Statements such as NPS-REG and the NPS-ET which require decision-makers to recognize and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network, and recognize and provide for national significance of renewable electricity generation activities.

The Panel's findings

- 6.36 In summary, the Panel accepts that what is proposed is development associated with the expansion of specified infrastructure. The absence of the word 'construction' is of no consequence and the proposal falls within clause 3.9(2)(j)(i) and therefore, the Applicants' interpretation is supportable.

NES for Assessing and Managing Contamination in Soil to Protect Human Health 2012

- 6.37 The NES-CS sets out planning controls and soil contaminant values for the purpose of identifying and assessing contaminated land before it is developed.
- 6.38 The overarching intent is to ensure that land is safe for human use. Consideration has been given, in the AEE, to the possibility that parts of the Site may be subject to contamination, by way of their use for farm purposes (namely as a farm dump and as pesticide use). However, it is understood that in terms of the criteria under the NES-CS, whereby the Site, for sheep grazing (being production land), will not change in its use and therefore the regulations of the NES-CS may not apply.
- 6.39 Nevertheless, WSFL has sought consent under the NES-CS on a 'without prejudice' basis. Accordingly, the Panel has similarly taken a conservative approach and considered this aspect of the proposal with regard to Regulation 11(1) for the disturbance of soil that exceeds the permitted volume under Regulation 8(2)(c).

- 6.40 The Panel relies on the assessment undertaken as part of the PSI, which concluded that harm to workers in undertaking earthworks on the Site would be low. Accordingly, the Panel accepts the recommendations to require a plan as a condition of consent to manage unexpected discoveries of contamination.

The Panel's findings

- 6.41 The Panel considers that in this manner, the application will give effect to the NES-CS.

NES for Electricity Transmission Activities 2009

- 6.42 The regulations of the NESETA apply to the operation, maintenance and upgrading of existing transmission lines. In this case, they will be of relevance for the proposed construction of a 25-metre-high monopole which is required in order to provide a mid-span connection from the existing transmission lines. The AEE has given consideration to this proposed structure with regard to construction works and landscape and visual effects.
- 6.43 The Panel finds that CMPs (as recommended conditions) will ensure that measures are in place to control, mitigate and manage potential construction related effects. Once operational, the new monopole structures will form part of the landscape which currently includes transmission infrastructure and therefore will not result in a significant change to landscape character.

The Panel's findings

- 6.44 The Panel finds that the proposal will meet the relevant regulations of the NESETA.

Waikato Regional Policy Statement

- 6.45 The WRPS provides an overview of the significant resource management issues in the Waikato Region and puts in place objectives, policies, and methods to achieve the integrated management of the natural and physical resources of the region.
- 6.46 Many policies of the WRPS are interrelated and overlapping. The AEE helpfully grouped the objectives and, where relevant, policies under the topic heading it considers most relevant to the aspect of the application relevant to WRC.
- 6.47 The objectives and policies that the AEE identified as being relevant to the Project are as follows:
- (a) Energy:
 - (i) Objective EIT-O1 – Energy; and
 - (ii) Policy EIT-P1 – Significant infrastructure and energy resources.
 - (b) Freshwater:

- (i) Objective LF-O1 – Mauri and values of freshwater bodies;
 - (ii) Objective LF-O3 – Riparian areas and wetlands;
 - (iii) Policy LF-P3 – All freshwater bodies; and
 - (iv) IM-O4 – Health and wellbeing of the Waikato River.
- (c) Indigenous biodiversity:
 - (i) ECO-O1 – Ecological integrity and indigenous biodiversity; and
 - (ii) ECO-P1 – Maintain or enhance indigenous biodiversity.
- (d) High class soils
 - (i) Objective LF-O4 – Values of Soil;
 - (ii) Objective LF-O5 – High class soils;
 - (iii) Policy LF-P8 – Maintain or enhance the life supporting capacity of the soil resource; and
 - (iv) Policy LF-P11 – High class soils.
- (e) Tangata whenua:
 - (i) HCV-P2 – Relationship of Māori to taonga;
 - (ii) IM-O7 – Relationship of tangata whenua with the environment; and
 - (iii) IM-P3 – Tangata whenua.
- (f) Built environment
 - (i) UFD-O1 – Built environment.
- (g) Amenity:
 - (i) IM-O9 – Amenity.
- (h) Contaminated land:
 - (i) LF-P9 Soil contaminants; and
 - (ii) HAZ-P4 – Contaminated land.
- (i) Natural character:
 - (i) NATC-O1 – Natural character; and
 - (ii) NATC-P1 – Preserve natural character.
- (j) Natural hazards:

- (i) HAZ-O1 – Natural hazards; and
- (ii) NAZ-P2 – Manage activities to reduce the risks from natural hazards.

- 6.48 The AEE concluded that the Project is considered to be consistent with the key objectives and policies above.
- 6.49 Specifically, the AEE states that the Project provides for the development of renewable energy generation in a manner that avoids, remedies or mitigates adverse effects on the landscape, freshwater, and ecosystem services. The AEE further describes extensive iwi consultation having been undertaken.

The Panel's findings

- 6.50 The Panel finds that the proposal is consistent with and will promote the objectives of the WRPS, primarily by providing a large-scale electricity generator within the Waikato Region that has had proper regard to potential effects in terms of construction, erosion and sediment control, and ecological values. The productive nature of the land will be retained, albeit in a different form of farming (sheep, rather than dairy). Consultation and engagement with mana whenua is understood to be ongoing, with agreements and relationships established.

Te Ture Whaimana o Te Awa o Waikato

- 6.51 The Vision and Strategy is deemed to be part of the WRPS. The vision is:

"A future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come".

- 6.52 The Vision and Strategy includes objectives and strategies for the Waikato River. Overall, the AEE concluded that the Project is considered to be consistent with the objectives.
- 6.53 The Vision and Strategy also provides, amongst other things, for the "restoration and protection of the health and wellbeing of the Waikato River."³⁶
- 6.54 In *Puke Coal Ltd v Waikato Regional Council*³⁷ the Environment Court found that:³⁸
- (a) The requirement to "restore and protect" the Waikato River goes further than simply avoiding effects. It requires "preservation from future and restoration from past damage" (or "betterment").
 - (b) Any such protection or restoration must be proportionate to the impact of the application.

³⁶ Vision and Strategy, clause 3(a).

³⁷ [2014] NZEnvC 223.

³⁸ *Puke Coal v Waikato Regional Council* [2014] NZEnvC 223 at [92].

- 6.55 In considering this requirement to restore and protect the Waikato River, the Panel has considered the proposed retirement of the dairy farm and replacement of cattle with sheep, as well as the proposed fencing around the perimeter of the planting areas (riparian and screen buffer planting) to exclude sheep and any other livestock present (as provided in the ERMP). The Panel considers that this will provide protection and restoration that is proportionate to the impact of the Project.
- 6.56 The CIA also provides that the Vision and Strategy remains at the forefront of the Project for mana whenua; with the potential for net ecological benefits acknowledged.

The Panel's findings

- 6.57 The Panel is satisfied that the Vision and Strategy of Te Ture Whaimana o Te Awa o Waikato will be met.

Iwi planning documents

- 6.58 The AEE notes that the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai-Ao, states that Waikato-Tainui is supportive of, and would like an increased focus on, renewable electricity generation providing that the social, cultural, spiritual, environmental, and economic effects of the activity are managed in partnership with Waikato-Tainui.
- 6.59 The Applicants have undertaken consultation throughout the Project with iwi and have expressed commitment to continuing with this relationship for the duration of the Project, including by giving effect to the CIA recommendations.

The Panel's findings

- 6.60 The Panel finds that the Project will meet the aspirations of iwi planning documents which seek to encourage a focus on renewable electricity generation.

Waikato Regional Plan

- 6.61 The WRP gives effect to the direction set by the WRPS, including the identification of issues and associated objectives, policies and implementation methods. Objectives and policies key to the application were identified in the AEE, being specifically limited to soil disturbance (being 5.1.2 Objective, and 5.1.3 Policies (2) and (3)). This relates to work required for the trenching of cables and the excavation of topsoil for internal access routes and the construction of the substation and the BESS.
- 6.62 Section 6.5.5 of the AEE addressed the WRP by reference to the key relevant objectives and policies regarding soil disturbance.

The Panel's findings

- 6.63 The Panel finds that the proposal is consistent with the direction provided by the WRP. The measures that have been proposed by the Applicants for the installation and appropriate management of erosion and sediment control

structures are considered to meet the WRP policies of best practice. The proposal is not contrary to any key objectives or policies in the WRP.

Waikato District Plan and Proposed Waikato District Plan

- 6.64 Both the WDP and the PDP apply given that rules within the PDP have legal effect. Key objectives of relevance to this application under both the WDP and PDP include:
- (a) Infrastructure (as a regionally significant infrastructure build).
 - (b) Energy (specifically as a renewable energy generation activity).
 - (c) Economy (for the districts socio-economic advancement).
 - (d) High quality soils (although not involving subdivision).
 - (e) Rural use and activity (with consideration to landscape, rural character, and amenity values).
 - (f) Tangata whenua (engagement and effects to be considered).
 - (g) Water and stormwater (treatment wetland proposed).
 - (h) Natural hazards (flooding, liquefaction, and instability).
 - (i) Access and transport (local network and new access points).
 - (j) Contaminated land (identifying HAIL activities).
 - (k) Hazardous substances (operation of the proposed substation and BESS).
 - (l) Ecosystems and indigenous biodiversity (terrestrial (wetland), aquatic, bat, herpefauna, and avifauna habitat).
 - (m) Earthworks (trenching and substation construction).
- 6.65 The detailed effects assessment at Section 5 addresses these policies and objectives, supported by technical reports as part of the AEE.
- 6.66 The Panel is satisfied that the proposal is consistent with these policies and objectives and is satisfied that the Project can be established and operated in a manner that is in-keeping with the expectations of the WDP and PDP. In particular, it is noted that while the landscape and character of the Site will be modified, the proposed solar farm will operate in conjunction with a rural activity (sheep grazing) and, importantly in the Panel's view, will also include significant screen planting as mitigation to these landscape changes.
- 6.67 Construction and operation of the facility will require associated earthworks, new access points and use of the surrounding road network, control of hazardous substances, and management of terrestrial habitats. Most of these changes are expected to be temporary in nature (with, for example, construction) while others, as part of the ongoing operation, will benefit from the various management techniques and mitigation measures, as proposed.

The Panel's findings

- 6.68 The Panel finds that the proposal (including associated management and mitigation measures) will be consistent with the objectives and policies of the WDP and PDP by providing a new renewable energy infrastructure facility while retaining the general rural function and character of the Site.

Statutory planning instruments – the Panel's findings

- 6.69 Overall, the Panel's findings are as below:
- (a) The various NPS instruments provide high level direction and support for this proposal, as one of national significance.
 - (b) The NPS instruments emphasise the importance of renewable electricity generation and securing diversity of renewable generation sources.
 - (c) The Project will be able to provide security and resilience of power supply.
 - (d) The locational and operational attributes for this Site include its direct access to the National Grid, its reasonably flat land, its accessibility to the North Island main centres, and its availability of useable climate regime.
 - (e) The proposal provides positive outcomes.
 - (f) The relevant NES and associated regulations have been shown to be met.
 - (g) The proposal is consistent with relevant regional and district planning policies, including the mitigation and management of construction and operational effects (including extensive riparian planting and vegetative screening of the Site), the on-going relationship with mana whenua, and proposed ecological improvements (with the conversion from cattle to sheep grazing).

7. PART H: CONDITIONS

- 7.1 A comprehensive suite of proposed conditions was filed with the application documents.
- 7.2 The process followed in terms of circulating conditions for comment, etc., is summarised in Section 2 and has not been repeated here except to record that:
- (a) The Panel reviewed and made tracked changes to these conditions and on 21 November 2023 invited comments on the draft conditions from the Applicants and those parties who were entitled to comment, to be received by 24 November 2023. An extension of this date was provided to 1 December 2023.
 - (b) Seven comments were received within the specified period.

- (c) Throughout the process of circulating of conditions, the Panel also made numerous further inquiries of the Applicants in order to finalise the details informing and describing these conditions.

- 7.3 The Panel has considered all comments made in relation to the conditions.
- 7.4 The Panel's approach throughout this decision report has been to address conditions in the context of the potential adverse effect to which they relate, and the Panel's findings have been made in light of them. As a result, it is only necessary in this section to address more recent amendments to, or new, conditions brought about by the above process.
- 7.5 Where these amendments were grammatical or did not alter the effect of the proposed conditions but provided clarification or a better wording, we have imposed them without addressing them in our comments below.

Analysis of conditions and the Panel's findings

- 7.6 The following sets out the amendments that the Panel has made to the proposed conditions as a result of receiving comments, by reference to the relevant conditions.

Structure of consents

- 7.7 As originally proposed, the conditions provided for separate consents and associated conditions for the solar panels and BESS. Separate consents are also required for Transpower's parts of the Project, being the substation and line connections.
- 7.8 As the conditions of consent relating to each consent were largely the same, the Panel was concerned about unnecessary duplication. The Panel also did not see a good reason to separate the solar farm and BESS parts of the consent given that they both form part of the same Project.
- 7.9 The Panel therefore endeavoured to rationalise the consent conditions by:
 - (a) Providing for one land use consent for the solar farm and BESS;
 - (b) Deleting repeated conditions and utilising cross referencing instead.
- 7.10 The Applicants accepted this approach, except for in relation to the Transpower consent conditions. Transpower requested that all consent conditions relating to its land use consent for substation and line connections are set out in full, to meet the requirements of its internal consent monitoring systems. We agree that this is appropriate, particularly given that Transpower's consent will operate as a separate consent with a separate consent holder. We have therefore reinstated the full set of consent conditions in the Transpower consent.

Condition 1 – General conditions

- 7.11 The Panel amended condition 1 to say that the "design" of the Project works is to be undertaken in accordance with the information submitted in the AEE. This is because the Panel noted that no specific condition had been proposed requiring design recommendations to be adhered to.

- 7.12 In its comments, the Applicants suggested the wording “design and operation” be removed from condition 1 as it considered that the specific reference to design and operation may inadvertently exclude construction activities.
- 7.13 The Panel has addressed this by retaining reference to “design” and “operation”, and also including reference to “construction” to condition 1.

Condition 6 – Complaints management

- 7.14 John Keith proposed that conditions 7 and 8 be under a separate heading as they do not relate to construction as condition 6 does. The Panel disagrees with this comment and confirms that conditions 6, 7, and 8 all relate to both construction and operational activities.
- 7.15 To clarify this within the conditions, the Panel has however removed the specific reference to “at all times... when physical works are being undertaken” as it implies that condition 6 may only apply during construction.

Conditions 9A, 9B, 9C(a) – CMP - potential effects on pekapeka (long-tailed bats)

- 7.16 Forest and Bird commented that they were pleased to see the inclusion of conditions relating to potential effects on pekapeka, but were concerned that the relevant conditions were uncertain, may be unenforceable, and thus may not adequately address adverse effects.
- 7.17 The Panel agreed that this concern should be addressed and amended the relevant conditions to ‘require’ restrictions in the CMP to minimise disturbance of pekapeka, rather than providing that the Applicant “may” include such restrictions.

Condition 19 – Landscape Plan and screen planting

- 7.18 The Applicants proposed an amendment to condition 19 that screen planting shall commence in the first planting season after “construction commences”, rather than when “consent is granted”, in order to allow sufficient time.
- 7.19 The Panel rejects this amendment and has retained the requirement that screen planting shall commence in the first growing season after consent is granted, given the importance that the screen planting will have in mitigating any potential adverse visual/amenity effects on surrounding residents.

Condition 33 – Avifauna Monitoring Plan

- 7.20 The Applicants proposed adding the additional reference ‘based on the Environment Institute of Australia and New Zealand (EIANZ) guidance for Ecological Impact Assessment)’ to the assessment criteria noted in condition 33. The Panel has not included this reference within condition 33 but has instead referred to the memo describing this method (provided in the Applicants’ response to proposed conditions) and has included it within the list of approved plans and documents, attached to the conditions as Appendix 1.

Condition 36A (new) – Emergency Response Plan

- 7.21 The Applicants commented that a new condition (condition 36A) be provided that specifies that the ERP can be prepared with matters relating to the BESS being excluded, provided that the ERP is updated to include these matters prior to the construction of the BESS. The Panel agrees with WSFL's proposed new condition 36A and has retained WSFL's amendment.

Condition 39 – Decommissioning conditions

- 7.22 WDC commented that a condition was needed that provides land rehabilitation requirements. The Panel agrees that reference is needed in regard to land rehabilitation in the conditions, so has proposed that a "Decommissioning and Rehabilitation Plan", rather than simply a "Decommissioning Plan", be prepared and provided as per condition 39.

Comments from local residents

- 7.23 The Panel acknowledges the concerns expressed by local residents and thanks them for their contribution.

Highly productive land

- 7.24 Mr Webb used the opportunity to comment on conditions to make further comments on the issues regarding highly productive land, but these comments do not take us beyond any initial comments submitted in regard to this matter or the independent legal advice provided by Mr Brabant in this regard. Our consideration of highly productive land is contained in Section 5, under "Effects on soil resources" and Section 6, under the "NPS-HPL" assessment.

FTCA process

- 7.25 Ms Carley, Ms Timmins, and Mr Ellmers commented in regard to the FTCA invitations for comment process, expressing concerns that comments previously provided by parties invited to comment had not been taken into consideration.
- 7.26 The Panel finds that all comments by all parties were carefully and thoroughly considered and taken into account in this decision-making process.

Conditions – the Panel's decision on conditions

- 7.27 The Panel has given considerable attention to the conditions throughout the entire FTCA process and the rationale for the conditions imposed is addressed throughout this decision report. All comments received were carefully considered by the Panel. The draft conditions originally proposed by the Applicants were further amended by the Panel, including by reference to comments received from the parties noted above.
- 7.28 Overall, the Panel is satisfied that the final condition set imposed, comprising the use of management plans, monitoring and reporting, and a range of other requirements and restrictions represents an appropriate means to:

- (a) Address (avoid, remedy or mitigate) any potential adverse effects associated with the Project; and
- (b) Achieve positive environmental outcomes.

8. PART I: STATUTORY CONTEXT AND STATUTORY ASSESSMENT UNDER THE FTCA AND THE RMA

8.1 This section:

- (a) Briefly sets out the statutory and legal context relevant to the Panel's functions and duties under the FTCA and the RMA.
- (b) Assesses and makes findings as to the consistency of the Project with those provisions, including whether the purpose of the FTCA and the RMA are both met.

Referral of the Project under the Resource Management (Covid-19 Recovery Fast Track Consenting) Act 2020

8.2 Section 4 of the FTCA, providing the purpose of the FTCA, is set out at paragraph 5.114 of this decision report and so we do not intend to repeat it here.

8.3 Section 19 of the FTCA sets out the matters that the Minister is required to consider when determining whether a project meets the purpose of section 4. The matters that the Applicants relied upon in its application to the Minister (per Section 6 of the AEE) comprised the following by reference to the relevant provisions of section 19:

- (a) Employment and economic benefits in terms of sections 19(a) and (d)(i).
- (b) Social and cultural wellbeing in terms of section 19(b).
- (c) Speed of progression in terms of section 19(c).
- (d) Public benefits in terms of section 19(d).
- (e) Contributing to a well-functioning urban environment in terms of section 19(d)(iii).
- (f) Provision of infrastructure in terms of section 19(d)(iii).
- (g) Improving environmental outcomes in terms of section 19(d)(v).
- (h) Mitigating climate change in terms of section 19(d)(vii).
- (i) Promoting the protection of historic heritage in terms of section 19(d)(viii).
- (j) Strengthening environmental, economic and social resilience in terms of management of risk from climate change in terms of section 19(d)(ix).

- (k) Sustainable management of natural and physical resources in terms of section 19(e).

8.4 As the Project was referred, it follows that the Minister was satisfied that the Project would be consistent with the purpose of the FTCA. This Panel is not bound by the referral decision and must independently determine whether the Project meets the purposes of the FTCA and whether the consent should be granted or not.

Decision-making under the FTCA

- 8.5 If an application is made under the FTCA, the process for obtaining a resource consent under Schedule 6 of the FTCA applies in place of the process under the RMA.
- 8.6 The process for a referred project such as this one was described in the decisions of the expert consenting panel on the Kohimarama Retirement Village and the Rotokauri Project. For the purposes of our decision, we adopt the approach set out in those decisions which we set out as follows.

Relevant considerations

8.7 Under clause 31 of Schedule 6, the Panel must have regard to the following matters when considering an application for a referred project:

1. When considering a consent application in relation to a referred project and any comments received in response to an invitation given under section 17(3), a panel must, subject to Part 2 of the Resource Management Act 1991 and the purpose of this Act, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any measure proposed or agreed to by the consent applicant to ensure positive effects on the environment to offset or compensate for any adverse effects that will or may result from allowing the activity; and

(c) any relevant provisions of any of the documents listed in clause 29(2); and

(d) any other matter the panel considers relevant and reasonably necessary to determine the consent application.

2. In respect of the matters listed under subclause (1), a panel must apply section 6 of this Act (Treaty of Waitangi) instead of section 8 of the Resource Management Act 1991 (Treaty of Waitangi)."

8.8 Section 12 of the FTCA sets out the relationship between the FTCA and the RMA. Decisions made under the FTCA are subject to Part 2 of the RMA as well as the purpose of the FTCA as set out above. The purpose of the FTCA

does not 'trump' Part 2 of the RMA – the two purposes are to be considered together "on an equal footing".

- 8.9 It is plain that this provision is the FTCA equivalent of section 104(1) of the RMA – clause 29(2) lists the same statutory instruments that are in section 104(1)(b) of the RMA and which are set out here for ease of reference, namely:

- (a) *"a national environmental standard:*
- (b) *other regulations made under the Resource Management Act 1991:*
- (c) *a national policy statement:*
- (d) *a New Zealand coastal policy statement:*
- (e) *a regional policy statement or proposed regional policy statement:*
- (f) *a plan or proposed plan:*
- (g) *a planning document recognised by a relevant iwi authority and lodged with a local authority."*

- 8.10 The Panel has a wide discretion to grant or decline consent to a referred project.

Statutory assessment and the Panel's findings

- 8.11 The Panel has considered the Project in light of all matters made relevant by clause 31 of Schedule 6 and made findings on them throughout the course of this decision report. That material does not need to be repeated here. It is sufficient to note the following.

Clause 31(1)(a) – actual and potential effects

- 8.12 The Panel has considered potential effects on mana whenua (Section 4 of this report); positive effects (under Section 5 of this report); and potential adverse effects (also under Section 5 of this report). The Panel's findings on all such effects are contained in those sections, which are to the effect that:

- (a) There are significant positive effects associated with renewable energy generation.
- (b) No mana whenua issues in terms of potential adverse effects arise.
- (c) That all potential adverse effects are minor to moderate and can be addressed via the conditions of consent we have imposed.

Clause 31(1)(b) – offsetting and compensation

- 8.13 The Applicants did not place any reliance on the provision of works for offsetting, presumably not wishing to acknowledge that any potential adverse effects were of such a magnitude as to require offsetting or

compensation. It is, therefore, not necessary for the Panel to make a finding on this issue.

- 8.14 However, the Panel observes that had it viewed adverse effects as being more serious than they are, we would have entertained an argument that the significant ecological enhancements would qualify to be considered under this provision.

Clause 31(1)(c) – relevant statutory and iwi planning instruments

- 8.15 The Panel's assessment of relevant statutory and iwi planning instruments is considered in Section 6 of this report. The Panel concluded that it is satisfied that the Project either promotes or is consistent with all statutory planning instruments that apply.

Clause 31(1)(d) – other relevant matters

- 8.16 The Panel has not identified any other relevant matters.

Decision-making under the RMA

Relevant considerations

- 8.17 Referred projects require consideration of sections 104A to 104D and sections 105 to 107 of the RMA. Overall, the application is required to be assessed as a 'full' discretionary activity.
- 8.18 Of the above provisions, only three are brought into play – sections 104B, 105 and 107. (Section 104 does not apply as it is replaced by clause 31 of Schedule 6 in the context of referred projects under the FTCA.)

Statutory assessment and the Panel's findings

- 8.19 Section 104B states the following:

"After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108."

- 8.20 A full assessment has been made of the Project throughout this decision report and is summarised above. The Panel has, based on its findings, decided to grant consent and impose the conditions contained in **Appendix 1**.
- 8.21 The Panel is satisfied that no aspect of the Project contravenes or brings into play sections 105 or 107 of the RMA.

Dual purpose assessment of Part 2 of the RMA and the purpose of the FTCA

- 8.22 The matters to which the Panel must have regard to when considering a referred application for consent are also expressed as being subject to Part 2 and the purpose of the FTCA. The Panel considers that it is appropriate to deal with these issues together given that we are dealing with a dual purpose, neither of which ‘trumps’ the other.

Assessment against Part 2 of the RMA

- 8.23 Part 2 of the RMA contains the ‘sustainable management’ purpose of the RMA as set out in section 5 being:

“...means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

- 8.24 The Supreme Court’s decision in *King Salmon*³⁹ (and the subsequent decision of the Court of Appeal in *R J Davidson Family Trust v Marlborough District Council*⁴⁰) make clear that when there is no ambiguity in lower order planning documents, there is generally no need to refer back to Part 2 of the RMA.⁴¹

- 8.25 There are several ‘caveats’ to this general rule, including:⁴²

- (a) Where there is a challenge to the lawfulness of a planning document, this needs to be resolved before it can be determined if a decision maker is acting in accordance with Part 2 of the RMA;⁴³
- (b) There may be instances where the document concerned does not “cover the field” and the decision-maker will have to consider whether Part 2 provides assistance in dealing with the matters not covered;⁴⁴ and

39 *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] 1 NZLR 593 (SC).

40 [2018] NZCA 316, [2018] 3 NZLR 283.

41 *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] 1 NZLR 593 (SC), at [85].

42 Ibid.

43 *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] 1 NZLR 593 (SC), at [88].

44 Ibid.

- (c) If there is uncertainty as to the meaning of particular policies, reference to Part 2 may be justified to assist in a purposive interpretation.⁴⁵
- 8.26 There is no reason to believe that any of the relevant planning documents referred to throughout this decision and the AEE were not competently prepared in a manner that reflects Part 2 of the RMA. However, for completeness, we have reviewed the Applicants' assessment of Part 2 of the RMA, contained in section 13 of the AEE.
- 8.27 The AEE contains a brief assessment of the Project by reference to sections 5 – 8 of the RMA. We have disregarded the comments in relation to section 8 of the RMA on the basis that, in the context of FTCA applications, section 8 of the RMA is not relevant as it has been replaced by section 6 of the FTCA.
- 8.28 In the context of section 6 (matters of national importance), the only matter that the Panel considers to be relevant is section 6(e) relating to:
- (e) *"the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga."*
- 8.29 This matter has been comprehensively addressed in Section 4 of this decision report and the Panel finds that it has been "recognised and provided for" as section 6 requires.
- 8.30 The Panel does not agree that section 6(a) is relevant on the basis that none of the features sought to be provided for by that section retain any "natural character" on the application site.
- 8.31 The Panel is required to have "particular regard" to matters in section 7. Those that we consider that are or may be relevant to this Project comprise:
- (a) *"kaitiakitanga:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy."*
- 8.32 For the reasons outlined in the AEE and throughout this decision, we have had particular regard to these factors and find that they have been properly recognised in terms of policy thrust / benefits and can be addressed via the

45 Ibid.

design of the Project and the conditions that we have imposed. Section 7(j) is, of course, particularly relevant.

The Panel's findings

- 8.33 In terms of section 5, for all the reasons set out in this decision report, the Panel is satisfied that the Project will be consistent with and promote the sustainable management of the purpose of the RMA.

Assessment against the purpose of the FTCA

- 8.34 In assessing this matter, the Panel is required to consider the purpose of the FTCA as set out in paragraph 9.2 above.

The Panel's findings

- 8.35 For all of the reasons outlined in the AEE and throughout this decision report, the Panel is satisfied that the Project will achieve the purpose of the FTCA.

Dual purpose assessment – the Panel's findings

- 8.36 Given the nature of the Site and the character of the area, the Panel is satisfied that no aspects of sections 6 or 7 (and therefore 5) of Part 2 of the RMA call the Project seriously into question. The Project will produce very substantial benefits in terms of renewable energy generation while potential adverse effects can be adequately addressed.
- 8.37 On that basis, although respective purposes of the FTCA and the RMA are different, in the context of this Project, the purposes are consistent and complementary; and there is no need to consider whether one 'trumps' the other; and that the two purposes are to be considered together "on an equal footing".
- 8.38 The Panel therefore finds that the purposes of both statutes will be achieved and promoted by the Project.

9. PART J: FINAL DECISION

- 9.1 For all the foregoing reasons and on the basis of the findings throughout this decision report, the Panel has decided to grant the consent sought by the Applicants, subject to the conditions in Appendix 1, for the maximum period of 40 years provided for by the RMA but noting that a two-year lapse period to implement the consent is mandatory under the FTCA.
- 9.2 The Panel's reasons are set out in Section 1 and need not be repeated in full, but in summary:
- (a) The Project is consistent with and will promote the purpose of the FTCA.
 - (b) The Project provides very significant benefits in terms of renewable energy generation that are consistent with the objectives of the NPS-REG and are consistent with the matters of national importance to which the NPS-REG applies.

- (c) The Project will also produce local ecological benefits through the retirement of a dairy farm and significant proposed ecological enhancements, including riparian planting, fencing of livestock, and maintenance around wetland and riparian zones.
- (d) Engagement with iwi and hapū has been genuine and effective, and iwi and hapū support the Project.
- (e) Potential adverse effects during construction (noise, construction traffic, dust, erosion and sediment control) have been assessed to be minor and can be addressed by conventional measures through the implementation of management plans and conditions of consent.
- (f) Potential adverse effects associated with the ongoing day-to-day operation of the solar farm will be minor.
- (g) Potential adverse effects on rural character and residual amenity effects associated with landscape and visual effects and glint and glare will be addressed by planting within a reasonable time period, via the conditions that the Panel has imposed.
- (h) Based on relevant legal authorities, the Panel is not entitled to consider potential adverse effects associated with the diminution of property values.
- (i) Given that potential adverse effects fall within a fairly narrow compass and can be adequately addressed, and having regard to the significant positive effects associated with the Project, the Panel is satisfied that:
 - (i) The Project aligns with relevant national, regional, and local planning instruments; and
 - (ii) The purpose of both the RMA and the FTCA is better served by a grant of consent subject to the conditions that the Panel has elected to impose rather than a decline of consent.

9.3 In concluding, the Panel wishes to acknowledge and thank:

- (a) Mana whenua/iwi that have been involved in the process, for their participation and assistance.
- (b) Local residents for their participation in the process. The Panel has had a very close regard to your concerns which have been informative in our decision making.
- (c) Mr Brabant and Mr Akehurst whose independent advice to the Panel was invaluable. We appreciate their efforts to assist the Panel.

- (d) The Applicants for their assistance in providing information as required, and WDC and WRC for their contributions to the condition set.
- (e) Our EPA Project Lead, Gen Hewett, for excellent support throughout the FTCA process.



(Sue Simons – Chair)



(Dr Ngaire Phillips)



(Cherie Lane)



(Maxine Moana-Tuwhangai)

APPENDIX 1

CONDITIONS OF CONSENT

8.1 Waerenga Solar Farm Limited conditions of consent

8.1.1 Land use consent for solar farm and sheep grazing activities under the Operative and Proposed District Plans, including the Battery Energy Storage System facility ("BESS") activities.

General Conditions

1. *The design, construction and operation of the project works shall be undertaken in accordance with the information submitted in the documentation entitled 'Waerenga Solar Farm Project – Resource Consent Application and Assessment of Environmental Effects ("AEE")', prepared by Boffa Miskell, dated July 2023 (and further information subsequently provided in October and November 2023). Where there is any discrepancy between this documentation and the conditions below, the requirements of the conditions will prevail.*
2. *Except as modified by the conditions in this consent, the project shall be undertaken in accordance with the plans and documents as set out in **Attachment 1**.*

Consent duration

3. *The consent will commence in accordance with section 116 of the Resource Management Act 1991 ("RMA") and provides for the operation of the solar farm for a period of 40 years from its commercial operating date (being the first date that the project is commercially exporting power to the National Grid, excluding operations under test conditions) after construction has concluded. The consent will expire and cease to authorise the activities two (2) years after the cessation of generation, to enable the decommissioning of the solar farm.*

Lapse Period

4. *The consents shall lapse 2 years after the date on which they are granted unless they are given effect to before that date.*
5. *Pursuant to section 36(1)(c) of the RMA, the Consent Holder shall pay Waikato District Council ("WDC") all actual and reasonable costs associated with monitoring this consent, including but not limited to costs associated with:*
 - i. *Site visits;*
 - ii. *Review and certification of management plans;*
 - iii. *Monitoring of works; and*
 - iv. *Administration.*

Complaints Management

6. *The Consent Holder shall maintain a register of any complaints received regarding the construction and operational activities authorised by these resource consents at all times.*

As a minimum, the register shall include:

- a. *The name and contact details (if supplied) of the complainant;*
 - b. *The nature and details of the complaint;*
 - c. *The location, date and time of the complaint and the alleged event giving rise to the complaint;*
 - d. *The weather conditions at the time of the complaint, where relevant to the complaint;*
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- e. *Other activities in the area, unrelated to the Project, that may have contributed to the complaint;*
 - f. *The outcome of the Consent Holder's investigation into the complaint; and*
 - g. *A description of any measures taken to respond to the complaint.*
- 7. *The Consent Holder shall notify the WDC of any complaint received that relates to the activities authorised by these resource consents as soon as reasonably practicable and no longer than two (2) working days after receiving the complaint.*
 - 8. *The Consent Holder shall respond to any complainant as soon as reasonably practicable and, within five (5) working days, advise the WDC and the complainant of the outcome of the Consent Holder's investigation and all measures taken, or proposed to be taken, to respond to the complainant.*

Construction Conditions

Construction Management Plan

- 9. *A Construction Management Plan ("CMP"), or a series of CMPs, shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to the commencement of any physical works for the initial construction of the Project, and shall address the management of all construction works, including details of how the adverse effects of construction will be managed. In particular, the CMP shall contain details covering the following matters:*
 - i. *An outline construction programme for the works indicating, in particular, staging of work, construction methodology and the likely duration of any temporary road closures and related traffic management measures.*
 - ii. *Identification of the key personnel and contact person(s) and their contact details.*
 - iii. *Pre-start meeting to ensure Council staff and Consent Holders are aware of and understand the requirements of compliance with the conditions of the consent and the certified CMP.*
 - iv. *Procedures for ensuring that surrounding property owners and occupiers are given prior notice of the commencement of construction works and are informed about the expected duration of those works.*
 - v. *Procedures for communicating with surrounding property-owners and occupiers during construction works, including engaging with property owners and occupiers to minimise disruption to farming activities, consulting prior to any high noise generating activities, and implementing procedures to ensure action is taken into any complaints received.*
 - vi. *The location of notice boards that clearly identify the name, telephone number and address for service of the site manager.*
 - vii. *The location and layouts of any construction compound(s) proposed within the site, including details of any turning areas, laydown areas, site offices, storage containers, and staff parking.*
 - viii. *Construction noise management measures to ensure compliance with Condition 14.*
 - ix. *Erosion and sediment control measures in accordance with Waikato Regional Council's Erosion and Sediment Control Guidelines to ensure sediment is not transferred off site or into watercourses.*
 - x. *Dust management measures for earthworks, the movement of vehicles and any other dust generating activity to ensure that any dust that is noxious, dangerous, offensive or objectionable, will be contained in the Dust Management Plan ("DMP").*
 - xi. *Road management measures to ensure road inspection, maintenance, and remediation of any construction related damage to the condition of the local road network.*
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- xii. *Measures for the protection of utility services, including electricity distribution within the road reserve.*
 - xiii. *Measures to be adopted to maintain the land in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities.*
 - xiv. *Measures to ensure the safety of the general public where potentially affected by construction activities.*
 - xv. *Measures to ensure the continued safe and efficient operation and maintenance of the existing National Grid transmission network, including ongoing compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).*
- 9A. *The CMP prepared under condition 9 shall be prepared in collaboration with a suitably qualified and experienced bat ecologist with the objective to minimise any potential disturbance of long-tailed bats within the site.*
- 9B. *The CMP shall include restrictions on enabling works or construction works between 0.5 hours before sunset and 0.5 hours after sunrise including associated traffic movements, within 50m of potential roost trees as identified in Appendix 12 of the Waerenga Solar Farm Ecological Impact Assessment (Boffa Miskell, April 2023) ("EIA").*
- 9C. *The CMP shall include restrictions on artificial lighting at night associated with enabling works or construction works and if needed for security reasons, provision for motion sensor controlled lighting that is directed away from potential roost trees as identified in the EIA.*
- 9D. *To minimise any potential impacts on maternity roosts, during the months of November to January inclusive, and shall include:*
- *Restrictions on piling works occurring within 50m of potential roost trees as identified in the EIA.*
 - *Restrictions on construction and vehicle movements (outside of site entry and exit points identified within the CMP) within 20m of potential roost trees as identified in the EIA.*

Construction Traffic Management Plan

10. *A Construction Traffic Management Plan (CTMP) shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to the commencement of any physical works for the initial construction of the Project.*
- The CTMP, which is to be prepared in accordance with the Waerenga Solar Farm Construction Traffic Management Framework (Waerenga Solar Farm Integrated Transport Assessment ("ITA"), Stantec, February 2023), is to include, but not be limited to, details of the following:*
- i. *Roles, responsibilities and contact details, including for public enquiries.*
 - ii. *Construction staging and proposed activities.*
 - iii. *Expected number of vehicle movements, particularly heavy vehicle numbers during each phase of construction.*
 - iv. *Hours of work.*
 - v. *Points of site access.*
 - vi. *Construction traffic routes.*
 - vii. *Nature and duration of any temporary traffic management proposed.*
 - viii. *Any road upgrades proposed.*
 - ix. *Location of on-site parking and loading areas for deliveries.*
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- x. Measures to prevent, monitor and remedy tracking of debris onto public roads and dust onto sealed sections.
 - xi. Measures for regular communications with residents located along transport routes utilised by vehicles associated with solar farm construction activities.
 - xii. Any temporary traffic management measures and the associated Carriageway Access Request ("CAR") and approved Traffic Management Plan ("TMP") for works within the road corridor.
 - xiii. The design of the required widening or upgrades (in conjunction with WDC) the local road network based on the recommendations within the Waerenga Solar Farm ITA.
 - xiv. Pre- and post-construction inspections of the local road network to enable WDC to ascertain the condition of these roads prior to and following consented activities.
 - xv. Any maintenance of the local road network during the construction phase to a minimum of the condition that existed prior to the commencement of the consented activities.
 - xvi. Measures to identify and provide for remediation of any damage to local road network pavements associated with construction works associated with these consents, including timelines for remediation to be agreed with WDC.
 - xvii. Permits for any over-dimensions/over-weight vehicles as required.

Advice note: This consent does not constitute authorisation to work on the road. Works affecting the road will require approval for access to the corridor. A separate CAR will need to be made to WDC.

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- 11. The CMP and CTMP prepared under conditions 9, 9A – 9D, and 10 above, shall be implemented for the duration of the construction period. Any material amendments to the CMP or CTMP shall be submitted to WDC for certification at least 10 working days prior to implementation.

Advice Note: A single CMP (and CTMP) may be prepared for certification in satisfaction of (i) conditions 9-11 above, and (ii) conditions 9-11 of the resource consent held by Transpower New Zealand Limited in respect of the substation to be constructed at the Waerenga Solar Farm.

Accidental Discovery - Heritage and Cultural

- 12. Where during Project works any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed by the Consent Holder:
 - i. Immediately cease all works within 20m of the discovery;
 - ii. Secure/tape off the discovery area (including a buffer area) to ensure sensitive material remains undisturbed;
 - iii. Advise Mana Whenua in the first instance if the discovery relates to Taonga tuuturu, an archaeological site, or kōiwi (or human remains);
 - iv. Advise New Zealand Police if the discovery is kōiwi or human remains;
 - v. Advise Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, or kōiwi (or human remains);
 - vi. Attend and enable the site to be inspected by the relevant authorities outlined in iii-v (above); and
 - vii. Ensure no further action be undertaken until responses have been received from all notified parties, and if the discovery is kōiwi it shall not be removed until advised by Heritage New Zealand Pouhere Taonga.
 - 13. Work may recommence if Mana Whenua and Heritage New Zealand Pouhere Taonga provides a statement in writing to the WDC, that appropriate action has been undertaken in relation to any Taonga tuuturu or Māori cultural heritage material, and archaeological site respectively. The WDC
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shall advise the Consent Holder on written receipt from Mana Whenua, and Heritage New Zealand Pouhere Taonga that work can recommence.

Construction Noise and Vibration

14. All construction work shall be designed, managed and conducted to ensure noise levels at the façade of any occupied dwelling on any other site shall comply with the following limits, when measured and assessed in accordance with NZS6803:1999 Acoustics-Construction Noise:

Time period	Maximum noise levels	
	LAeq	LAFMax
7.30am to 6.00pm, Monday to Saturday	70dB	85dB
All other times and on Public Holidays	45dB	70dB

15. Noise shall be measured from the commencement of construction work and for the duration of all construction work in accordance with NZS6803:1999 Acoustics-Construction Noise and the results of that monitoring provided to the Team Leader Monitoring WDC.
16. In the event that noise monitoring, completed under condition 15 above, demonstrates that the noise standards set out in condition 14 have not been complied with, the Consent Holder shall:
- Take all necessary steps to reduce noise and provide details of those steps to the Team Leader Monitoring WDC; and
 - Carry out further monitoring in accordance with the requirements of condition 15.
- The requirements of subclauses (a) and (b) must be repeated as required until such time that compliance with the noise standards set out in condition 14 are complied with.
17. Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150-3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures" and comply with the limits in Tables 1 and 3 of the Standard.

Landscape Plan

18. A detailed Landscape Plan shall be submitted to the WDC for certification at least four weeks (20 working days) prior to the commencement of any Project works. The plan shall be in accordance with the recommendations of the Waerenga Solar Farm Landscape and Visual Assessment Graphic Supplement and EIA submitted as part of the application, and include details of the following:
- How low flammability plant species identified on the Fire and Emergency New Zealand website (<https://www.checkitsalright.nz/reduce-your-risk/low-flammability-plants>) have been incorporated into the design; and
 - How appropriate screening has been included in the design to address visual and glint and glare effects (identified in the Glint and Glare report), and to provide screening of views of the Project from neighbouring dwelling(s), taking into account the outcomes of engagement with the adjacent property owners and occupiers (identified in Appendix 3 of the application documents, referenced in **Attachment 1** of these conditions).
19. Screen planting shall commence in the first planting season after consent is granted.
20. In accordance with the Cultural Impact Assessment ("CIA") prepared by Te Hira Consultants Ltd on behalf of Mana Whenua, attached to the AEE as Appendix 14, the detailed Landscape plan is to demonstrate the following:
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	<ul style="list-style-type: none"> i. <i>How the feedback of mana whenua has been reflected in the Landscape Plan.</i> ii. <i>That any indigenous plants used have been sourced from within the Waikato Basin.</i>
21.	<i>All landscaping required under the detailed Landscape Plan shall be maintained for the duration of the consent and the time taken to decommission and rehabilitate the site as required by the conditions of this consent. Should proposed mitigation planting or existing tree cover along the site boundaries be removed and/or die or fail during the operational life span of the solar farm, such that they no longer provide effective screening, it shall be replaced with a similar species within the next planting season to ensure that visual amenity effects are appropriately managed</i>
22.	<i>Any proposed new trees or vegetation within 12 metres either side of the centreline of National Grid transmission lines must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.</i>
Vehicle Access	
23.	<i>The site access points on Keith and Awariki Roads shall be formed to the Waikato Regional Infrastructure Technical Specification Heavy Commercial Rural Entranceway Standard, with the driveway widened to 7m at the gateway to allow for two-way traffic movement, prior to construction commencing.</i>
24.	<i>The site access point on Waerenga Road shall be formed to the Waka Kotahi Diagram D standard, with the driveway widened to 7m at the gateway to allow for two-way traffic movement, prior to construction commencing.</i>
Solar Panels	
25.	<i>Solar Panels shall be a maximum of 3500mm above finished ground level at their highest point.</i>
Incidental Fauna Discovery Protocol	
26.	<p><i>An Incidental Fauna Discovery Protocol shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to construction of the solar farm. The Incidental Fauna Discovery Protocol shall require that:</i></p> <ul style="list-style-type: none"> i. <i>All incidental bat sightings (including dead individuals) shall be reported to the Department of Conservation within 48 hours, and a copy of that report shall be provided to WDC, and if bats are injured, they shall be immediately transported to a veterinarian (approved by the Department of Conservation) experienced in indigenous wildlife rehabilitation. Where possible, the location, photographs and cause of injury/death shall be reported to the Department of Conservation.</i> ii. <i>All incidental discoveries of dead or injured birds shall be reported to the Department of Conservation within 48 hours, and a copy of that report shall be provided to WDC, and injured birds shall be immediately transported to a veterinarian (approved by the Department of Conservation) experienced in indigenous wildlife rehabilitation. Where possible, the location, photographs and cause of injury/death shall be reported to the Department of Conservation.</i> iii. <i>All incidental discoveries of dead or injured native lizards shall be reported to the Department of Conservation, and injured lizards shall be immediately transported to a veterinarian (approved by the Department of Conservation) experienced in indigenous wildlife rehabilitation. Where possible, the location, photographs and cause of injury/death shall be reported to the Department of Conservation.</i> iv. <i>The Incidental Fauna Discovery Protocol shall include a list of approved veterinarians and their contact details. This list shall be updated annually.</i>

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- v. *The number of incidental fauna discoveries will be included in the annual report to WDC and include a summary of actions taken.*

Operational Conditions

Solar Farm Operation

27. *Once construction has concluded, the solar farm shall operate for a maximum of 40 years.*

Stormwater Wetland

28. *Prior to the operation of the substation and BESS, the Consent Holder shall construct an artificial wetland to treat and attenuate stormwater runoff from the related hardstand areas. The design of the artificial wetland is to be in accordance with the recommendations set out in the Waerenga Solar Farm Civil Servicing Report (Lysaght, March 2023, identified in Appendix 1 below).*

National Grid access

29. *The consent holder shall ensure that access is maintained to the National Grid transmission lines within the site, including support structures, for maintenance at all reasonable times, and emergency works at all times.*

Electric and Magnetic Fields ("EMF")

30. *The works shall be designed and constructed to limit the EMF exposure at or beyond the boundary of the substation site to the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time-varying electric, magnetic, and electromagnetic fields (1 Hz to 100 kHz) (Health Physics, Vol 99, No. 6, Pg 818-836, Dec 2010) (ICNIRP Guidelines) to public reference levels of 5 kV/m for electric fields and 200µT for magnetic flux density at one metre above ground level under maximum normal operating conditions (i.e. when there are no faults in the transmission system).*

Radio Frequency Interference

31. *Any substation works or equipment shall be designed to comply with NZS 6869:2004 Limits and Measurement Methods of Electromagnetic Noise from High-Voltage AC Power Systems, 0.15 to 1000 MHz.*

Operational Noise

32. *The noise (rating) level from all plant associated with the operation of the solar farm shall comply with the following noise levels when measured and assessed at any notional boundary (as defined in the Assessment of Noise Effects at Appendix 7 of the AEE) on another site. Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise:*

Timeframe	Noise limit
7:00am to 7:00pm	50 dB LAeq
7:00pm to 10:00pm	45 dB LAeq
10:00pm to 7:00am	40 dB LAeq and 65 dB LAmax

Avifauna Monitoring Plan

33. *An Avifauna Monitoring Plan ("AMP") shall be prepared by a suitably qualified ecologist and provided to the WDC for certification at least four weeks (20 working days) prior to operation of*
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the solar farm. In accordance with the avifauna recommendations in Section 6.5 of the EIA, the AMP is to include:

- i. Frequency and duration of surveys (for a minimum of 24 months);
 - ii. Monitoring methods;
 - iii. Statistical analyses to be applied to carcass detection/removal rates and annual mortality estimates; and
 - iv. Criteria for determining whether the operation of the solar farm has given rise to a more than low level of effect on avifauna in accordance with the assessment criteria (based on the Environment Institute of Australia and New Zealand ("EIANZ") guidance for ecological impact assessment) outlined in the Boffa Miskell memo dated 29 November 2023 "Waerenga Solar Farm – response to ecological matters raised relating to draft conditions of consent".
34. At the conclusion of the monitoring period, an independent suitably qualified ecologist on behalf of the Consent Holder is to submit a report to WDC setting out:
- i. The results of the monitoring; and
 - ii. If the monitoring identifies that a more than low level of collision effect on At-Risk or Threatened avifauna species is detected, recommendations with respect to the preparation and content of an AMP, as outlined in the avifauna recommendations in Section 6.5 of the EIA, to ensure that the level of ecological effect on avifauna does not exceed a low level of effect. Such content shall include:
 - a. Details of proposed ongoing monitoring to be undertaken; and
 - b. Details of collision prevention/deterrent measures that should be implemented at the site.

Avifauna Management Plan Review Condition

35. Pursuant to Section 128(1)(a)(i) of the RMA, the consent authority may review the avifauna conditions in the event that the report (required by Condition 34) concludes that the operation of the solar farm has given rise to a more than low level of effect on avifauna (in accordance with the assessment criteria outlined in the EIA. The review is to determine whether an AMP, as outlined in the avifauna recommendations in Section 6.5 of the EIA, is required.

Ecological Restoration Management Plan

36. A final Ecological Restoration Management Plan ("ERMP") shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to solar farm construction commencing. The final ERMP shall be based on the Draft ERMP (dated 16 October 2023), and shall include (as a minimum):
- i. Fencing requirements for planted areas to ensure permanent exclusion of all livestock to allow successful establishment of plantings;
 - ii. Measures to control and manage pest plants, including monitoring requirements, to ensure pest plants do not inhibit the establishment of the plantings and natural regeneration of native species;
 - iii. Details of revegetation planting, including plant sourcing, time of planting, site preparation, plant locations, numbers and densities, riparian buffer planting and screen buffer planting, and planting and plant maintenance requirements;
 - iv. Details of tree species which plantings included on the site that are suitable potential roosts for long-tailed bats;
 - v. Animal pest control measures to manage pest animals that may inhibit the establishment of revegetation plantings where required;
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- vi. A finalised works programme;
 - vii. Ongoing post-establishment maintenance requirements during the lifetime of the consent; and
 - viii. Performance criteria and monitoring requirements.
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Emergency Response Plan

37. An Emergency Response Plan (“ERP”) shall be submitted to the WDC for certification at least four weeks prior to solar farm construction commencing. The ERP shall be based on the draft Emergency Response Plan (dated 18 October 2023) and shall be prepared by a suitably qualified practitioner.

The consent holder shall prepare the ERP in consultation with Fire and Emergency New Zealand. The Consent Holder shall provide evidence to WDC that engagement with Fire and Emergency New Zealand has occurred including evidence that any concerns raised by Fire and Emergency New Zealand have been addressed or that provides reasons why they are not addressed.

The final ERP shall outline the procedures to be followed in the event that an emergency (including a fire or the spill of hazardous substances) occurs on site, and is to provide details on, but not be limited to, the following:

- i. A facility description, including infrastructure details, operations, number of personnel, and operating hours.
- ii. A site plan depicting key infrastructure: site access points and internal access tracks; firefighting facilities; drainage; and neighbouring properties.
- iii. Details of emergency resources, including communication systems; personal protective equipment; first aid.
- iv. Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
- v. Emergency procedures for all credible hazards and risks, including building, infrastructure and vehicle fire, grass fire.
- vi. How Fire and Emergency New Zealand will be alerted of an emergency incident.
- vii. Site evacuation procedures.
- viii. A list of hazardous goods stored on site.
- ix. Hazardous spill procedures.

- 37A. The ERP prepared and certified under Condition 37 may exclude matters relating to the BESS provided that the ERP is updated to include these matters prior to construction of the BESS. Any updated ERP, with matters relevant to the BESS, shall be submitted to the WDC for certification at least four weeks prior to construction of the BESS. The updated ERP shall address the requirements of Condition 37, including engagement with Fire and Emergency New Zealand.

Battery Storage Safety Management Plan

38. The Consent holder is to prepare a final Battery Storage Safety Management Plan (“BSSMP”). The BSSMP is to be provided to the WDC for certification at least four weeks (20 working days) prior to construction of the BESS.

The consent holder shall prepare the BSSMP in consultation with Fire and Emergency New Zealand. The consent holder shall provide evidence to WDC that engagement with Fire and Emergency New Zealand has occurred including evidence that any concerns raised by Fire and Emergency New Zealand have been addressed or provide reasons they are not addressed.

The final BSSMP shall be based on the draft BSSMP (dated October 2023) and must set out the details of the following:

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- i. *Design considerations to enable fire mitigation and suppression, including adequate separation from units, appropriate on-site water storage facilities and safe access route for fire services to manoeuvre within the site;*
 - ii. *BESS facility location and layout;*
 - iii. *Automatic fire detection systems;*
 - iv. *Monitoring systems;*
 - v. *Operational procedures for mitigation of thermal runaway; and*
 - vi. *Fire suppression systems.*
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Cleaning

39. *Solar Farm Infrastructure within the site (including, but not limited to panels, cabinets) shall be cleaned with water only.*

Decommissioning and Rehabilitation Conditions

Decommissioning and Rehabilitation

40. *A Decommissioning and Rehabilitation Plan shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to the cessation of the solar farm's operation. The Decommissioning and Rehabilitation Plan shall provide details of the duration and nature of the decommissioning and rehabilitation works and address the management of these decommissioning and rehabilitation works, including measures to minimise negative impacts on flora and fauna. Any rock column ground improvements as part of the substation platform foundations greater than 0.8m below surface level need not be removed.*
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8.1.2 Resource consent for disturbance of soil under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

Conditions

1. *Conditions 1 to 8, but excluding condition 3, under '8.1.1 Land use consent for solar farm and sheep grazing activities under the Operative and Proposed District Plans, including the Battery Energy Storage System facility ("BESS") activities' also apply to this consent.*
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Site Management Plan (Contaminated Land)

2. *Prior to any soil disturbance works commencing, the Consent Holder shall submit a Site Management Plan ("SMP – CL") prepared by a suitably qualified and experienced practitioner ("SQEP") in accordance with the current edition of the Ministry for Environment Contaminated Land Management Guidelines No.1 – Reporting on Contaminated Sites in New Zealand. The SMP – CL shall detail the procedures, controls and contingency measures that must be implemented for the duration of the works in order to protect human health by ensuring exposure pathways are minimised for the duration of the soil disturbance works taking into account the findings of the Preliminary Site Investigation at 40 Awariki Road, 428a Keith Road and 1276 Waerenga Road Waerenga (Contaminated Site Investigation, July 2022).*

The SMP-CL shall include, but not be limited to:

- i. Erosion and sediment controls;*
 - ii. Environmental controls for stockpiling;*
 - iii. Procedures to minimise on-site contaminant dispersal;*
 - iv. Unexpected contamination discovery protocols; and*
 - v. Transport and disposal of any on-site contaminated materials to off-site (if required).*
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8.1.3 Resource consent for earthworks under the Waikato Regional Plan

Conditions

1. *Conditions 1 to 8, but excluding condition 3, under '8.1.1 Land use consent for solar farm and sheep grazing activities under the Operative and Proposed District Plans, including the Battery Energy Storage System facility ("BESS") activities' also apply to this consent.*
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Pre-works Requirements

2. *The Consent Holder shall inform the Waikato Regional Council ("WRC") in writing, at least 10 working days prior to commencement of any works, of the start date of the works authorised by this resource consent.*
3. *The Consent Holder shall arrange and conduct a pre-construction site meeting and invite with a minimum of 10 working days' notice, the WRC, the site representative nominated under conditions of this consent, the contractor, and any other party representing the Consent Holder prior to any works authorised by this consent commencing on the site.*

Advice Note: In the case that any of the invited parties, other than the site representative, does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.

Winter works

4. *The Consent Holder shall inform the WRC in writing, at least 10 working days prior to commencement of any works, of the start date of the works authorised by this resource consent.*
5. *The Consent Holder shall ensure that the site is appropriately stabilised by 30 April of each year unless otherwise approved in writing by the WRC. Stabilisation shall be undertaken by providing adequate measures (vegetative and/or structural and including, pavement, metalling, hydroseeding, revegetating and mulching) that will minimise erosion of exposed soil to the extent practicable.*
6. *Requests to undertake earthworks during the period 1st May to 30th September inclusive shall be submitted in writing to the WRC by 1st April, and shall be in the form of amendments to the approved Erosion and Sediment Control Plan ("E&SCP").*

Advice Note: In considering a request for the continuation of winter works, the WRC will consider a number of factors; including:

- *the nature of the site and the winter soil disturbance works proposed;*
 - *the quality of the existing/proposed erosion and sediment controls;*
 - *the compliance history of the site/operator;*
 - *seasonal/local soil and weather conditions;*
 - *sensitivity of the receiving environment; and*
 - *any other relevant factor.*
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Erosion and Sediment Control

7. *At least 10 working days prior to the commencement of earthworks within any part of the site, the Consent Holder shall provide the WRC with a finalised E&SCP. The objective of the E&SCP shall be to minimise sediment discharge from the site to the extent practicable over the earthworks period.*
 8. *The E&SCP shall as a minimum be based upon and incorporate those specific principles and practices which are appropriate for the activity authorised by this consent and contained within the WRC document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009), and shall include at least the following:*
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- a) *Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site;*
 - b) *The design criteria and dimensions of all key erosion and sediment control structures;*
 - c) *A site plan of a suitable scale to identify;*
 - i. *The locations of waterways;*
 - ii. *The extent of soil disturbance and vegetation removal;*
 - iii. *Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;*
 - iv. *Areas of cut and fill;*
 - v. *Locations of topsoil stockpiles;*
 - vi. *All key erosion and sediment control structures;*
 - vii. *The boundaries and area of catchments contributing to all stormwater impoundment structures;*
 - viii. *The locations of all specific points of discharge to the environment; and*
 - ix. *Any other relevant site information.*
 - d) *Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;*
 - e) *A detailed staging plan and methodology for the works including details of staging of the works and of how the extent of exposed works will be minimised on site;*
 - f) *Timetable and nature of progressive site rehabilitation and re-vegetation proposed;*
 - g) *Maintenance, monitoring and reporting procedures;*
 - h) *Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;*
 - i) *Procedures and timing for review and/or amendment to the E&SCP; and*
 - j) *Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.*

The E&SCP shall be approved in writing by the WRC acting in a technical certification capacity prior to any works authorised by this consent commencing and the Consent Holder shall undertake all earthworks authorised by this consent in accordance with the approved E&SCP.

- 9. *Any changes proposed to the E&SCP shall be confirmed in writing by the Consent Holder and approved in writing by the WRC acting in a technical certification capacity, prior to the implementation of any changes proposed.*
 - 10. *The Consent Holder shall ensure that a copy of the approved E&SCP, including any approved amendments, is kept onsite and this copy is updated within 5 working days of any amendments being approved.*
 - 11. *Prior to bulk earthworks commencing on any area, the Consent Holder shall submit to the WRC, a certificate signed by an appropriately qualified and experienced engineer to certify that the erosion and sediment controls have been constructed in accordance with the approved E&SCP and in accordance with the document titled “Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009”. Certified controls shall include any sediment retention pond, decanting earth bunds, silt fences and diversion channels/bunds. The certification for these measures shall be supplied within five (5) working days of completion of construction of those measures.*
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Information supplied if applicable shall include:

- a) Contributing catchment area; and
- b) Retention volume of structure (dead storage and live storage measured to the top of the primary spillway); and
- c) Shape and dimensions of structure; and
- d) Position of inlets/outlets; and
- e) Stabilisation of the structure; and
- f) Compliance with the Waikato Regional Council document titled "Erosion and Sediment Control Guidelines for Soil Disturbing Activities January 2009" (Technical Report No. 2009/02); and
- g) Compliance with any relevant conditions of this consent.

Advice Note: An example template and the information required for the As Built Certification Statements can be found on the WRC website www.waikatoregion.govt.nz/earthworks.

- 12. The Consent Holder shall ensure that all sediment laden run-off from the site is treated by sediment retention structures. These structures are to be fully operational before bulk earthworks commence and shall be maintained to perform at least at 80% of their full operational capacity.
- 13. The Consent Holder shall ensure that all clean water run-off from stabilised surfaces including catchment areas above and around the site shall be diverted away from the earthworks area via a stabilised diversion system.
- 14. The Consent Holder shall ensure that all runoff diversion systems are designed and installed to convey flows from contributing catchment areas up to the 20% AEP rainfall event plus 300mm of freeboard without overtopping and shall also ensure that these systems incorporate adequate protection against erosion where required.
- 15. The Consent Holder shall ensure that all erosion and sediment controls are inspected and in good working order prior to, and immediately after rain events. The Consent Holder shall further ensure that all erosion and sediment controls are maintained such that optimal sediment capture efficiency is achieved at all times.
- 16. The Consent Holder shall construct a stabilised construction entrance at the site entrance point and shall manage all traffic leaving the site to prevent the tracking of sediment onto the public road surface.
- 17. In the event that any persistent sediment tracking effects are identified, the Consent Holder shall install an appropriate wheel wash facility to prevent any ongoing effects.
- 18. The erosion and sediment controls specified in the E&SCP shall not be disestablished without the prior written approval of the WRC, acting in a technical certification capacity.

Flocculation

- 19. All decanting earth bunds and sediment retention ponds established on site in accordance with the approved E&SCP shall incorporate a suitable rain activated flocculant dosing system unless otherwise approved by the WRC.
 - 20. Prior to the commissioning of any flocculation treatment system, the consent holder shall provide the WRC with a Flocculation Management Plan ("FMP"), for the written approval of the WRC. The FMP shall include, as a minimum:
 - a) Specific design details for the flocculation system;
 - b) Monitoring, maintenance (including post-storm) and a recording system;
 - c) Details of optimum dosage (including assumptions);
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- d) Results of any initial flocculation trial;
 - e) Batch dosing methodology;
 - f) A spill contingency plan; and
 - g) Contact details of the persons responsible for the operation and maintenance of the flocculation treatment system and the organisational structure to which this person shall report.

The FMP shall be approved in writing by the WRC acting in a technical certification capacity prior to any works authorised by these consents commencing. Any changes proposed to the approved FMP shall be confirmed in writing by the Consent Holder and approved in writing by the WRC acting in a technical certification capacity, prior to the implementation of any changes proposed.

Monitoring and Maintenance

- 21. *The Consent Holder shall ensure that the erosion and sediment controls at the site are inspected a minimum of once per week and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls.*
- 22. *The Consent Holder shall carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this consent and shall maintain records detailing:*
 - a) *The date, time and results of the monitoring undertaken; and*
 - b) *The erosion and sediment controls that required maintenance; and*
 - c) *The time when the maintenance was undertaken; and*
 - d) *The type of maintenance carried out.*

These records shall be provided to the WRC on request.

Sampling

- 23. *If requested in writing by the WRC, the Consent Holder shall take samples of the discharges from all sediment control devices on the site a minimum of once per month and after all rainfall events greater than 20 millimetres in the preceding 24 hours, excepting times when there are no discharges. The Consent Holder shall take the samples within four hours of becoming aware of a rainfall event greater than 20 millimetres in the preceding 24 hours.*
 - 24. *Within one working day of taking any samples required, the Consent Holder shall have those samples analysed for suspended solids and turbidity. The results of the analysis shall be forwarded to the WRC within five (5) days of analysis.*
 - 25. *The concentration of suspended solids in the downstream watercourses shall not exceed 150 grams per cubic metre suspended solids concentration as a result of the exercise of this consent. This standard shall apply, except where the suspended solids concentration in the named water body, unaffected by the activity, is greater than the standard specified. When the concentration of suspended solids in the named water body, unaffected by the activity, exceeds 150 grams per cubic metre then there shall not be any increase in the suspended solids concentration in the named water body as a result of activities authorised by this consent.*

Advice Note: When assessing compliance with this condition, a minimum of three water samples should be collected: (a) upstream and unaffected by the activities authorised by this consent; (b) the point source discharge from the activities authorised by this consent; and (c) downstream after reasonable mixing.
 - 26. *The Consent Holder shall ensure that the soluble aluminium concentration of any discharge from a sediment control device flocculated in accordance with a FMP approved in accordance with condition 20 shall not exceed 0.2 grams per cubic metre.*
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27. *The Consent Holder shall ensure that the pH of any discharge from a sediment control device flocculated in accordance with a Flocculation Management Plan approved in accordance with condition 25 shall not be less than 5.5 or greater than 8.5 pH units.*
28. *Any sampling required by this resource consent, the frequency of sampling, analyses and reporting shall be altered or reduced with the written agreement of the WRC.*
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Dust

29. *All earthworks activities carried out on site shall be conducted and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.*
30. *The Consent Holder shall ensure that the soil moisture of any exposed surfaces is maintained at sufficient levels to prevent dust generated by normal earthmoving operations from remaining airborne beyond the boundary of the work site.*
31. *The Consent Holder shall ensure that, outside of normal working hours, staff are available on-call at all times to operate the water application system for dust suppression.*
32. *If so required by the WRC, the Consent Holder shall carry out immediate sealing of any problematic dust generating surfaces within the site using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control product to provide instant remediation of any areas to prevent any ongoing dust effects.*
33. *The Consent Holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day or 50m³/ha to all exposed areas of the site), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed with the WRC.*

Advice Note: Agreement to a reduced water supply rate may be accepted by the WRC on the basis of the development of alternative best practice dust control methods which shall be approved by the WRC.

34. *The Consent Holder shall provide the WRC with a detailed Dust Management Plan ("DMP"), at least ten (10) working days prior to the commencement of activities authorised by this consent. The DMP shall be based upon those measures outlined in the preliminary DMP submitted as part of the consent application documents and the main objective of the DMP shall be to outline the site management methods to ensure that compliance with conditions 29 to 33 is achieved throughout the earthworks and, as a minimum, shall address the following items:*
- a) Confirmation of the parties responsible for dust management throughout the works;*
 - b) Detailed monitoring methods for weather/soil conditions to ensure that any periods of elevated dust risk are appropriately anticipated and managed;*
 - c) Finalised works staging plan to ensure exposed surfaces at any one time are minimised in accordance with the requirements of this consent;*
 - d) Proposed dust control methods to ensure damp ground conditions can be maintained within the site during high dust risk periods;*
 - e) Confirmation of a suitable capacity water supply for dust suppression;*
 - f) Methods for managing dust risk outside of standard working hours (e.g., weekends);*
 - g) Contingency methods for controlling any identified dust effects (e.g., cease works/site stabilisation); and*
 - h) Protocols for responding to and addressing any dust complaints received.*

The DMP shall be approved in writing by the WRC acting in a technical certification capacity prior to any works authorised by this consent commencing and the Consent Holder shall undertake all earthworks authorised by this consent in accordance with the approved DMP.

Machinery

35. All earthmoving machinery, pumps and generators shall be operated in a manner which ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any surface water such that any spillage can be contained and does not enter any surface water.
36. Prior to entering the site all machinery shall be appropriately cleaned and inspected to minimise any 'containment' and/or 'eradication' plant pest species being introduced to the site.

Advice Note: For the purposes of this condition, 'containment' and 'eradication' plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014-2024, or any subsequent version of that publication that is published after the granting of this resource consent.

Stabilisation/Rehabilitation

37. The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. The Consent Holder shall monitor and maintain the site until vegetation is established to such an extent that it prevents erosion and prevents sediment from entering any watercourse.

The discharge of untreated surface runoff from any area where soil has been disturbed as a result of the exercise of this resource consent shall only occur after consultation and the prior written approval of the WRC acting in a technical certification capacity. In this regard, the main issues that will be considered by the WRC include:

- a) The quality of the stabilisation and/or covering vegetation;*
 - b) The quality of the water discharged from the rehabilitated land; and*
 - c) The quality of the receiving water.*
38. If so required by the WRC, the Consent Holder shall carry out immediate stabilisation of any required area of exposed earthworks surfaces on site using straw mulching, pinned geotextile or similar instant stabilisation techniques to prevent any potential adverse sediment or dust effects.

8.1.4 Review conditions for all conditions relating to Waerenga Solar Farm Limited consents (8.1.1 to 8.1.3)**Review**

1. WDC may, under sections 128 and 129 of the RMA, initiate a review of any or all conditions of this resource consent on the first and third anniversary of the commencement of the consent, and every five (5) years after that, for the duration of the resource consents, provided that any such review of conditions shall be for the purposes of:
 - i. 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. These effects include, but are not limited to, those that may arise in relation to:
 - a. dust management during construction;
 - b. noise during construction;
 - c. traffic effects during construction;
 - d. ecological impacts;
 - e. landscaping; and
 - f. access.

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- ii. 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; and*
 - iii. Ensuring that the conditions are effective and appropriate in managing the effects of the activities authorised by these consents.*

8.2 Transpower conditions of consent

8.2.1 Land use consent for substation and line connections under the Operative and Proposed District Plans

General Conditions

1. *The design, construction and operation of the project works shall be undertaken in accordance with the information submitted in the documentation entitled 'Waerenga Solar Farm Project – Resource Consent Application and Assessment of Environmental Effects ("AEE")', prepared by Boffa Miskell, dated July 2023 (and further information subsequently provided in October and November 2023). Where there is any discrepancy between this documentation and the conditions below, the requirements of the conditions will prevail.*
2. *Except as modified by the conditions in this consent, the project shall be undertaken in accordance with the plans and documents as set out in **Attachment 1**.*

Consent duration

3. *The consent will commence in accordance with section 116 of the Resource Management Act 1991 ("RMA") and provides for the operation of the substation and line connections for a period of 40 years from its commercial operating date (being the first date that the project is commercially exporting power to the National Grid, excluding operations under test conditions) after construction has concluded. The consent will expire and cease to authorize the activities 2 years after the cessation of generation, to enable the decommissioning of the solar farm.*

Lapse Period

4. *The consent shall lapse 2 years after the date on which they are granted unless they are given effect to before that date.*
5. *Pursuant to section 36(1)(c) of the RMA, the Consent Holder shall pay Waikato District Council ("WDC") all actual and reasonable costs associated with monitoring this consent, including but not limited to costs associated with:*
 - i. *Site visits*
 - ii. *Review and certification of management plans;*
 - iii. *Monitoring of works; and*
 - iv. *Administration.*

Complaints Management

6. *The Consent Holder shall maintain a register of any complaints received regarding the construction and operational activities authorised by these resource consents, at all times. As a minimum, the register shall include:*
 - a. *The name and contact details (if supplied) of the complainant;*
 - b. *The nature and details of the complaint;*
 - c. *The location, date and time of the complaint and the alleged event giving rise to the complaint;*
 - d. *The weather conditions at the time of the complaint, where relevant to the complaint;*
 - e. *Other activities in the area, unrelated to the Project, that may have contributed to the complaint;*
 - f. *The outcome of the Consent Holder's investigation into the complaint; and*
 - g. *A description of any measures taken to respond to the complaint.*
7. *The Consent Holder shall notify the WDC of any complaint received that relates to the activities authorised by these resource consents as soon as reasonably practicable and no*

longer than two (2) working days after receiving the complaint.

8. *The Consent Holder shall respond to any complainant as soon as reasonably practicable and, within five (5) working days, advise the WDC and the complainant of the outcome of the Consent Holder's investigation and all measures taken, or proposed to be taken, to respond to the complainant.*

Construction Conditions

Construction Management Plan

9. *A Construction Management Plan ("CMP"), or a series of CMPs, shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to the commencement of any physical works for the initial construction of the Project, and shall address the management of all construction works, including details of how the adverse effects of construction will be managed. In particular, the CMP shall contain details covering the following matters:*
- i. An outline construction programme for the works indicating, in particular, staging of work, construction methodology and the likely duration of any temporary road closures and related traffic management measures.*
 - ii. Identification of the key personnel and contact person(s) and their contact details.*
 - iii. Pre-start meeting to ensure Council staff and Consent Holders are aware of and understand the requirements of compliance with the conditions of the consent and the certified CMP.*
 - iv. Procedures for ensuring that surrounding property owners and occupiers are given prior notice of the commencement of construction works and are informed about the expected duration of those works.*
 - v. Procedures for communicating with surrounding property-owners and occupiers during construction works, including engaging with property owners and occupiers to minimise disruption to farming activities, consulting prior to any high noise generating activities, and implementing procedures to ensure action is taken into any complaints received.*
 - vi. The location of notice boards that clearly identify the name, telephone number and address for service of the site manager.*
 - vii. The location and layouts of any construction compound(s) proposed within the site, including details of any turning areas, laydown areas, site offices, storage containers, and staff parking.*
 - viii. Construction noise management measures to ensure compliance with Condition 14.*
 - ix. Erosion and sediment control measures in accordance with Waikato Regional Council's Erosion and Sediment Control Guidelines to ensure sediment is not transferred off site or into watercourses.*
 - x. Dust management measures for earthworks, the movement of vehicles and any other dust generating activity to ensure that any dust that is noxious, dangerous, offensive or objectionable, will be contained in the Dust Management Plan ("DMP").*
 - xi. Road management measures to ensure road inspection, maintenance, and remediation of any construction related damage to the condition of the local road network.*
 - xii. Measures for the protection of utility services, including electricity distribution within the road reserve.*
 - xiii. Measures to be adopted to maintain the land in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities.*
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- xiv. *Measures to ensure the safety of the general public where potentially affected by construction activities.*
 - xv. *Measures to ensure the continued safe and efficient operation and maintenance of the existing National Grid transmission network, including ongoing compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34:2001).*
- 9A. *The CMP prepared under condition 9 shall be prepared in collaboration with a suitably qualified and experienced bat ecologist with the objective to minimise any potential disturbance of long-tailed bats within the site.*
- 9B. *The CMP shall include restrictions on enabling works or construction works between 0.5 hours before sunset and 0.5 hours after sunrise including associated traffic movements, within 50m of potential roost trees as identified in Appendix 12 of the Waerenga Solar Farm Ecological Impact Assessment (Boffa Miskell, April 2023) ("EIA").*
- 9C. *The CMP shall include restrictions on artificial lighting at night associated with enabling works or construction works and if needed for security reasons, provision for motion sensor-controlled lighting that is directed away from potential roost trees as identified in the EIA.*
- 9D. *To minimise any potential impacts on maternity roosts, during the months of November to January inclusive, and shall include:*
- *Restrictions on piling works occurring within 50m of potential roost trees as identified in the EIA.*
 - *Restrictions on construction and vehicle movements (outside of site entry and exit points identified within the CMP) within 20m of potential roost trees as identified in the EIA.*
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Construction Traffic Management Plan

10. *A Construction Traffic Management Plan ("CTMP") shall be prepared and provided to the WDC for certification at least four weeks (20 working days) prior to the commencement of any physical works for the initial construction of the project.*

The CTMP, which is to be prepared in accordance with the ITA is to include, but not be limited to, details of the following:

- i. *Roles, responsibilities and contact details, including for public enquiries.*
 - ii. *Construction staging and proposed activities.*
 - iii. *Expected number of vehicle movements, particularly heavy vehicle numbers during each phase of construction.*
 - iv. *Hours of work.*
 - v. *Points of site access.*
 - vi. *Construction traffic routes.*
 - vii. *Nature and duration of any temporary traffic management proposed.*
 - viii. *Any road upgrades proposed.*
 - ix. *Location of on-site parking and loading areas for deliveries.*
 - x. *Measures to prevent, monitor and remedy tracking of debris onto public roads and dust onto sealed sections.*
 - xi. *Measures for regular communications with residents located along transport routes utilised by vehicles associated with solar farm construction activities.*
 - xii. *Any temporary traffic management measures and the associated Carriageway Access Request ("CAR") and approved Traffic Management Plan ("TMP") for works within*
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the road corridor.

- xiii. *The design of the required widening or upgrades (in conjunction with WDC) the local road network based on the recommendations within the Waerenga Solar Farm ITA.*
- xiv. *Pre- and post-construction inspections of the local road network to enable WDC to ascertain the condition of these roads prior to and following consented activities.*
- xv. *Any maintenance of the local road network during the construction phase to a minimum of the condition that existed prior to the commencement of the consented activities.*
- xvi. *Measures to identify and provide for remediation of any damage to local road network pavements associated with construction works associated with these consents, including timelines for remediation to be agreed with WDC.*
- xvii. *Permits for any over-dimensions/over-weight vehicles as required.*

Advice note: This consent does not constitute authorization to work on the road. Works affecting the road will require approval for access to the corridor. A separate CAR will need to be made to WDC.

- 11. *The CMP and CTMP prepared under conditions 9, 9A – 9D, and 10 above, shall be implemented for the duration of the construction period. Any material amendments to the CMP or CTMP shall be submitted to WDC for certification at least 10 working days prior to implementation.*

Advice Note: A single CMP (and CTMP) may be prepared for certification in satisfaction of (i) conditions 9-11 above, and (ii) conditions 9-11 of the resource consent held by Waerenga Solar Farm Limited in respect of the solar farm, sheep grazing activities and Battery Energy Storage System facility (“BESS”) activities at the Waerenga Solar Farm.

Accidental Discovery - Heritage and Cultural

- 12. *Where during project works any archaeological feature, artefact or human remains are accidentally discovered or are suspected to have been discovered, the following protocol shall be followed by the Consent Holder:*
 - i. *Immediately cease all works within 20m of the discovery;*
 - ii. *Secure/tape off the discovery area (including a buffer area) to ensure sensitive material remains undisturbed;*
 - iii. *Advise Mana Whenua in the first instance if the discovery relates to Taonga tuuturu, an archaeological site, or kōiwi (or human remains);*
 - iv. *Advise New Zealand Police if the discovery is kōiwi or human remains;*
 - v. *Advise Heritage New Zealand Pouhere Taonga if the discovery is an archaeological site, or kōiwi (or human remains);*
 - vi. *Attend and enable the site to be inspected by the relevant authorities outlined in iii-v (above);*
and
 - vii. *Ensure no further action be undertaken until responses have been received from all notified parties, and if the discovery is kōiwi it shall not be removed until advised by Heritage New Zealand Pouhere Taonga.*
- 13. *Work may recommence if Mana Whenua and Heritage New Zealand Pouhere Taonga provides a statement in writing to the WDC, that appropriate action has been undertaken in relation to any Taonga tuuturu or Māori cultural heritage material, and archaeological site respectively. The WDC shall advise the Consent Holder on written receipt from Mana Whenua, and Heritage New Zealand Pouhere Taonga that work can recommence.*

Construction noise and Vibration

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14. All construction work shall be designed, managed and conducted to ensure noise levels at the façade of any occupied dwelling on any other site shall comply with the following limits, when measured and assessed in accordance with NZS6803:1999 Acoustics-Construction Noise:

Time period	Maximum noise levels	
	LAeq	LAFMax
7.30am to 6.00pm, Monday to Saturday	70dB	85dB
All other times and on Public Holidays	45dB	70dB

15. Noise shall be measured from the commencement of construction work and for the duration of all construction work in accordance with NZS6803:1999 Acoustics-Construction Noise and the results of that monitoring provided to the Team Leader Monitoring WDC.
16. In the event that noise monitoring, completed under condition 15 above, demonstrates that the noise standards set out in condition 14 have not been complied with, the Consent Holder shall:
- a) Take all necessary steps to reduce noise and provide details of those steps to the Team Leader Monitoring WDC;
 - b) Carry out further monitoring in accordance with the requirements of condition 15.
- The requirements of subclauses (a) and (b) must be repeated as required until such time that compliance with the noise standards set out in condition 14 are complied with.
17. Construction vibration shall be measured and assessed in accordance with German Standard DIN 4150- 3:1999 "Structural Vibration – Part 3: Effects of Vibration on Structures" and comply with the limits in Tables 1 and 3 of the Standard.

Vehicle Access

18. The site access points on Keith and Awariki Roads shall be formed to the Waikato Regional Infrastructure Technical Specification Heavy Commercial Rural Entranceway Standard with the driveway widened to 7m at the gateway to allow for two-way traffic movement, prior to construction commencing.

Operational Conditions

Operation

19. Once construction has concluded, the substation and line connections shall operate for a maximum of 40 years.

Electric and Magnetic Fields ("EMF")

20. The works shall be designed and constructed to limit the EMF exposure at or beyond the boundary of the substation site to the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time-varying electric, magnetic, and electromagnetic fields (1 Hz to 100 kHz) (Health Physics, Vol 99, No. 6, Pg 818-836, Dec 2010) (ICNIRP Guidelines) to public reference levels of 5 kV/m for electric fields and 200µT for magnetic flux density at one metre above ground level under maximum normal operating conditions (i.e. when there are no faults in the transmission system).

Radio Frequency Interference

21. Any substation works or equipment shall be designed to comply with NZS 6869:2004 Limits and Measurement Methods of Electromagnetic Noise from High-Voltage AC Power Systems, 0.15 to 1000 MHz.
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Operational Noise

22. The noise (rating) level from all plant associated with the operation of the solar farm shall comply with the following noise levels when measured and assessed at any notional boundary (as defined in the Assessment of Noise Effects at Appendix 7 of the AEE) on another site. Noise shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise:

Timeframe	Noise limit
7:00am to 7:00pm	50 dB LAeq
7:00pm to 10:00pm	45 dB LAeq
10:00pm to 7:00am	40 dB LAeq and 65 dB L _{Amax}

8.2.2 Review conditions for all conditions relating to Transpower consents (8.2.1 to 8.2.2)**Review**

1. WDC may, under sections 128 and 129 of the RMA, initiate a review of any or all conditions of this resource consent on the first and third anniversary of the commencement of the consent, and every five years after that, for the duration of the resource consents, provided that any such review of conditions shall be for the purposes of:
 - i. 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. These effects include, but are not limited to, those that may arise in relation to:
 - a. dust management during construction;
 - b. noise during construction;
 - c. traffic effects during construction;
 - d. landscaping; and
 - e. access.
 - ii. 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; and
 - iii. Ensuring that the conditions are effective and appropriate in managing the effects of the activities authorised by these consents.

ATTACHMENT 1

Approved Plans and Documents as referred to in Condition 2

APPLICATION DOCUMENTS

- Cover letter from the Applicants' explaining corrected version of AEE, 2 August 2023, Boffa Miskell.
- Corrected Assessment of Environmental Effects ("AEE"), 6 July 2023, Boffa Miskell.
- Appendix 1 - Application forms.
- Appendix 2 - Notice of decision.
- Appendix 3 - Adjacent sites map and table, 16 June 2023, Boffa Miskell.
- Appendix 4 - Records of Title.
- Appendix 5 – Plans of Proposal Part A.
- Appendix 5 – Plans of Proposal Part B.
- Appendix 6 - Assessment of Landscape Effects Part A, 17 April 2023, Boffa Miskell.
- Appendix 6 - Assessment of Landscape Effects Part B, 17 April 2023, Boffa Miskell.
- Appendix 6 - Assessment of Landscape Effects Part C, 17 April 2023, Boffa Miskell.
- Appendix 6 - Assessment of Landscape Effects Part D, 17 April 2023, Boffa Miskell.
- Appendix 7 - Noise Assessment, 19 May 2023, Styles Group.
- Appendix 8 - Integrated Transportation Assessment, March 2023, Stantec.
- Appendix 9 - Ecological Impact Assessment, 14 April 2023, Boffa Miskell.
- Appendix 10 - Soil and Resource Report, 31 October 2022, Hanmore Land Management.
- Appendix 11 - Geotechnical Investigation Assessment – Part A, 12 April 2023, CMW Geosciences.
- Appendix 11 - Geotechnical Investigation Assessment – Part B, 12 April 2023, CMW Geosciences.
- Appendix 11 - Geotechnical Investigation Assessment – Part C, 12 April 2023, CMW Geosciences.
- Appendix 12 - Archaeological Assessment, 1 March 2023, Sian Keith Archaeology.
- Appendix 13 - Contaminated Land Assessment, July 2022, Contaminated Site Investigation ("CSI").
- Appendix 14 - Cultural Impact Assessment, June 2023, Te Hira Consultants.
- Appendix 15 - Civil Servicing Infrastructure Assessment, March 2023, Lysagh.
- Appendix 16 - Flood Modelling Assessment, 10 March 2023, Stantec.
- Appendix 17 - Economic assessment , 19 December 2022, Brown Copeland & Co Ltd.
- Appendix 18 - National Environmental Standards for Electricity Transmission Activities ("NESETA") Assessment.
- Appendix 19 - Emissions calculations.

- Appendix 20 - Transpower line advice.
- Appendix 21 - Site LUC mapping - Site map of soils vs 100-year flood depths , 13 April 2023, Boffa Miskell.
- Appendix 22 - Assessment of potential non – Highly Productive Land locations , 13 April 2023, Boffa Miskell.
- Appendix 23 - Iwi Authorities consultation record.
- Appendix 23 - Treaty Settlement Entities and other Parties Consultation record.
- Appendix 24 - Te Waka support letter.

Further information Request 1: 3 October 2023

- Attachment A: Waerenga Solar Farm Restoration Plan (Overview and Enlargement 1-5), 6 October 2023, Boffa Miskell.

Further information Request 2: 4 October 2023

- Attachment 1: Hazardous substances and related regulatory issues for proposed Waerenga Solar Farm, Dr Paul Heveldt, 16 October 2023.
- Attachment 2: Boffa Miskell memorandum, 18 October 2023 – Waerenga Solar Farm, Additional information in relation to Landscape and Visual effects of proposed substation and BESS (including Attachment 3: Waerenga Solar Project – Request for Further Information – Appendix Graphic Supplement – October 2023 – Part 1, 2 and 3).
- Attachment 3: Proposed Sheep Grazing Regime for Waerenga Solar Farm, October 2023, Total Ag Limited.
- Attachment 6: Waerenga Solar Farm Limited, Outlined Draft Battery Storage Safety Management Plan (“BSSMP”).
- Attachment 7: Outline Emergency Response Plan for the Waerenga Solar Farm.
- Attachment 9: Waerenga Solar Farm – Ecological Restoration Management Plan prepared for Waerenga Solar Farms Limited and Transpower New Zealand Limited, Boffa Miskell.

Documents provided in response to Minute 9

- Attachment 4: Draft Dust Management Plan (Preliminary Dust Management Plan for the Waerenga Solar Farm).

APPENDIX 2
SUMMARY OF COMMENTS RECEIVED

Name	Key matters raised
Ngaa Muka Development Trust	<ul style="list-style-type: none"> Provides support for the Project to realise the intergenerational aspiration of its marae and whanau in relation to the Project.
Waikato Regional Council ("WRC")	<ul style="list-style-type: none"> Accepts the Applicants' assessment of the activity status under the Waikato Regional Plan ("WRP"). Accepts the Applicants' assessment of environmental effects and notes comments on construction effects – erosion and sediment control and a comprehensive management plan. Recommends that with any decision to grant consent, consideration is given to adopt Council conditions appended to comments. A flocculation treatment system should accompany any decanting earth bund which requires determination of chemical treatment rates prior to any commissioning of such system. Groundwater take per certificate of title of less than 15m³/day is permitted. Multiple bores could be utilised to ensure an individual title avoids drawing an excess of the permitted volume therefore requiring consent. Should consent be granted for the activity, dairy farming will not continue, and water take consent AUTH126883.01.01 should be surrendered. The WRC accepts the Applicants' assessment against the NES-FW Regulations 45 and 47. The WRC supports the consultation undertaken. Consent is required under Rule 5.1.4.13 of the WRP as 30.500m³ of earthworks is proposed.
Waikato District Council ("WDC")	<ul style="list-style-type: none"> The operative Waikato District Plan ("WDP") and Proposed Waikato District Plan ("PDP") are generally supportive of renewable energy generation and recognise the national, regional, and local significance of these activities. The WDP expects the adverse effects of these types of activities are appropriately avoided, remedied, or mitigated. The WDP is supportive of the Site's dual use as a solar farm and sheep farm. This would ensure the productive

	<p>capacity of the underlying soils is retained and maintained.</p> <ul style="list-style-type: none"> • Construction is estimated to take approximately 15-18 months and will involve a significant amount of heavy vehicle movements. Given the road will still be available to, and utilised by, the wider public during this period, it is recommended that a condition be imposed requiring the maintenance of the road during this time. • WDC noted that they have a renewals programme for Keith and Jeffris Roads for February/March 2024 and requested more information on the timing and extent of the Applicants' programme of works related to the roading. • WDC is supportive of a review condition the same or similar to the one proposed by the Applicants in Condition 4 of the Draft Conditions for Land use consent for solar farm activities and Condition 4 of the Draft Conditions for Land use consent for Battery Energy Storage System facility. This will allow for any unanticipated adverse effects to be dealt with at a later date. • WDC consider it appropriate to specifically include "traffic effects during the construction phase" as a matter that it may initiate a review for, in response to any adverse effect on the environment from the exercise of the consent. • WDC considers that it is appropriate to impose a suite of conditions in order that any adverse effects associated with the implementation of the solar farm can be adequately managed. • For the most part, the conditions proposed by the Applicants appear suitable, with some suggested additional conditions as follows: <ul style="list-style-type: none"> • Pre-start meeting to ensure all relevant parties understand the requirements of consent conditions and certified Construction Management Plan ("CMP"). • Pre- and post-construction videos of local roads to enable WDC to ascertain the condition of these roads. • Maintenance of roads during the construction phase. • Remediation of any damage to pavements associated with construction works (timelines for remediation to be agreed with WDC). • Carriageway Access Request and approved Traffic Management Plan (for works in the road corridor). • Measures in CMP to manage construction vehicle movements. • High productive motor vehicles and heavy traffic permits as required. • Detailed design for any roading works to be certified by WDC (RITS standards apply). • A nominated point in time (e.g., within 3 months of construction) at which noise shall be measured (to confirm compliance with noise
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	standards) and steps if compliance is not achieved.
Sandy Shaw	<ul style="list-style-type: none"> • Loss of productive land. • Landscape and visual effects/loss of rural outlook. • Loss of Property value.
Janice Beck	<ul style="list-style-type: none"> • Loss of productive land. • Landscape and visual effects (substation in kitchen window view). • Noise and vibration effects during construction and operation of the solar farm and effects on farm production (produce, animals). • Glint and glare effects. • Loss of property value. • Flooding effects/climate change. • Air, light, and noise pollution from the proposed solar farm. • Lack of opportunity to discuss mitigation with the community.
Antony Brown	<ul style="list-style-type: none"> • Effects on property rights. • Loss of productive land. • Use of rare elements to make the solar panels. • Waste disposal of the solar panels.
Roger MacKinven and Amanda Carlson	<ul style="list-style-type: none"> • Loss of productive land. • Effects of heat generated by the solar panels. • Effects from hazardous substances/fire/effects on human health. • Traffic, noise, and rubbish pollution. • Loss of property value. • Loss of "little piece of paradise". • Lack of opportunity to have a voice.
Charles Webb	<ul style="list-style-type: none"> • Environmental effects of photovoltaics. • Loss of productive land. • Compliance with specified standards. • Risk and hazard mitigation. • Glint and glare effects.
Vincent Reed	<ul style="list-style-type: none"> • Effects of heat generated by the solar panels. • Effects on nearby properties. • Effects on human health for residents in nearby properties. • Glint and glare effects. • Contaminated soils. • Landscape and visual effects. • Compliance with the objectives, policies and rules of the Waikato Regional Policy Statement ("WRPS") and WRP in relation to wetlands and discharges. • Concern about effects: cultural values, ecological values (including bats), geotechnical effects, flooding, economic, employment. • Effects on the micro climate of the area (heat island effect).

	<ul style="list-style-type: none"> • Comments on the reasons by the Minister for the Environment to refer the Project to an Expert Consenting Plan. • Comments in relation to the application process and timeframe to comment on an application. • Comments on the District plans, Regional plans, and National Environmental Standards of relevance. • Comments on the activity status of the Project. • Comment on the Project against the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("FTCA") and the Resource Management Act 1991 ("RMA"). • Landscape and visual effects/loss of rural outlook. • Loss of Property value.
Director-General of Conservation	<ul style="list-style-type: none"> • Management of potential impacts on long tailed bats. • Management of potential impacts on birds and lizards. • Proposes condition wording on Incidental Discovery Protocols for bats, birds, and lizards.
Property Council of New Zealand	<ul style="list-style-type: none"> • Supports legislation that provides a framework to enhance economic growth, development, liveability and growing communities. • Generally favours development and wishes the Fast Track Consenting application team well with their endeavours. • Unable to comment on a specific site application such as Waerenga Solar Farm.
Ruakiwi Graziers (Stu Jefferis)	<ul style="list-style-type: none"> • Supports the solar farm. • Waerenga Primary School would benefit if the gymnasium project was supported by the Applicants.
Janette Keith	<ul style="list-style-type: none"> • Considers application does not address all effects on neighbouring properties. • Effects of heat generated by the solar panels. • Effects on nearby properties. • Effects on human health for residents in nearby properties. • Glint and glare effects. • Contaminated soils. • Landscape and visual effects. • Compliance with the objectives, policies and rules of the WRPS and WRP in relation to wetlands and discharges. • Concern about effects on: cultural values, ecological values (including bats), geotechnical effects, flooding, economic, employment. Effects on the micro climate of the area (heat island effect). • Comments on the reasons by the Minister for the Environment to refer the Project to an Expert Consenting Plan. • Comments in relation to the application process and timeframe to comment on an application.

	<ul style="list-style-type: none"> • Comments on the District plans, Regional plans and National Environmental Standards of relevance. • Comments on the activity status of the Project. • Comment on the Project against the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 and the RMA 1991.
John Keith	<ul style="list-style-type: none"> • Effects of heat generated by the solar panels. • Effects on nearby properties. • Effects on human health for residents in nearby properties. • Glint and glare effects. • Contaminated soils. • Landscape and visual effects. • Compliance with the objectives, policies and rules of the WRPS. and WRP in relation to wetlands and discharges. • Concern about effects on: Cultural values, ecological values (including bats), geotechnical effects, flooding, economic employment. • Effects on the micro climate of the area (heat island effect). • Comments on the reasons by the Minister for the Environment to refer the Project to an Expert Consenting Plan. • Comments in relation to the application process and timeframe to comment on an application. • Comments on the District plans, Regional plans and National Environmental Standards of relevance. • Comments on the activity status of the Project • Comment on the project against the purpose of the FTCA and the RMA.
Amy McLeod	<ul style="list-style-type: none"> • Loss of productive land. • Drainage, stormwater runoff, flooding effects • Landscape and vegetation effects. • Disposal of solar farm panels. • Effects on rural character and privacy. • Loss of rural lifestyle. • Heat effects from the solar farm. • Glint and glare effects. • Noise effects. • Contamination. • Health effects. • Effects on property values. • Compensation for adjacent residents.
Te Hoe Holdings Ltd	<ul style="list-style-type: none"> • Will not oppose Project. • Screening to maintain green views from the roads. • Waerenga Primary School would benefit if the gymnasium project was supported by the Applicants.
Peter Ellmers	<ul style="list-style-type: none"> • Loss of productive land. • Effects on property values. • Health effects.
Royal Forest and Bird Protection	<ul style="list-style-type: none"> • Supports retention of natural wetlands, native vegetation and mature trees on the Site. Potential for adverse

Society of NZ ("Forest and Bird")	<p>effects on biodiversity values from construction activities, operation, and removal of the solar farm.</p> <ul style="list-style-type: none"> • Particular concern with effects on bats and associated food resources (invertebrates) during construction and operation. • There are many unknowns and uncertainties with respect to the effects of solar panels on birds and bats, particularly in the New Zealand context. • Concerned about potential for solar panel impacts on the habitat and natural behaviours of long-tailed bats / pekapeka. • Forest and Bird considers the impacts of construction will need to be carefully managed and that additional measures are required in respect of potential construction and operational effects on bats. • Concern about limited baseline information (proposed additional baseline surveys for bats and invertebrates). • Effects on invertebrates, especially as a food resource for bats. • Wetland and riparian buffers/fencing.
Robert and Kara Burns	<ul style="list-style-type: none"> • Flooding effects. • Traffic and road network effects; suitability of roads for proposed activity. • Noise effects. • Effects on rural character. • Effects on property values. • Radiation. • Health effects, especially mental health. • Insufficient consultation (closed process). • Compensation for nearby residents. • Effects on water supply. • Discharges to air. • Effects on wildlife.
George Beck	<ul style="list-style-type: none"> • Loss of productive land. • Effects on rural character – loss of serenity and security, ability to grow own food. • Effects of the proposed solar farm – visual, noise, dust. • Effects on water supply (contaminated rain water) • Effects on property values. • Insufficient consultation (closed process).
Jason Temata	<ul style="list-style-type: none"> • Loss of productive land. • Effects of the proposed solar farm. • Concerns re overall benefits of solar (energy production, disposal of materials). • Traffic. • Light pollution. • Heat effects. • Loss of property values/rural character. • Compensation for nearby residents.
Heritage New Zealand Pouhere Taonga	<ul style="list-style-type: none"> • Minor corrections sought to the proposed conditions. • Supportive of the application containing a Cultural Impact Assessment and Archaeological Assessment.

Fire and Emergency NZ	<ul style="list-style-type: none"> • Noted the risk of fire at the Site is a “low probability but high potential impact”. • Confirms proposed water supply for firefighting purposes. • Questions re access for emergency vehicles and emergency service personnel and fire risk management. • Fire break patterns and low flammability species for landscaping/screening. Early engagement with FENZ on Emergency Response Plan. • Suggested amendments to proposed conditions.
Heather Carley	<ul style="list-style-type: none"> • Changes of land use. • Questions suitability of Site for proposed new land use-sheep grazing. • Pasture production. • Effects on rural character. • Loss of productive land. • Flood modelling assessment. • Site specific details/detail provided in the application. • Economic effects. • Effects on land values. • Landscape and visual effects. • Loss of property values.
Isabel Timmins and Matthew Ellmers	<ul style="list-style-type: none"> • Concern re effects: flooding, noise, construction, electromagnetic frequency effects, ecological values, toxins (in panels). • “Dominant industrial installation”. • Loss of property values. • Loss of soil productivity. • Proposal does not support Waerenga community.