

**BEFORE THE INDEPENDANT HEARING PANEL  
AT SELWYN DISTRICT COUNCIL**

**Under**                      The Resource Management Act 1991 ('**RMA**')

**In the matter of**    an application by KeaX Limited to construct and operate a 111ha solar array at 115 & 187 Buckleys Road, Leeston.

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE BROOKSIDE SUBMITTERS  
GROUP - REQUESTING CLARIFICATION OF THE APPLICATION**

**15 February 2024**

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**Duncan Cotterill**

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**MAY IT PLEASE THE COMMISSIONER:**

- 1 We act for Clark and Elizabeth Casey, Dave and Donna Kewish, Michael and Anneka Dalley, Corey Krygsman, Anne and Donald Green, Simon Robinson and Donna Irons (the “**Brookside Submitters Group**”), who all lodged submissions in opposition to the grant of consent application RC235464 (the “**Application**”).

**Site Visits**

- 2 We are able to confirm that the majority of the Brookside Submitters Group request that you also visit their properties as part of a commissioner site visit. If the site visit is intended to be done prior to the hearing, please advise us and we will provide a list of names and contact details.

**Clarification of the Application**

- 3 In order to ensure the hearing on 4 March is able to progress in an efficient manner, it is important that our consultants and submitters understand the whole picture.
- 4 We understand from the Application material that the substation at Brookside will require an upgrade, and whilst we accept that the substation is designated under the Selwyn District Plan (ORION-5 Brookside Zone Substation), our consultants and clients understand that the substation itself and the upgrades required, may well require extension beyond the designated area and therefore an extension to the same.
- 5 Accordingly, we respectfully request verification (where necessary relying on expert reports) of the nature of the upgrades that are required to the Brookside Substation, as we consider any extension of the associated designation to accommodate for the Application should be included with the Application, and therefore subject to the panel’s considerations.
- 6 Section 91 of the Resource Management Act 1991 requires the council to determine whether all necessary consent applications have been lodged prior to making a notification decision, this also applies to bundling of resource consent activities where the activities for which consents are being sought overlap to such an extent that they cannot be realistically or properly separated. We consider that the same approach should be used when dealing with associated designation extensions, to ensure that an application is assessed as a whole, and not in a piecemeal way.

**Directions Sought**

- 7      Given the strict evidence exchange timetable, we tentatively suggest that this further information be provided by the Applicant no later than next Wednesday 21 February 2024.

**Dated 15 February 2024**



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Ewan Chapman / Jessica Ottowa

Counsel for the Brookside Submitters Group.