

SUMMARY OF EVIDENCE OF CLAIRE KELLY PLANNING

DATED: 4 March 2024

My name is Claire Kelly. I am a Senior Principal and Planner at Boffa Miskell. I prepared the resource consent application to establish a solar farm (the Proposal) at 115 and 187 Buckleys Road, Brookside (the Site). I have visited the site on two occasions and am familiar with the surrounding area.

The following is a brief summary of the key matters addressed in my evidence dated 16 February 2024 and responds to planning matters raised in Mr Fletcher's evidence (planner for the submitters) dated 23 February 2024.

A description of the Site, surrounding area and the Proposal are set out in my evidence and the application, and I will not repeat these here.

Overall, the Proposal is a Discretionary activity under the Partially Operative Selwyn District Plan (POSDP) and there are no remaining consent triggers (i.e. relevant rules that remain operative) under the Operative Selwyn District Plan (OSDP). Mr Bigsby (the s42a reporting officer) has therefore focused on the POSDP but Mr Fletcher appears to disagree with this approach.

At paragraph 4.10 of my evidence, I agreed with Mr Bigsby's approach. However, to assist in clarifying this matter, I have set out below the OSDP consent triggers at the time of lodgement of the application (10 August 2023):

- Rule 1.7.1.2 – Earthworks exceeding 5,000m³ = Discretionary activity;
- Rule 3.15.4 – Buildings permanently located on the Site = Controlled activity; and
- Rule 5.1.3 – Generation of electricity not used on the Site = Discretionary activity.

The Council released the Appeals Version of the POSDP on 27 November 2023.

As explained by Mr Bigsby, the POSDP is structured such that the Energy and Infrastructure Chapter provides a self-contained rule framework for renewable electricity generation (REG) activities, subject to any express cross-reference to other Chapters

(which includes the provisions of the Transport Chapter and some provisions in the Noise Chapter).

Under the Appeals Version of the POSDP, the only relevant consent trigger for the Proposal is:

- EI-R31 – Establishment of a new REG activity = Discretionary activity.

EI-R31 is not subject to any appeals and is therefore to be treated as operative under section 86F of the RMA. Therefore the OSDP rules applying to REG as set out above are now treated as inoperative. Accordingly, as explained by Mr Bigsby, the only remaining consent trigger for the Proposal is EI-R31 under the POSDP.

However, I clarify that the OSDP objectives and policies are not made “inoperative” under section 86F and are still required to be considered. I have assessed the Proposal against all relevant ODSP and POSDP objectives and policies in the AEE. As confirmed in my evidence, I consider the Proposal to be consistent with the objectives and policies of both the OSDP and POSDP.

In terms of weighting, I agree with Mr Bigsby that greater weight should be given to the POSDP, given that it has been through a public hearing process and decisions have been made. However, the question of weighting to me is somewhat irrelevant given the Proposal is consistent with the objectives and policies of both the OSDP and POSDP and no “choice” is required to be made between the outcome under either plan.

I also advise that ECan has granted consent to discharge stormwater from the solar farm to land. There seems to be some concern amongst the submitter’s experts that this has not addressed discharge to water. I do not intend to dwell on this matter as it lies outside the jurisdiction of SDC but advise that Rule 5.96 in the Canterbury Land and Water Regional Plan addresses the discharge of stormwater ‘onto or into land where contaminants may enter groundwater.’ Consent was sought, and granted for, a fully discretionary activity enabling ECan to consider any matter it deemed appropriate.

There is a high degree of agreement between myself and Mr Bigsby as to the nature and extent of effects on the environment. The experts have already addressed the relevant matters and I will not repeat their findings.

Regarding statutory matters under section 104(1)(b) of the RMA, I set out the following key matters:

- The NPS-HPL has been discussed at length by Ms Hawkins and Mr Ford. I only reiterate that the solar array is not an “inappropriate” use of highly productive land in terms of clause 3.9(2)(j)(i) of the NPS-HPL and the Proposal will enable the Site to also be utilised for primary production. The NPS-HPL does not require the land to be used for its most productive use or be available for the broadest range of uses, just that it is able to be used for primary production i.e. it is not subdivided, or the soil removed from the Site.
- The NPS-REG is of importance, although I acknowledge that it does not have precedence over the NPS-HPL and has been given effect to by the lower order documents below, especially the Energy and Infrastructure chapter of the POSDP.
- The Proposal will be consistent with the infrastructure and energy objectives and policies of the CRPS, in particular, those seeking to achieve increased renewable electricity generation (REG).
- The Proposal will be consistent with the objectives and policies in the OSDP and the POSDP as it seeks to provide for a REG facility that requires a large site in proximity to existing electricity transmission infrastructure. The rural character of the area will be maintained by the proposed landscaping and on-going use of the Site for some form of primary production.
- The Proposal will be consistent with the objectives and policies set out in the Mahaanui Iwi Management Plan (MIMP) as it is proposed to retain existing site boundary shelterbelts and landscaping where appropriate and plant gaps. I acknowledge that Te Taumutu Rūnanga would prefer indigenous planting but to address submitter concerns regarding visual amenity, the Applicant has chosen to establish exotics, which are faster growing.

I also address the following matters raised by Mr Fletcher in his evidence:

- Alternatives – Mr Fletcher considers that there will be more than minor amenity related adverse effects. I disagree, with particular reference to Ms Anthony’s visual and landscape assessment and Mr Reeve’s acoustics assessment, and remain of the view that alternative sites do not need to be considered, although I note Mr McMath has in fact done this from a grid connection/operational need perspective.
- Complete proposal – in my opinion, the Proposal is complete as any upgrade to the substation will be undertaken by Orion as the requiring authority, and it will be subject to the relevant processes. With regard to any future expansion of the solar

farm, the Commissioner can only consider the application before him, and cannot surmise as to future activities or applications.