

RC245775 – Interim Draft Conditions for Transport, Glint and Reflectivity, Noise, HPL, Earthworks and Water Race Management only

Transport

Condition 6

Prior to the commencement of construction on the site, the vehicle crossings on Homebush Road and Loes Road which will be used for access during construction shall be formed and sealed in accordance with Diagram E10.D of the Operative District Plan (Rural Volume), at the expense of the Consent Holder. **The Consent Holder shall ensure that all vehicle accessways, parking, manoeuvring and loading areas comply with TRAN-R5 and TRAN-R6 of the Partially Operative District Plan**

New Condition – Vehicle Crossing

x. Vehicle crossings to service the site must be formed in accordance with the requirements of Selwyn District Council Partially Operative District Plan and the approved consent documents.

The vehicle crossing must be sealed/metalled to match the existing road surface for the full width of the crossing and for the first ten metres (as measured from the edge of the existing formed carriageway towards the property) or to the property boundary, whichever is the lesser.

New Condition – Vehicle Crossing

xx. All vehicle crossings and formed accessways must meet Council's testing standards as prescribed by the Engineering Code of Practice. Supporting documentation must be supplied to Council prior to the issuing of section 224(c) certificate.

Condition 8

The CTMP shall include, but not be limited to:

- (a) Construction traffic routes;
- (b) Measures to control the numbers of vehicles turning right into Homebush Road off SH 73 such that they do not exceed 80 vehicles per hour
- (c) Measures to manage traffic at the Homebush Road railway crossing;
- (d) Nature and duration of any temporary traffic management proposed **including the ongoing use of temporary warning signage and a temporary speed reduction on SH73 to 80 km/hr near the SH73/Homebush Road intersection, to be operational at times when the number of right turning vehicles exceeds 35 vehicles per hour. It is noted that any such traffic management measures would be subject to the approval of NZTA;** and
- (e) Measures to prevent, monitor and remedy tracking of debris onto public roads and dust onto sealed sections; **and**
- (f) provision of sufficient onsite access and manoeuvring space, and parking spaces.**

New Advice Note - Homebush Road Rail Crossing

Commented [TM1]: It is noted that the proposal outlines that the temporary construction laydown area will be used during the construction period, however this is also located where tracking tables are proposed to be installed. As such, it will be formed to a temporary standard - provided that there is flexibility regarding formation standard of the parking, manoeuvring and loading areas (which is not clear from the referenced rules and associated rule requirements), we accept this additional wording. If there is an expectation that these areas will be formed to a permanent standard, we would want to discuss this matter further with Council's Transportation Consultant.

Commented [TM2]: We are agreeable to this additional condition.

Commented [TM3]: While we are not opposed to forming the new vehicle crossing to the appropriate standard and having it confirmed as such by Council, we do question the appropriateness of referencing a subdivision certification process (section 224(c) certificate) as part of a proposal that does not include any subdivision component.

Commented [TM4]: This expectation of a temporary speed reduction on SH73 is contrary to what NZTA, as the lead road authority responsible for SH73, have indicated they would require to suitably manage potential adverse effects from construction traffic utilising the SH73 / Homebush Road intersection. Further, as advised by James Long of NZTA in a meeting with DSES representatives, Mat Collins for SDC, and James Long and Kate Bonifacio from NZTA on 04/02/2025, it may not be legally possible to reduce the speed limit on this section of SH73 due to other regulations. Please reconsider the imposition of this particular clause on this condition.

Commented [TM5]: As noted in response to the amended text for Condition 6, clarification is required regarding Council's expectation on formation standard.

Advice note: Separate to any requirements under the Resource Management Act 1991, there may be other legislative requirements that regulate access or crossing rights or rail infrastructure, including the Homebush Road level rail crossing. Further advice should be sought from KiwiRail.

New Condition – Rural Vehicle Movements

xxx. Prior to the commencement of construction on the site, the Consent Holder shall upgrade the SH73/Homebush Road intersection to include seal widening on the western side of SH1, in accordance with NZTA Planning Policy Manual Diagram E, at the expense of the Consent Holder.

Advice note: Separate to any requirements under the Resource Management Act 1991, there may be other legislative requirements that regulate works within the State Highway corridor. Further advice should be sought from NZTA.

New Condition – Rural Vehicle Movements and Associated Parking

xxxx. Prior to the commencement of construction on the site, the Consent Holder shall arrange a site meeting with the Council Roading Manager to agree on the existing condition of Council assets on the Homebush Road and Loes Road. The Consent Holder shall include a monitoring plan to monitor and report on any damage to public roads, berms, drains, or other Council assets along the Homebush Road and Loes Road, as a result of the construction activities. The monitoring plan shall be provided to Council for certification at least twenty (10) working days prior to the commencement of construction. Should the monitoring plan show that damage has occurred, Council shall be notified within 24 hours of its discovery (or immediately where the damage presents a safety hazard). The costs of rectifying such damage and restoring the asset to its original condition will be met by the Consent Holder.

Glint and Reflectivity

Condition 22 - Glint and Glare Adaptive Management Plan

The Consent Holder must prepare and implement a Glint and Glare Adaptive Management Plan (GGAMP) to address any substantiated adverse glint and glare impacts on affected parties and/or the surrounding road network as identified in the Glint and Glare Analysis Report (dated 25 June 2024). The GGAMP must include the following:

(a) Details of screening to be established in line with the Glint and Glare Analysis Report (dated 25 June 2024) as updated by the memo: Darfield Agrivoltaic Development: Request for Additional Information (S92) Response, Mansergh Graham, Dated 9 December 2024. **For the avoidance of doubt, temporary screening is required to be in place prior to panel tracking operations commencing on-site, and erected and regularly maintained to a height of 3 metres to mitigate effects of “Yellow glare” until such time as the mitigation screening vegetation growth reaches a minimum height of 3m.**

(b) Contact Information: The GGAMP must provide contact details for the Consent Holder and their agent responsible for addressing glint and glare complaints, ensuring that affected parties have a direct line of communication for reporting issues.

Commented [TM6]: Please refer to the attached signed SFAIRP report, prepared and agreed to by KiwiRail, in relation to the mitigation measures required for the use of the Homebush Road level crossing by our construction traffic, which is provided for SDC's information. We are now in the process of communicating with KiwiRail on establishing agreements on implementing these works required under the SFAIRP report.

Commented [TM7]: This aligns with an agreement reached between DSES, NZTA, and Mat Collins on behalf of SDC in a meeting held on 04/02/2025, and we therefore are agreeable to it.

Commented [TM8]: While we accept the overall intent of this condition, we require additional detail to gain a clearer appreciation of the potential implications of it. Can you please clarify, such as with a figure, the extent of Homebush and Loes Roads that this condition will apply to.

Commented [TM9]: This wording has been agreed to in additional communication with both James Long and Kate Bonifacio of NZTA, to give greater certainty to them on this matter, refer attached.

(c) Reporting Procedures: The plan must include procedures for reporting glint and glare issues by affected parties, **including Road Controlling Authorities and KiwiRail for any road or rail network affected by “Yellow glare” or “Green glare”**. This includes:

- i. The process for lodging a complaint.
 - ii. The timeline within which the Consent Holder must acknowledge receipt of the complaint.
 - iii. A detailed timeline for the investigation and response process, ensuring that any substantiated glare issues reported are addressed promptly and effectively within a specified timeframe.
 - iv. Adaptive Management Strategies: The GGAMP should detail a range of possible mitigation solutions to address reported glint and glare issues. These solutions may include but are not limited to, physical alterations to the solar farm setup, installation of screening or landscaping to block or diffuse glare, and adjustments to the operational procedures of the solar farm (such as tracking management).
- (d) Monitoring and Evaluation: The Consent Holder must implement a monitoring regime to assess the effectiveness of the mitigation measures implemented under the GGAMP, including any road or rail network affected by “Yellow glare” or “Green glare”. This includes feedback from affected parties on the resolution of reported glare issues.

(e) Duration of the Plan: Unless otherwise authorised by the Consent Authority, the GGAMP must be implemented for whichever is the greater duration of the following:

- i. A period of three years following the mitigation planting obtaining the minimum 3m height; Or
- ii. For a year following any remedial action undertaken.

During this period, the Consent Holder is obligated to respond to and manage glint and glare complaints as per the procedures outlined in the GGAMP.

(f) Review and Reporting: The Consent Holder must submit an Annual Report to the Consent Authority if requested, summarising the glint and glare complaints received, actions taken, and the effectiveness of the mitigation measures implemented. The Annual Report may also recommend whether ongoing management of glint and glare issues is required along with any relevant supporting information.

Advice Note

An adaptive management plan offers a flexible and responsive approach to managing glint and glare that may arise from the approved agrivoltaic activity, recognising the inherent challenges and uncertainties in accurately predicting glare impacts ahead of time. This approach allows for real-time monitoring and addressing of actual impacts as they occur, rather than relying solely on predictive models that may not fully capture the dynamic and variable nature of sunlight and its interactions with the environment. By focusing on adaptive measures, the plan can more efficiently respond to affected parties' concerns, ensuring that mitigation strategies are directly tailored to the specific conditions and experiences of those impacted.

Noise

Noting that these have been agreed to by the applicant, I include these for completeness

x. Construction activities must be conducted in accordance with NZS 6803: 1999 “Acoustics – Construction Noise” and must comply with the “long-term duration” noise limits contained within Table 2 and Table 3 of that Standard.

10. The CNMP shall include, but not be limited to

(a) The applicable permitted noise standards

(b) The programme of works and hours of operation

(c) Identification of surrounding noise sensitive receivers

(d) Written communication with occupants of all occupied dwellings or minor dwellings that are within **200 metres** of proposed piling works at least ten (10) days prior to the commencement of activities on site. The written advice shall set out:

i. a brief overview of the construction works.

ii. the working hours and expected duration,

iii. an evaluation of piling methodology to demonstrate the Best Practicable Option has been adopted.

iv. all mitigation measures to be implemented.

v. the procedure for recording concerns/complaints regarding noise.

vi. details of the management and mitigation measures required to comply with the relevant noise limits when piling works are undertaken within 200m of any occupied building that has not provided written approval.

11. Condition 10(d)vi does not apply if receivers (dwellings or minor dwellings) within 200m of the extent of works provide their written approval to authorise temporary exceedances of the construction noise limits

New condition – Operational Noise

xx. Within 6 weeks of the project becoming operational, a suitably qualified and experienced acoustic consultant shall perform measurements to confirm compliance with both the daytime and night-time noise limits in Condition 20. The assessment shall include an objective analysis of any special audible characteristics during the day and at night, in accordance with Appendix B4 of NZS 6802:2008 Acoustics - Environmental Noise.

(a) Should the sound commissioning survey indicate that the noise limits are exceeded, then the mitigation options that will be implemented will be clearly outlined, including timeframes for the completion of these mitigation works.

(b) Following completion of any a mitigation measures, the sound commissioning survey will be repeated and an updated report provided to Council

Highly Productive Land

New Condition

Commented [TM10]: The outlined changes to these conditions align with those circulated in the s92 request, and are agreed to by DSES.

x. The consent holder shall provide detailed designs of the solar array confirming manoeuvring of agricultural machinery and equipment required to support land based primary production. These detailed designs shall be provided to the Selwyn District Council for review and approval at least 20 working days prior to any construction works commencing on the site.

Earthworks

Noting that this condition was provided by the applicant in the 17 January letter, I include this condition for completeness

Prior to Commencement of works

3. All erosion and sediment control measures detailed in the ESCDP required by Condition 4 of this resource consent must be installed prior to the commencement of any earthworks or stripping of vegetation and topsoil occurring on the site.

EROSION AND SEDIMENT AND DUST CONTROL

4. The Consent Holder must submit an Erosion Sediment and Dust Control Plan (ESDCP) to the Manager for certification at least 20 working days prior to the proposed date of works authorised under this consent commencing. The ESCDP must be prepared in consultation with the contractor undertaking the works and a suitably qualified and experienced person and be in general accordance with the Canterbury Regional Council "Erosion and Sediment Control Toolbox for the Canterbury Region" (ESCT) or an equivalent industry guideline. If an alternative guideline is used, the ESCDP must provide details of the relevant alternative methods used and an explanation of why they are more appropriate than the ESCT.

5. The ESCDP must include as a minimum the following:

(a) The specific sediment control measures that will be implemented to ensure compliance with the conditions of this resource consent;

(b) Details for inspection and maintenance of erosion and sediment control measures;

(c) Identification of the discharge points where stormwater is discharged onto land or infiltrates into land;

(d) Measures for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed

6. The discharge shall not commence until certification has been received from Canterbury Regional Council, except that if the ESCDP has not been reviewed and/or certified within ten working days of its receipt by Canterbury Regional Council the Regional Leader the discharge may commence.

7. The ESCDP may be amended at any time. Any amendments shall be:

(a) Only for the purpose of improving the efficacy of the erosion and sediment control measures and shall not result in reduced discharge quality; and

Commented [TM11]: As we mentioned in our initial s92 response submitted to Council on 17 January, we're not entirely clear on how provision of this information will avoid, remedy, or mitigate adverse effects associated with what Council must consider under the Clause 3.9(3) of the NPS-HPL. Further, there is no certainty provided in the current wording of what would be acceptable agricultural machinery and equipment in order to obtain Council certification prior to construction commencing. Can we please have some clarification from Council's Highly Productive Land Consultant Specialist on this matter, including what types of machinery and equipment they are anticipating be accommodated in this plan, so that we can better appreciate the potential implications of this condition.

(b) For the purpose of applying best practicable measures to mitigate dust and/or sediment transport off-site;

(c) Consistent with the conditions of this resource consent; and

(d) Submitted in writing to the Canterbury Regional Council, Attention: Regional Leader Compliance Monitoring, prior to any amendment being implemented

Commented [TM12]: As these conditions were included in our initial s92 response, we are agreeable to them.

Water Race

New condition

x. The design proposes additional culverts on the water race which require engineering acceptance from SDC. Permission will also be required for any temporary shutdowns of the water race for culvert installation. Culvert installation needs to be witnessed by SDC staff.

New Condition - Construction Works on a water race

xx. Any works undertaken on a water race located within the development site must be completed in accordance with the Engineering Code of Practice and accepted engineering plans.

New Condition - Easement – open channel water race

xxx. Easements in gross in favour of Council to a width that is the greater of:

- **1.5 x the width of the water race + 6m**
- **8m**

must be established over the water race. Access to all parts of the water race must be made available at any time to Council. Easements in gross in favour of Council must be provided at the stage of section 223 certification.

Commented [TM13]: We are not opposed to this condition, however we would like to know what the notice period would be for this condition, and what the implications are if we give suitable notice to SDC staff and they do not attend to witness the culvert installation. For context, the following is a condition we have imposed on a different project within NZ, which has a similar requirement for Council staff attendance, and outlines expectations on notice period, and if Council staff cannot attend. We the wording of this condition be adjusted to be comparable to that below, we would be quite comfortable accepting this condition.

The Consent Holder must arrange and conduct a pre-construction site meeting prior to any work authorised by this consent commencing on site and invite, with a minimum of 5 working day's notice, the Greater Wellington Regional Council and the contractor undertaking the works. Advice Note - In the case that any of the invited parties, other than the representative of the Consent Holder, does not attend this meeting, the Consent Holder will have complied with this condition, provided the invitation requirement is met.

Commented [TM14]: We are agreeable to this additional condition.

Commented [TM15]: Similar to the "New Condition - Vehicle Crossing", we are not opposed to the imposition of an easement in gross in favour of SDC for the maintenance of the water race. However, as we have no subdivision activity proposed as part of our application, we will not have any s223 certification process. This would make compliance with this condition impossible.