

RESOURCE MANAGEMENT ACT 1991
SELWYN DISTRICT COUNCIL

RESOURCE CONSENT APPLICATION – RC246059

80 Stuiie Road, Hororata

MINUTE 1 OF COMMISSIONER

Date: 24 February 2025

1.0 INTRODUCTION

- 1.1 I have been appointed by the Selwyn District Council (the **Council**) to make the notification and substantive decisions on the land use resource consent application by Ra Tuatahi No. 1 Limited (the **Applicant**) to construct and operate a 10 hectare solar array (solar farm), at 80 Struie Road, Hororata.
- 1.2 I have been provided with all relevant information pertaining to this proposal, including the application, supporting evidence, and the s.95 and s.104 reports prepared by Mr. Gregg for the Council, as well as the expert evidence on which Mr. Gregg relies. I confirm that I have thoroughly reviewed all the evidence in full and that my deliberations are based solely on the evidence presented by the Applicant and Council.
- 1.3 The purpose of this minute is to record my findings and confirm the next step in the process.
- 1.4 There is agreement between the experts that there will be temporary adverse effects until the landscaping becomes established, and this is articulated by Mr. Craig (expert for Council) when he comments, ‘...[s]o, *the visual effects at the time of implementation will be no more than minor. And once the screen planting is established very low – they will be substantially less than minor*’¹. Similarly, Ms. Wilkins² (expert for the Applicant) concludes the visual effects on potential / actual (residential) viewing audiences will be ‘...[l]ow *when considering the onsite planting mitigation (without any onsite planting mitigation the effects would be low-moderate at worst but would not create an adverse effect / result in a more than minor effect as outlined above)*’.
- 1.5 The experts also agree that once the planting establishes, adverse visual effects will be low and less than minor.
- 1.6 Having reviewed the evidence before me, I agree with Ms. Wilkins that just because something is visible does not automatically mean there is an adverse effect, however, I am not convinced that the proposal will create no effects. On the contrary, the evidence before me from both experts affirms there will be low visual effect, at least until the proposed screening matures. I also record that positive effects such as environment benefits of increased biodiversity and renewable energy sources cannot be taken into account under s.95 of the Act.
- 1.7 Using the Visual Effects Ratings and Categorisation table, and acknowledging that an ‘effect’ as defined in Part 3 of the Act includes a temporary effect, I find that there will be a minor adverse visual effect (at least until the planting reaches maturity) on the immediately adjoining properties highlighted with a yellow star in figure 1 below.
- 1.8 For clarify, I record that an adverse effect is not limited to a fixed audience, rather, a property owner is afforded the right to enjoy their property whether they live there or not.

¹ Craig, A. (2025). Memorandum subject to RMA s42a – landscape (para 3)

² Wilkins, A. (2024). Visual Effects Assessment, January 2025 (para. 27)



Figure 1: Affected Parties

2.0 DIRECTION

- 2.2 The Applicant is to advise the Administration Team at the Selwyn District Council within 5 working days of receipt of this minute, whether they wish the opportunity to seek the written approval from the adjoining property owners shown in Figure 1, or whether they wish me to formalise my s.95 notification decision³.
- 2.3 The Administration Team at the Selwyn District Council is to inform me of the Applicant's preference. Upon receipt of the Applicant's preference, I will either proceed to a s.95 notification decision, or the application will be placed on hold under s.91D of the Act to give the Applicant the opportunity to seek the written approvals.

3.0 Service

- 3.1 A copy of this minute is to be served on the Council (i.e., Mr. Gregg) and Applicant (Ms. Stout).

Commissioner O'Connell
24 February 2025

³ I note that the written approval has already been provided from two of these properties, their approval is accepted.