

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by
Ra Tuatahi No. 1 Limited to construct
and operate a 10 hectare solar array
(i.e., solar farm) and undertake
associated landscaping and
earthworks at 80 Struie Road, Hororata.

Council File: RC246059

RESOURCE CONSENT APPLICATION

RC246059

80 Struie Road, Hororata

DECISION OF COMMISSIONER O'CONNELL

DECISION OF THE SELWYN DISTRICT COUNCIL ON A LAND USE RESOURCE CONSENT APPLICATION

APPLICATION REFERENCE:	RC246059
APPLICANT:	Ra Tuatahi No. 1 Limited
SITE ADDRESS:	80 Struie Road, Hororata
LEGAL DESCRIPTION:	Lot 6 DP66179 as held in Record of Title CB38D/1003
PROPOSED ACTIVITY:	To construct and operate a 10 hectare solar array (i.e., solar farm) and undertake associated landscaping and earthworks
SELWYN PLAN:	
Operative Plan	Outer Plains Zone
Partially Operative Plan	General Rural Zone
- Notations	Plains Flood Management Overlay
	Liquefaction Damage Unlikely Overlay
	Rural Density (SCA-RD3)
ACTIVITY STATUS:	Discretionary
DATE OF HEARING:	Not Applicable
COMMISSIONER:	Commissioner O'Connell
SUMMARY OF DECISION:	That the application be granted , subject to conditions
DATE OF DECISION:	14 July 2025

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1.0 INTRODUCTION

- 1.1 I have been appointed by the Selwyn District Council (the **Council**) to make the decision on the land use resource consent application by Ra Tuatahi No. 1 Limited (the **Applicant**) to construct and operate a 10 hectare solar array (a **solar farm**) and undertake associated landscaping and earthworks, at 80 Struie Road, Hororata (the **subject site**).
- 1.2 In reaching the following decision, I have read all the evidence and information presented by Ms. Olivia Robertson for Council, Ms. Isobel Stout for the Applicant, and the submissions from the owners/occupiers of the following sites:
- 106 Struie Road
 - Struie Road – Lot 7 DP 66179
 - Derretts Road – Lot 2 DP 78682
- 1.3 In addition, I have undertaken a thorough review of the technical advice relied on by Ms. Robertson and Ms. Stout and I have re-read the original application, along with the notification decision made under s.95 of the Resource Management Act 1991 (the **Act**). I have also reviewed the relevant provisions of the Partially Operative Selwyn District Plan (the **District Plan**) and conducted a site visit to familiarise myself with the subject site and immediately surrounding environment.
- 1.4 I am satisfied that I have all the necessary information to make an informed decision. I am also satisfied that I do not have any conflicts of interest and am able to objectively and fairly reach a decision on the merits of the proposed activity and treat all parties fairly.
- 1.5 In this decision, I do not intend to restate the evidence in full, however, where pertinent, I will record key aspects of the evidence to assist with the decision. For the sake of completeness, I confirm that this decision is based solely on the evidence presented by the parties involved in these proceedings.

2.0 THE APPLICATION / SUBJECT SITE

The Application

- 2.1 The proposed activity is described in the s.42A report prepared by Ms. Robertson¹, this description is adopted for the purpose of this decision. Key characteristics of the proposed activity include:
- There will be approximately 12,000 solar panels, each with a surface area of 3.1m².
 - The anticipated generation capacity from the proposed activity will be 147,000 MWh per annum.
 - The rows of solar panels will be oriented north to south and will utilise a single axis tracing system, where the panels automatically track from east to west during the day to follow the path of the sun.
 - The solar panels will be a maximum height of 2.6 metres when at the maximum tilt (i.e., 60 degrees) with the mid-point approximately 1.2 – 1.6 metres high. The bottom edge of the panels will be 0.5 metres above the ground.
 - The single axis tracker system will support the solar panels and will be mounted on galvanised steel piles which will be driven into the ground to a depth of approximately 2.2 metres. The piles will be spaced 6 – 11 metres apart along each row, and each row will be spaced apart at approximately 5 metre centres.

¹ Robertson, O. (2025). Section 42A report (pg. 2, 3 & 4)

- A MV station, consisting of two inverter and transformer units will be located on the site. Each inverter and transformer unit will be similar in size to a 20 foot shipping container with a maximum height of 2.8 metres.
- The MV station will be connected to each row of solar panels by underground cabling, and the connection of the solar farm to the Orion power network at Struie Road will also be underground.
- Up to three shipping containers are proposed for storage and will be located in the same area as the MV station.
- Two 3.6 metre high weather stations are proposed to be located in the eastern and western corners of the site.
- The existing boundary fence will be upgraded to a 2.1 metre high chain link fence with barbed wire at the top. The fence posts will not exceed 2.5 metres in height. Security gates, constructed in the same manner, will be installed at the boundary of the subject site. For completeness, no changes are proposed to the fencing along the accessway.
- Vehicle access will be via the existing vehicle crossing and accessway from Struie Road.
- Landscaping is proposed along the northwest (i.e., boundary with Lot 3 DP66179) and southwest (i.e., boundary with Lot 5 DP66179) boundaries of the site, consisting of a double offset row of Leyland Cypress.
- No planting is to be undertaken along the boundaries of the subject site and Lot 7 DP66179 and Lot 2 DP78982.
- A four (4) metre wide gravel fire break will be created and maintained along the length of the boundary of the subject site and Lot 2 DP78682.
- A graded culvert will be installed and maintained along the boundary of the subject site and Lot 7 DP66179.
- The solar panels will be setback at least ten (10) metres from the boundary of the subject site and Lot 2 DP78682.
- Once operational staff will only be on site during routine maintenance checks which will occur approximately once a week, with additional cleaning and maintenance undertaken periodically. Water for cleaning purposes will be transported to the site by tanker truck
- Once operational the site will be either grazed or mowed to manage vegetation.

During the construction phase, the following will take place:

- Site preparation works are anticipated to take approximately six weeks and will require all remaining forestry slash piles and stumps to be removed.
- Construction of the solar farm will take approximately 18-20 months.
- Earthworks are required for site preparation, cable trenching, and the formation of internal access tracks, with a small amount of excess soil being removed from the site.
- Approximately 4,500m³ of earthworks will be required, to a maximum depth of 1.6 metres for cable trenching and a maximum depth of 2.2 metres for the steel piles.
- Approximately 15 staff will be on site during the construction phase and construction hours will be limited to 07:30 – 18:00 Monday to Saturday.
- During the construction phase there will be approximately 60 equivalent vehicle movements per day, average over a week.

- A temporary site office is proposed to provide staff facilities and undertake administration and health and safety matters. This building will be removed once the proposed activity becomes operational.
- 2.2 In addition to the above, the proposed activity includes a decommissioning plan, noting that the activity is anticipated to have a 30-year lifespan. The Applicant can either extend the lifespan by replacing the panels or the activity will cease. If the activity ceases all infrastructure will be removed from the site; for the avoidance of doubt, a lapse date is not proposed.
- 2.3 I also record that the Applicant has volunteered a range of consent conditions relating to the construction and operation of the solar farm along with the establishment and maintenance of the proposed landscaping. These conditions are considered to form part of the application, and I have taken them into account in the following decision.

The Subject Site

- 2.4 The subject site is 10.214 hectares in area and was created by subdivision consent R300731 in June 1994.
- 2.5 It is a rear lot located at the end of a long accessway off Struie Road. Until recently the site was used as a pine plantation, which was harvested in 2023, and it is now vacant. Based on the evidence before me², the previous forestry activity was lawfully established via resource consent. As such, the site could be reforested in accordance with the conditions of that consent.
- 2.6 The subject site is generally flat, although, there are some small undulations from the forestry activity.

3.0 SURROUNDING ENVIRONMENT

- 3.1 As recorded earlier, I have visited the subject site and familiarised myself with the surrounding environment. The surrounding environment is described by Ms. Robertson in the s.42A report³; which I adopt for the purpose of this decision.

4.0 PLANNING FRAMEWORK

- 4.1 As outlined in the s.42A report⁴, the proposed activity is classified as a **discretionary activity** under the relevant provisions in the District Plan. The proposed activity triggers only one standard in the District Plan⁵ which classifies any application to establish a new or expand an existing renewable electricity activity as a discretionary activity.
- 4.2 For completeness, I understand that the directly relevant rule in the District Plan is not subject to appeal. Therefore, all applicable rules in the Operative District Plan are to be treated as inoperative, and accordingly I have given them no weight in this decision.
- 4.3 No matters of contention or disagreement have been raised in respect of the planning framework. I rely on evidence of Ms. Robertson in this regard.

² Gregg, J. (2025). Section 95 Report (para. 7)

³ Robertson, O. (2025). Section 42A Report (para. 15, 16, 17, 18, 19 & 20)

⁴ Robertson, O. (2025). Section 42A Report (para. 27)

⁵ Robertson, O. (2025). Section 42A Report (para. 22 & 23)

5.0 WRITTEN APPROVALS / SUBMISSIONS

- 5.1 The Applicant has provided the written approval from the owners and occupiers of three adjoining sites:
- 66 Struie Road
 - 90 Struie Road
 - 134 Struie Road
- 5.2 Pursuant to s.104(3)(a)(ii) of the Act, any adverse effects on persons who have given their written approval must not be taken into account when considering a resource consent application. Accordingly, any effects on the three sites listed in paragraph 5.1 have been disregarded for the purpose of this decision.
- 5.3 Under delegated authority I made the notification decision on this application in February 2025. That decision determined that the effects of the proposed activity on the environment⁶ were not more than minor and therefore the application did not meet the threshold for public notification. However, the decision determined that the adverse effects on a number of adjoining sites were at least minor, such that limited notification was required⁷. The affected sites were:
- 106 Struie Road;
 - 132 Struie Road;
 - Struie Road – Lot 7 DP 66179; and
 - Derretts Road – Lot 2 DP 78682.
- 5.4 The application was duly notified to the owners and occupiers of these sites.
- 5.5 At the close of the submission period, two submissions in opposition were received, one from Lot 7 DP66179 and the other from Lot 2 DP78682, and one submission which recorded a neutral position was received from 106 Struie Road. The submitters from Lot 7 DP66179 and Lot 2 DP78682 requested to be heard.
- 5.6 One additional submission was received from the owner/occupier of 30 Struie Road, who had not been served notice. As this person was not a notified person under the Act, their submission was not formally accepted and has not been considered in this decision.
- 5.7 After the pre-circulation of the s.42A report but before receiving Ms. Stout's pre-circulated evidence, the Council Administration Team circulated an email dated 14 May 2025 from the submitter at Lot 2 DP78682 stating that they would withdraw their request to be heard provided amendments were made to the application. Similarly, the Council Administration Team circulated another email dated 15 May 2025 from the submitter at Lot 7 DP66179 stating that they too would withdraw their request to be heard, however, also subject to further amendments to the application.
- 5.8 Within this context, Ms. Stout's pre-circulated evidence included the following statement:
- [a]dditional consent conditions are volunteered by RTL (the Applicant) to reflect the agreements reached with the two submitters who have withdrawn their wish to be heard. These conditions relate specifically to potential fire risk, boundary planting (species and locations that are not desired), a culvert and cable routing.*

⁶ As per s.95A of the Act

⁷ As per s.95E of the Act

- 5.9 As this evidence was presented after the pre-circulation of the s.42A report, and noting that it introduced materially different landscape treatment and additional draft conditions, I issued a Minute dated 28 May 2025, directing that Ms. Robertson considers this new evidence and confirm:
- Council’s position in respect to the revised consent conditions detailed in Ms. Stout’s pre-circulated evidence; and
 - whether the revised consent conditions affect any of the technical advice that Ms. Robertson relied on in the s.42A report.
- 5.10 I have received the additional evidence from Ms. Robertson.
- 5.11 Having received and reviewed the additional evidence sought by the Minute dated 28 May 2025, I next sought and received email confirmation from both Ms. Robertson and Ms. Stout that neither the Council nor the Applicant wished to be heard. On that basis, I cancelled the hearing scheduled for Friday, 6 June 2025.
- 5.12 Lastly, I directed the Applicant provide an updated landscape plan that was consistent with the changes they had made in their pre-circulated evidence. I have received this plan, and it now forms part of the application.

6.0 STATUTORY CONSIDERATIONS

- 6.1 In brief, the notification decision is made by following the steps of s.95A, with reference to s.95B-E of the Act. For the substantive decision, subject to Part 2 of the Act, I must have regard to any effects of allowing the activity; the relevant standards and provisions of relevant documents; and any other matters that are relevant and reasonably necessary to determine the application.
- 6.2 As a discretionary activity, the proposal is to be considered in terms of s.104 of the Act. Section 104B of the Act grants me, as Commissioner, full discretion to consider all actual and potential effects, then grant or refuse consent, or grant consent subject to conditions.
- 6.3 Conditions of consent are subject to s.108 and s.108AA of the Act.
- 6.4 Section 104 is subject to Part 2 of the Act, although whether or not an application requires formal consideration directly against Part 2 is a case-by-case matter. I will address Part 2 of the Act later in this decision.

7.0 ACTUAL OR POTENTIAL EFFECTS (s.104(1)(a))

- 7.1 As is sometimes the case, there are no matters of contention in respect to the planning evidence presented by Ms. Robertson and Ms. Stout. I record that the evidence from Ms. Robertson is comprehensive, and I am satisfied that the scope of her assessment⁸ is appropriate having regard to the status of the application. Further, she has appropriately relied on technical advice where required. Similarly, while Ms. Stout’s pre-circulated evidence is brief, it confirms agreement with the evidence of Ms. Robertson and is consistent with her views as detailed in the original application.
- 7.2 The following is a summary of the evidence before me.
- 7.3 Ms Robertson’s planning evidence assesses a range of potential adverse effects associated with the proposed solar farm, including visual and landscape effects, glare, reverse sensitivity,

⁸ Robertson, O. (2025). Section 42A report (para. 50)

construction related effects, stormwater and overland flow, wildfire risk, and effects on cultural values.

- 7.4 In examining her assessment in more detail, the expert landscape advice confirms that visual and landscape effects will initially be 'low to moderate' when the landscaping is first planted, which equates to a more than minor⁹ effect. However, subject to the additional mitigation measures recommended by Mr. Chris Glasson (for Council), including revised species selection, planting layout, and maintenance protocols, the evidence before me confirms that visual and landscape effects will reduce to 'low' overtime as the landscaping becomes established, which equates to a less than minor effect under the same 7 point scale. Mr. Glasson's advice is consistent with the other visual and landscape effects advice I have before me, namely, from Ms. Anne Wilkins for the Applicant.
- 7.5 With respect to glare, expert advice confirms the anticipated reflectivity will be minimal and well within acceptable limits, and there will be no material adverse effects on surrounding dwellings or roads. Other potential effects, including those associated with construction and earthworks are found to be less than minor, provided that the proposed erosion, sediment, and dust control measures are implemented and enforced for the duration of the construction period.
- 7.6 In relation to cultural effects, Mr Robertson submits that the proposed activity aligns with the relevant direction of the Mahaanui Iwi Management Plan 2013 and incorporates specific mitigation measures, including an Accidental Discovery Protocol. However, I record that there is tension between the recommended use of exotic plant species (i.e., Leyland Cypress) for visual mitigation and the preference for native species to uphold cultural values. Notwithstanding, I agree with Ms. Robertson¹⁰ that *'...adverse cultural effects will be minor but on balance the proposal will be generally in keeping with the outcomes sought by Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga'*.
- 7.7 Other effects such as wildfire risk and overland flow are to be addressed through conditions.
- 7.8 Overall, Ms. Robertson concludes that subject to the imposition of the recommended mitigation measures and consent conditions, the adverse effects of the proposed activity will be adequately avoided or mitigated and will not be more than minor. As recorded, Ms. Stout agrees with this assessment.
- 7.9 Turning next to the submission from Mr. Arnold at 106 Struie Road. While his submission is neutral, i.e., it neither supports nor opposes the proposed activity, he raises concerns relating to the potential visual impacts from the proposal. He submits that the activity will be highly visible from his property, especially before the landscaping becomes established, and subsequently, from his perspective the proposed screening is very important. In his submission he outlines the measures he considers necessary to reduce the visual impacts of the proposed activity; these are:
1. that plants be at least 1m in height at the time of planting;
 2. plants must be at least 2m in height before the solar farm can be made fully operational;
 3. that the maintenance schedule (a recommended condition) be followed until the plants meet maturity and the required height and screening;
 4. irrigation of the planting area be required; and
 5. there be a double row of plants to avoid any gaps.
- 7.10 In respect to Mr. Arnold's submission, I record that the draft set of conditions requires the plants to be at least 1 metre in height at the time of planting and the plants must be in double offset rows

⁹ The term 'low to moderate' and 'low' at in accordance with the 7 point scale outlined in Te Tangi a te Manu (NZILA, 2022).

¹⁰ Robertson, O. (2025). Addendum to s.42A report (para. 102)

with no gaps¹¹. I record that the Applicant proposed a single zigzag row of plants, however, Ms. Robertson did not consider this to sufficiently align with the expert advice from Mr. Glasson, so recommended a double offset row; this has been accepted by the Applicant¹².

- 7.11 The drafted conditions also require the landscaping to be established within the first planting season following the commencement of construction on site, with construction expected to take 12-18 months¹³. These conditions will generally achieve the outcomes sought by Mr. Arnold in respect to points 1, 2, 3 & 5 above.
- 7.12 In respect to point 4, I note that irrigation is not proposed and the technical advice from Mr. Glasson is that Leyland Cypress is a fast growing and hardy species that does not require irrigation.
- 7.13 Notwithstanding, given that the landscaping is critical mitigation, I find it not only appropriate but necessary to change the wording of subclause (e) of the proposed landscape condition that would require the Consent Holder to prepare a Landscape Management Plan (LMP) and have it certified by Council. Subclause (e) currently reads as follows with the additions highlighted in bold:
- (e) Details of the method and frequency of monitoring the health of the plants, to ensure their health and survival, and the methodology for plant replacement in the event of any plants becoming dead or diseased, or a gap arising for any other reason. **The monitoring must occur at least twice every twelve months for a minimum of three (3) years. The consent holder must keep a written record of monitoring, including any remedial actions taken, and shall make these records available to Selwyn District Council upon request.**
- 7.14 Based on the above discussion along with the evidence before me, I am satisfied that the proposed landscaping will appropriately mitigate the concerns raised by Mr. Arnold in respect to the need for irrigation.
- 7.15 For the avoidance of doubt, I also record my agreement with Mr. Glasson's advice¹⁴ that, "*...while the solar farm is an intense industrial activity in a rural environment and will change the land use patterns, it is of a small scale.*" I consider the limited scale of the proposed activity to be a critical factor in determining that adverse effects on rural character, as distinct from visual and landscape effects, will be no more than minor.
- 7.16 In addition, I record that two boundaries of the subject site will not be planted with landscaping, namely the boundaries adjoining Lot 7 DP66179 and Lot 2 DP78682. However, the removal of planting along these boundaries, where it was originally proposed, has been made at the express request of the respective adjoining landowners. As such, while the visual effects along these two boundaries will be noticeably more pronounced and at least minor, I am satisfied that the outcome will be acceptable, as it will reflect the specific wishes of those directly affected. I record however, if not for the specific wishes of the two directly affected neighbours, the lack on any meaningful screening or landscaping along those boundaries would be a material shortcoming, and potentially critical factor, in my overall determination.
- 7.17 Lastly, I agree with Ms. Stout¹⁵ that the proposed activity will result in a number of positive effects, including increased supply and security of electricity, particularly locally, and it will assist in reducing fossil fuel use.

¹¹ The draft set of conditions also requires the planting to be setback at least 3 metres from internal boundaries rather than 2 metres as originally submitted to enable sufficient space for maintenance.

¹² Robertson, O. (2025). Addendum to s.42A report (para. 19)

¹³ Robertson, O. (2025). Addendum to s.42A report (para. 38)

¹⁴ Robertson, O. (2025). Section 42A report (para. 62)

¹⁵ Stout, I. (2025). Evidence (para. 13)

- 7.18 Within the context of the above discussion, on balance I agree with the assessment of Ms. Robertson and Ms. Stout.

8.0 OBJECTIVES AND POLICIES OF THE PLAN (s.104(1)(b))

- 8.1 Ms. Robertson has provided an assessment¹⁶ of the proposed activity against the directly relevant provisions of the District Plan in the s.42A report. She concludes that the proposal is consistent with the relevant objectives and policies of the District Plan, which Ms. Stout agrees with¹⁷. Both Ms. Robertson and Ms. Stout's evidence is taken as read.
- 8.2 While I do not intend to repeat Ms. Robertson's evidence in full, I set out the following summary to assist with the framing and reasoning of this decision:
- 8.3 The objectives and policies assessment, as outlined in paragraphs 105 to 112 of the s.42A Report, concludes that the proposal is consistent with the relevant provisions of the District Plan, with particular regard given to the Strategic Directions and Energy and Infrastructure chapters. I agree that the activity, while not classified as "important infrastructure," is a renewable electricity generation activity that will contribute to national energy objectives and is appropriately located to meet its functional and operational needs, including proximity to the Orion distribution network. As detailed in the above section, I find that the proposal avoids or adequately mitigates adverse effects on amenity values and surrounding properties.
- 8.4 Accordingly, I agree with Ms. Robertson's assessment and find that the proposed activity is consistent with the outcomes of the directly relevant objectives and policies of the District Plan.

9.0 OTHER RELEVANT DOCUMENTS (s.104(1)(c))

National Policy Statement for Renewable Energy Generation (NPS-REG)

- 9.1 Ms. Robertson has provided a detailed assessment of the proposed activity against the NPS-REG¹⁸ which examines the overarching objective of the regulation and submits that while the policy direction is more applicable to the plan-making process rather than individual resource consent applications, Policy A and Policy C1 are still applicable. She details that Policy A seeks to ensure that decision makers recognise and provide for the national, regional, and local benefits of renewable electricity generation, including increased capacity, reduced greenhouse gas emissions, and greater energy security. She continues by highlighting that Policy C1 requires particular regard to be given to the functional needs of renewable electricity generation activities, including the availability of the energy resource, proximity to existing infrastructure, and the necessity of connecting to the national grid.
- 9.2 Overall, Ms. Robertson concludes that the proposed is consistent with the NPS-REG as it will provide for renewable electricity generation (in the form of a solar farm), which in turn, will increase generation capacity and the security of supply at the local and regional level. Further, she submits that the proposal will contribute to an overall reduction in reliance on finite resources and imported fuels. Having considered the relevant provisions of the NPS-REG, I agree with Ms. Robertson's assessment.

¹⁶ Robertson, O. (2025). Section 42A Report (para. 105 – 112)

¹⁷ Stout, I. (2025). Evidence (para. 19)

¹⁸ Robertson, O. (2025). Section 42A report (para. 116 – 120 inclusive)

National Policy Statement for Highly Productive Land (NPS-HPL)

- 9.3 Based on the evidence before me, the subject site is not considered to be highly productive land as defined by the NPS-HPL as it does not contain soils within Land Use Capability 1-3¹⁹.

Canterbury Regional Policy Statement

- 9.4 The Regional Policy Statement (the **CRPS**) is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. Based on the evidence before me, the proposed activity is neither of a nature nor scale that it challenges any of the policies within the CRPS on either an individual or cumulative basis.

10.0 PART 2 OF THE ACT

- 10.1 The application of the words 'subject to Part 2' in the context of s.104 of the Act has been addressed by the Environment Court²⁰. The Court found that an assessment against Part 2 of the Act may be relevant where there is invalidity, incomplete coverage or uncertainty of meaning in the relevant provisions, or where there is conflict between provisions.
- 10.2 In this case, I find there are no areas of incompleteness, uncertainty or illegality in the District Plan, and therefore I record that it is not necessary or indeed appropriate for me to undertake a thorough assessment of Part 2 matters. Similarly, for the same reasons I find that it is not necessary, or again appropriate, for me to undertake a separate 'overall value judgement approach'.

11.0 CONSIDERATION (s.104B))

- 11.1 Having carefully considered the entirety of the evidence before me, I find that the proposed activity is consistent with the relevant objectives and policies of the District Plan and I am also satisfied that, subject to the imposition and ongoing compliance with the volunteered conditions of consent set out below, any actual or potential adverse effects associated with the proposal will be sufficiently avoided, remedied, or mitigated.

12.0 DECISION

- 12.1 Having considered all relevant matters, I conclude that the land use resource consent application by Ra Tuatahi No. 1 Limited to construct and operate a 10 hectare solar array (i.e., a solar farm) and undertake associated landscaping and earthworks, at 80 Struie Road, Hororata be **granted** pursuant to s.104 and s.104B of the Act, subject to the following conditions imposed under s.108 of the Act:



Nathan O'Connell
Hearings Commissioner
14 July 2025

¹⁹ Robertson, O. (2025). Section 42A report (para. 121 & 122)

²⁰ AJ Davidson Family Trust vs Marlborough District Council [2016] NZEnvC81

13.0 CONDITIONS

RC246059 Land Use Consent Conditions

1. The proposal shall proceed in general accordance with the information formally received with the application on 20 December 2025, the further information provided on 4 February 2025, the additional evidence provided on 23 May 2025, and the attached stamped Approved Plans entitled 'Rā Tuatahi No.1 10MWac' and dated 24/06/2025 except where another condition of this consent must be complied with.
2. The Consent Holder shall ensure that all contractors engaged to undertake activities authorised by this resource consent are made aware of the conditions and management plans that apply to this resource consent that are relevant to their work area and the measures required for compliance with the conditions.

Management Plan Certification

3. The Consent Holder shall prepare the following management plans for certification by the Council (Compliance@selwyn.govt.nz) or by their nominated appointee. The Consent Holder shall prepare the management plans in accordance with the requirements of the relevant conditions and in general accordance with the application documents referenced in Condition (1):
 - a. Erosion and Sediment Control Plan (ESCP)
 - b. Dust Management Plan (DMP).
 - c. Landscaping Management Plan (LMP).
4. The Consent Holder shall ensure that all management plans are prepared by a suitably qualified and experienced person (SQEP).
5. The Consent Holder shall submit the above management plans to the Council for certification in accordance with the timeframe specified in each relevant condition below. Works must not commence until the relevant management plan(s) are certified.
6. The certification process shall be limited to confirming in writing that the Management Plan has been prepared in accordance with the relevant conditions(s) and will achieve the objectives of the Management Plan.
7. If the Council's response is that they are not able to certify the management plan, the Consent Holder shall address any reasons or recommendations provided by the certifier and re-submit an amended Management Plan for certification.
8. The Consent Holder shall comply with all certified management plans. Where there is conflict between the content of any management plan, and the conditions of this consent, the conditions of this consent shall prevail.

Amendments to Management Plans

9. The Consent Holder may make amendments to the above Management Plans that are consistent with the objectives and performance requirements of the management plan and relevant consent conditions. The Amended Management Plan shall be submitted to SDC for re-certification in accordance with Conditions (3)-(7), and all relevant works must not continue until the plan is certified.

Site Preparation and Construction

10. At least 10 working days prior to the commencement of construction, the Consent Holder shall provide to Council an Erosion and Sediment Control Plan (ESCP) and Dust Management Plan (DMP) for the construction works. The plans shall be prepared by a SQEP and in accordance with Environment Canterbury's Erosion and Sediment Toolbox.
11. The objective of the ESCP and DMP is to appropriately manage any risk from erosion, sedimentation, and dust discharges at the site during construction works. The ESCP and DMP shall include, but not be limited to:
 - a. The specific erosion and sediment and dust 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 and dust 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; and
 - e. A complaints procedure, should a nearby property owner or occupant have an erosion, sedimentation or dust nuisance concern.
12. No earthworks may commence until the ESCP and DMP have been implemented on site. The ESCP and DMP measures must be maintained over the period of the construction phase, until the site is stabilised (i.e. no longer producing dust or water-borne sediment). The ESCP and DMP must be improved if initial and/or standard measures are found to be inadequate. All disturbed surfaces must be adequately topsoiled and vegetated or otherwise stabilised as soon as possible to limit sediment mobilisation.
13. Run-off must be controlled to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel), or into a river, stream, drain or wetland. Sediment, earth or debris must not fall or collect on land beyond the site or enter the Council's stormwater system. All muddy water must be treated, using at a minimum the erosion and sediment control measures detailed in the site specific Erosion and Sediment Control Plan, prior to discharge to the Council's stormwater system.
14. Dust emissions must be appropriately managed within the boundary of the property. Dust mitigation measures such as water carts, sprinklers or polymers must be used on any exposed areas. The roads to and from the site, and the site entrance and exit, must remain tidy and free of dust and dirt at all times.
15. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.
16. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.
17. Construction shall be limited to weekdays only (Monday-Saturday), and between the hours of 7.30am to 6.00pm. No construction work shall be undertaken on public holidays.
18. All construction work (including any demolition and/or site preparation works) must be designed, managed and conducted to ensure that construction noise complies with the requirements of NZS 6803:1999 Acoustics – Construction Noise for rural areas.
19. Vibration from construction work must not exceed the limits of, and must be measured and assessed in accordance with, German Standard DIN 4150 1999-02 Structural Vibration – Effects of Vibration on Structures.

20. Any public road, shared access, footpath, landscaped area or service structure that has been damaged, by the persons involved with the development or vehicles and machinery used in relation to the works under this consent, must be reinstated as specified in the Engineering Code or Practice at the expense of the consent holder and to the satisfaction of the Council.

Earthworks

21. Engineering plans and supporting design information for all works associated with all necessary earthworks and the creation of overland flow paths by the works proposed as part of this consent must be submitted to Council via the development.engineer@selwyn.govt.nz for acceptance at least 20 working days prior to the Acceptance Period commencement of related work and once accepted will thereafter form part of the Approved Consent Document.

Advice Note: Where designs require the installation of overland flow paths landscaping plans will also be required prior to Engineering Acceptance being granted for that asset to allow Council to review the function of the asset holistically.

Advice Note: All engineered fill designs must comply with New Zealand Standard (NZS) 4431:2022 Code of Practice for Earth Fill for Residential Development.

22. All earthworks completed on site are to be carried out in accordance with the Engineering Code of Practice and the accepted engineering plans.

Landscaping

23. The Consent Holder shall provide landscaping along the following boundaries of the site:
- a. The southwestern site boundary, adjoining Lot 5 DP 66179; and
 - b. The northwestern site boundary, adjoining Lot 3 DP 66179.
24. The landscaping required by Condition (23) shall be undertaken in accordance with the following:
- a. Plant species shall be Leyland cypress 'Leighton Green'.
 - b. Planting shall be in a double offset row, with no gaps, and shall be set back at least three (3) metres from each boundary
 - c. Plants shall be at least 1 metre in height at the time of planting, and shall be maintained at a minimum height of 3.5 metres at maturity.
25. The proposed landscaping must be established on site within the first planting season (extending from 1 April to 30 September) following the commencement of construction at the site.
26. The applicant shall be responsible for the ongoing maintenance, including the outer face, of the boundary planting.
27. At least 30 working days prior to the commencement of landscaping, the Consent Holder shall submit a Landscape Management Plan (LMP) to Council for certification.
28. The objective of the LMP is to effectively provide visual screening of the solar generation activity. The LMP shall include, but not be limited to:
- a. The details of plant species, spacing, size and quantities of plants, in accordance with Condition (24).
 - b. The timeline for planting works.
 - c. Details of site preparation and maintenance required for plant establishment including the nature, duration and extent of any proposed irrigation.

- d. Details of ongoing maintenance, including weed control and dry grass management and monitoring to reduce fire risk, and tree trimming to prevent overhang onto adjoining properties.
 - e. Details of the method and frequency of monitoring the health of the plants, to ensure their health and survival, and the methodology for plant replacement in the event of any plants becoming dead or diseased, or a gap arising for any other reason. The monitoring must occur at least twice every twelve months for a minimum of three (3) years. The consent holder must keep a written record of monitoring, including any remedial actions taken, and shall make these records available to Selwyn District Council upon request.
29. All landscaping shall be implemented and maintained in accordance with the LMP certified under Condition (27), for the duration of the solar generation activity.
30. All dead or diseased existing vegetation shall be replaced within the next growing season or as soon as practically possible.

Fencing and Boundary Treatment

31. The perimeter security fencing shall be a maximum height of 2.1 metres and the posts shall not exceed 2.5 metres. Closed board fencing shall be prohibited along the site boundaries.
32. A graded culvert shall be constructed and maintained between the solar panels and the boundary fence with Lot 7 DP 66179.
33. All underground cables and other utilities associated with the development shall be located on or under the easement recorded as Part C on the Record of Title (CB38D/1003) for Lot 6 DP 33179.

Hazard Management

34. Inverters and transformers shall be established at a minimum height of one (1) metre above the existing ground level where they are positioned.
35. All solar panels shall be set back at least ten (10) metres from the boundary with Lot 2 DP 78682.
36. A four (4) metre wide gravel fire break shall be established and maintained along the northeastern site boundary site with Lot 2 DP 78682.
37. The Consent Holder shall prepare an Emergency Response Plan (ERP) and provide this to Council prior to the solar generation activity becoming operational. Any updates to the ERP shall also be provided to Council within 10 working days of being finalised.
38. The ERP required by Condition (37) shall be prepared in consultation with Fire and Emergency New Zealand (FENZ). The Consent Holder shall provide evidence of this consultation, including demonstration that any concerns raised by FENZ have been addressed to the extent practicable.

Advice note: Information on the preparation of Emergency Response Plans and consultation with FENZ can be found at <https://www.fireandemergency.nz/outdoor-and-rural-fire-safety/hazardous-substances/emergency-response-plans/>

39. The consent holder must ensure that the solar panels be encapsulated with Glass Laminate Encapsulation to avoid chemical leakage.
40. The consent holder must undertake six monthly inspections of the solar panels for any signs of damage that could allow leakage of internal chemicals into the land.

Accidental Discovery of Archaeological Material

41. An Accidental Discovery Protocol (ADP), must be in place during all earthworks required to give effect to this consent to deal with archaeological finds and protect the interests of mana whenua. This condition does not constitute a response under the Heritage New Zealand Pouhere Taonga Act (HNZPT 2014).
42. In the event of the accidental discovery of Māori archaeological sites or material, works within the site must cease immediately and the protocol outlined in Attachment 2 of this consent must be followed.

Decommissioning and Site Rehabilitation

43. The Consent Holder must, within 12 months of the solar array reaching the end of its economic or operational life (not including periods when the solar array may not operate because of technical issues or maintenance/improvement works including the replacement of panels and other infrastructure), clear the site of all panels, buildings/structures and cabling, and the land shall be returned to a state that enables it to continue to be used for land-based primary production.
44. The Consent Holder shall advise the Council, within three months of the solar array reaching the end of its economic or operational life, of the timeframe for:
 - a. clearing the site of all panels, buildings/structures and cabling; and
 - b. reinstatement of the site to a state that enables it to continue to be used for land-based primary production.
45. The Consent Holder shall ensure that the components and infrastructure are disposed of in a way that maximises reuse and recycling. For any parts that cannot be reused or recycled, the Consent Holder shall ensure that they are disposed of in an environmentally responsible way in accordance with industry best practices.

Review

46. The Council may, under sections 128 and 129 of the Resource Management Act 1991 (Act), initiate a review of any or all conditions of this resource consent on the first, second and third anniversary of the commencement of the consent and every three years after that, for the duration of the resource consent. Any such review of conditions shall be for the purposes of:
 - a. 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; or
 - b. 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; or
 - c. ensuring that the conditions are effective and appropriate in managing the effects of the activities authorised by these consents

Attachment

1. RC246059 Land Use Approved Plan(s) - Rā Tuatahi No.1 10MWac
2. RC246059 Accidental Discovery Protocol.