Sections 104, 104B, 108, 108AA

Resource Management Act 1991

Decision and Planning Report

Planning Report pursuant to section 42A of the Resource Management Act 1991 recommending whether or not an application for resource consent should be:

- Publicly notified, limited notified or non-notified
- Granted or declined, and, if granted, the conditions of consent

Decision pursuant to section 113 of the Resource Management Act 1991

APPLICATION NUMBER(S)	RC246059
APPLICANT	Ra Tuatahi No. 1 Limited
BRIEF DESCRIPTION OF THE APPLICATION	The following consent(s) are sought: • RC246059 - Land Use (s9) - Construction and operation of a 10ha solar array (solar farm)
ADDRESS	80 Struie Road, Hororata
LEGAL DESCRIPTION	Lot 6 DP 66179
TITLE REFERENCE	CB38D/1003
AREA	10.214 ha
ZONING / OVERLAYS	**Operative Selwyn District Plan (2016), Rural Volume** Outer Plains Zone **Partially Operative Selwyn District Plan (Appeals Version)** General Rural Zone Plains Flood Management Overlay Liquefaction Damage Unlikely Overlay Rural Density (SCA-RD3)
OVERALL ACTIVITY STATUS	**Discretionary**

Preamble

1. This report reviews the application for resource consent and addresses the relevant information and issues raised. The recommendation made in this report is not binding on the Commissioner, and it should not be assumed that they will reach the same conclusion having considered all the evidence brought before the hearing by the Applicant and submitters.

Qualifications and Experience

2. My name is Olivia Grace Robertson. I am currently employed as a Senior Resource Management Consultant at Incite (Ch-Ch) Ltd. I am contracted to Selwyn District Council (the Council) as a consultant planner, and I have been engaged by the Council to assess and report on this resource consent application.

3. I have more than five years experience in planning and resource management, including nearly two years as a Resource Management Planner at Selwyn District Council prior to my current employment in a private planning consultancy. I have acted on behalf of multiple councils and applicants in the processing and preparation of both district and regional land use applications, primarily in the South Island.

4. I hold the qualification of Bachelor of Science with a double major in Environmental Science and Geography, from the University of Canterbury. I am currently an Associate Member of the New Zealand Planning Institute.

5. I have prepared this report pursuant to Section 42A of the RMA, relating to the substantive consideration of the resource consent under Sections 104, 104B and 108 of the RMA to construct and operate a 10 hectare (ha) solar farm. This report follows a previous report prepared pursuant to Sections 95A-95F to determine the matters of affected parties and notification. For completeness, I did not prepare the Section 95 report, and was engaged after the decision was made to limit notify the application.

6. The preparation of this report has been undertaken with specialist advice from:

    - Mr. Chris Glasson, Senior Consultant Landscape Architect, Glasson Huxtable Landscape Architects
    - Mr. Rudi Van der Velden, Director/Engineering Consultant, Velden Aviation Consulting Limited
    - Mr. Victor Mthamo, Consultant Development Engineer, Selwyn District Council
    - Mahaanui Kurataiao Limited

7. For completeness, input from Mr. Mthamo was limited to his initial review of the application prior to notification, and recommended draft conditions, and I did not consider there was a need for further evidence to be provided to inform the preparation of this report.

8. Whilst this is a Council Hearing, I have read the Environment Court's Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and I have complied with it when preparing this report. My qualifications as an expert are set out above. I confirm that the issues addressed in this report are within my area of expertise, except where it is stated I have relied on the expert advice of others. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Procedural Matters

9. Prior to the close of submissions, I met with one of the submitters, Mr. N Irwin, at their request, to explain the submission process and provide clarification on some queries about the Section 95 report and the submission form. I did not provide any guidance on the matters their submission should include, or how to word this submission, and I am of the view that my advice was objective and has not advantaged or disadvantaged any party.

The Application

10. This application was formally received by the Selwyn District Council on 20 December 2024. Further information was received on 4 February 2025, and this information now forms part of the application.

11. The application proposes to construct and operate a renewable electricity generation activity, being a solar 'farm' on approximately 10 hectares of rural land.

12. The main aspects of the activity are as follows:

- Approximately 12,000 solar panels, each with a surface area of 3.1 square metres, are proposed to be laid out in rows covering an approximate area of 3.7 hectares. The anticipated generation capacity of the site is 14,700 MWh per annum.

- The rows will be oriented north to south, and will utilise a single axis tracking system, where the panels automatically track from east to west during the day to follow the path of the sun.

- The solar panels will reach a maximum height of 2.6 metres when at maximum tilt (60 degrees), with the mid-point approximately 1.2-1.6 metres above ground level, and the bottom edge of the panels sitting 0.5 metres off 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 between 6-11 metres apart along each row, and each row will be spaced apart at approximately 5 metre centres.

- A MV station, consisting of two inverter and transformer units, will be located within the site, to assist with preparing the generated power to connect into the electricity network. Each inverter and transformer unit will be of a scale similar to a 20-foot shipping container, with a maximum height of 2.8 metres, and will be placed on skids.

- The MV station will be connected to each solar row by underground cabling, and connection to the Orion power network at Struie Road will also be underground.

- Up to three shipping containers are proposed to be retained on site for storage, and will be located in the same area as the MV station.

- Two 3.6 metre tall weather stations are proposed, to be located in the eastern and western corners of the site.

- The existing boundary fencing will be upgraded to 2.1 metre high chain link fencing with barbed wire at the top. The supporting fence posts will not exceed 2.5 metres in height. Security gates, constructed in the same manner, will be located at the site end of the accessway. For completeness, no changes to the fencing along the accessway are proposed.

- Vehicle access will continue to be via the existing vehicle crossing and accessway from Struie Road, which is shared with the adjoining site to the south. No changes to the existing layout are proposed.

- Landscaping is proposed along the northwest, southwest, and southeast boundaries of the site, consisting of a 3 metre wide strip planted in native species that will reach a height of 3-3.5 metres at maturity.

- Once operational, the presence of staff at the site will be limited to maintenance checks on an estimated weekly basis, and other cleaning and maintenance occurring on an as-needed basis. Water for cleaning will be brought to the site in a tanker truck.

- During the operational phase of the activity, the site will be either grazed or mowed to manage vegetation.

13. During construction, the proposal also includes the following activities:

- Site preparation works is proposed to take approximately six weeks, and will require all remaining forestry slash piles and stumps at the site to be cleared, and some minor grading to create a more level site.

- Following completion of the site preparation works, it is proposed to undertake construction in one stage, with works anticipated to take 18-20 months.

- Earthworks are proposed for site preparation, cable trenching, and the formation of internal access tracks, with a small amount of soil also being removed from pile driving of the solar array foundations. Approximately 4,500 cubic metres of earthworks will be required, to a maximum depth of 1.6 metres for cable trenching, and 2.2 metres for pile driving.

- Approximately 15 staff are estimated to be on site during the peak construction period, and construction hours will be limited to 07:30-18:00, Monday to Saturday.

- Vehicle movements are proposed to be approximately 60 equivalent car movements per day, averaged over a week.

- A temporary site office is proposed to provide staff facilities and undertake administration and health and safety matters. This is proposed to be a standard relocatable office building, as typically found at construction sites, and will be removed once the site is fully operational.

14. At the end of the 30-year life span of the solar farm, replacement panels can be installed to extend its operational life, or the infrastructure can be removed from the site in accordance with the decommissioning plan provided with the application.

The Existing Environment

15. The site and surrounding environment are described in Section 5.0 of the application. While I agree with and adopt this description, I consider the following information should be outlined in this report for clarity.

16. The site has an area of approximately 10.2 hectares, and is a rear site set back approximately 400 metres from Struie Road as shown by Figure 1 below. Struie Road is a formed and unsealed road managed by the Council, and has a posted speed limit of 100 kilometres per hour past the site. The site is not connected to any other services or infrastructure, however there is a power connection available at the road boundary.

Figure 1. Aerial image of locality. Source: Toitū Te Whenua (LINZ)

17. The site has historically been used for forestry purposes and while it was cleared of trees in 2023, remnant slash piles and stumps are present on the site. The topography of the site is flat, with some localised undulations from machinery use during the previous forestry activity. The application states that stock

intermittently grazes the site to maintain grass levels, and standard stock fences are established around the perimeter of the site.

18. The adjoining sites are similar in size and shape, having all been created by way of subdivision consent for use as forestry blocks[1], except for the land adjoining the site to the northeast, which is a larger, irregular-shaped forestry block bordering the Selwyn River. Similarly, all adjoining sites other than the site to the northeast have either established a dwelling, or have obtained building and resource consent for a future dwelling. The nearest dwelling is approximately 110 metres from the site boundary.

19. The wider environment is rural in nature, and contains a range of allotment sites, although I note that many of the smaller land parcels are held as part of a larger landholding used for rural production purposes. The area is characterised by agricultural features, such as shelterbelts, fencing, and irrigation infrastructure.

20. Due to timing constraints, I have been unable to undertake a site visit prior to the preparation of this report, however a site visit will be undertaken prior to the hearing. I have relied on information from the Section 95 report, including photos taken from a site visit during the preparation of that report, and the information provided in the application, as well as aerial images of the site and surrounding area.

Activity Status

Partially Operative Selwyn District Plan (Appeals Version) ("the Partially Operative Plan")

21. The application site is zoned General Rural Zone, and is subject to the following overlays:

- Plains Flood Management Overlay
- Liquefaction Damage Unlikely Overlay
- Rural Density (SCA-RD3) Overlay

22. The Council released the Appeals Version of the Partially Operative Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act). Those subject to appeal continue to have legal effect pursuant to s 86B.

Energy and Infrastructure

EI-R31 OTHER RENEWABLE ELECTRICITY GENERATION AND RENEWABLE ELECTRICITY GENERATION ACTIVITIES		
1. The establishment of a new, or expansion of existing renewable electricity generation, or an renewable electricity generation activity not provided for elsewhere.	**Discretionary**	The proposal is for a new renewable electricity generation development.

23. The rule framework relevant to this proposal is located within the Energy & Infrastructure, and the Transportation Chapters. Useful guidance is contained in the 'Note for Plan Users', preceding the rules contained in the Energy & Infrastructure Chapter. Relevant extracts from this guidance explain that:

> *As required by the National Planning Standards, unless relating specifically to a Special Purpose Zone, the 'Energy, Infrastructure and Transport' heading has been created to be self-contained for all energy, transport and infrastructure works and activities. In this Plan, energy and infrastructure matters are contained in a separate chapter to transport matters.*
>
> *[...]*

[1]R300731, granted in 1994

Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, all activities must be assessed against the Transport chapter.

[...]

Except where there are direct cross-references, in all other circumstances this chapter sets out all other provisions for energy or infrastructure activities.

24. For clarification, the applicant is a "participant" (i.e. a generator) with regard to the Electricity Industry Act (2010), but not an "operator", and consequently the activity does not meet the definition of "important infrastructure" under the Partially Operative District Plan. However, a new "renewable electricity generation" activity is considered an "energy activity", which is relevant to this chapter. While not strictly applicable to the rule assessment, this is a required consideration with respect to the statutory assessment in the relevant section below.

25. As outlined in the table above, the proposal requires resource consent under EI-R31 for the establishment of a new renewable electricity generation activity. EI-R31 has no applicable rule requirements.

26. The proposal complies with all relevant rules in the Transport Chapter of the Partially Operative District Plan, and as set out above, the General District Wide Matters Chapters do not apply to energy activities.

27. Therefore, the land use proposal is a Discretionary activity under the Partially Operative Plan.

Operative Selwyn District Plan (2016), Rural Volume ("the Operative Plan")

28. The application site is zoned Outer Plains and is not subject to any other overlays or features.

29. The Council released the Appeals Version of the Partially Operative Selwyn District Plan on 27 November 2023. Many provisions are beyond challenge and are operative/treated as operative (pursuant to cl 103 of Schedule 1 and s 86F of the Act), and the corresponding provisions in the Operative Plan are treated as inoperative.

30. The relevant rules of the Partially Operative District Plan are no longer subject to appeal, therefore all rules of the Operative District Plan that would apply to this proposed are now treated inoperative, and the proposal is a permitted activity under the Operative Plan.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

31. A Preliminary Site Investigation, prepared by Pattle Delamore Partners and dated 20 August 2024, was submitted with the application. This states that the site is not currently being used, has not been used in the past or is unlikely to have been used for an activity listed in the Hazardous Activities and Industries List (HAIL). Therefore, the NES-CS does not apply.

Written Approvals (Sections 95D(e), 95E(3)(a) and 104(3)(a)(ii))

32. The provision of written approvals is relevant to the notification and substantive assessments of the effects of a proposal under Section 104(3)(a)(ii). Where written approval has been provided, the consent authority must not have regard to any effect on that person.

33. Written approval has been provided from the owners/occupiers of the following properties:

- 66 Struie Road
- 90 Struie Road
- 134 Struie Road

Limited Notification

34. A decision regarding notification pursuant to Sections 95/95A-E has been undertaken separately by a Commissioner on 25th February 2025, acting under delegated authority from the Council. This decision is available to any party on request.

35. In summary, it was determined that the applicant be limited notified, with the owners/occupiers of the following sites being considered affected persons for the purposes of notification:

- 106 Struie Road
- 132 Struie Road
- Struie Road - Lot 7 DP 66179
- Derretts Road - Lot 2 DP 78682

36. Figure 2 below shows the location of these sites, and those which provided written approval, relative to the application site.

Figure 2. Aerial image showing the application site in blue, sites which provided written approval in green, and sites considered to be adversely affected in red (Source: Canterbury Maps)

Submissions

37. A total of four submissions were received. A copy of each submission in full is included in **Appendix A**-**C**, and these have also been provided to the Commissioner. Submissions have also been available in full on the Council's website since the closure of the submissions period.

38. Submissions were received from the following parties, which are also identified spatially by Figure 3 below:

- Mr. M Arnold, of 106 Struie Road – Lot 4 DP 66179 (shown in orange)
- Mr. N Irwin, of Struie Road – Lot 7 DP 66179 (shown in purple)
- Mr. A Loo, of Derretts Road – Lot 2 DP 78682 (shown in green)

- Mr. A Grayson, of 30 Struie Road – Lot 10 DP 66179 (shown in red - non-notified party)

Figure 3. Location of submitters in relation to application site (shown in blue) (Source: Canterbury Maps)

39. I have read each of the submissions, of which two were in opposition and two were neutral. A range of matters were submitted on, as follows:

- Wildfire hazard risk
- Surface flow drainage
- Location of service connections within shared access
- Visual effects
- Landscaping
- Glint and glare
- Maintenance of mitigation and decommissioning.

40. Mr. Grayson, who is the owner/occupier of 30 Struie Road (shown in red above), submitted in relation to the adequacy of the proposed screening, glint and glare effects, and the ongoing maintenance of the site and future decommissioning. This submitter was not deemed an affected person, and was not notified, therefore I must disregard this submission.

Section 104 Assessment

41. Section 104 of the Act sets out the matters the Council must have regard to when considering an application for resource consent.

42. Section 104(1), in particular, states as follows:

> ***104 Consideration of applications***
>
> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M [Effect of incorporation of MDRS in district plan], have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.…*

43. Section 104B applies to discretionary and non-complying activities. It allows that the consent authority may grant or refuse the application, and, if granted, it may impose conditions under s 108.

Section 104(1)(a) - Effects on the Environment

Permitted Baseline

44. It is firstly noted that the permitted baseline is relevant (section 104(2)), and regard must not be had to any person who has given written approval (section 104(3)(ii)).

45. Under Section 104(2), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan, i.e. the operative plan, permits an activity with that effect.

46. In this instance, I do not consider that there is a permitted baseline to apply for the energy activity, as there is no permitted activity pathway for the construction and operation of solar arrays, and there are no activities which would generate similar effects to the proposal.

Receiving Environment

47. The receiving environment for this proposal includes the existing environment and the future environment as it could be, i.e. as modified by non-fanciful permitted activities and unimplemented resource consents.

48. As previously stated, the receiving environment is rural in nature, characterised by predominantly agricultural land uses, while also including residential activities on these rural sites. Aside from those sites which already have established or consented dwellings, any increase in residential activity in the surrounding area will be constrained by the minimum allotment size of 40 hectares introduced by the Partially Operative District Plan.

Assessment

49. The status of the activity is discretionary. As such, the Council's discretion is unrestricted, and all adverse effects must be considered.

50. I consider that the effects relevant to the proposal, including those matters raised in submissions, may be considered under the following headings:

- Rural character and amenity, including visual and landscape effects.
- Reflectivity, glint, and glare.
- Reverse sensitivity effects.
- Construction effects, include transport and earthworks.
- Effects from overland flow on adjoining sites.
- Effects from wildfire risk.
- Effects on cultural values.
- Other matters.

Rural character and amenity, including visual and landscape effects

51. The Resource Management Act 1991 (RMA) defines 'amenity values' as being 'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'. It encompasses consideration of what types of activities are anticipated in the area and by neighbours, along with what can be seen/heard/perceived from adjoining properties.

52. Landscape and visual effects result from natural or induced change in the components, character, or quality of the landscape. Usually, these are the result of landform or vegetation modification or the introduction of new structures, infrastructure, activities, or facilities into the landscape[2].

53. In terms of visual change, I note that the '7-point scale' outlined in *Te Tangi a te Manu* (NZILA, 2022) can be overlaid with the effects rating scale commonly applied under the RMA. These scales are generally accepted to align as set out in Figure 4 bellow. This alignment is adopted for the purposes of this assessment.

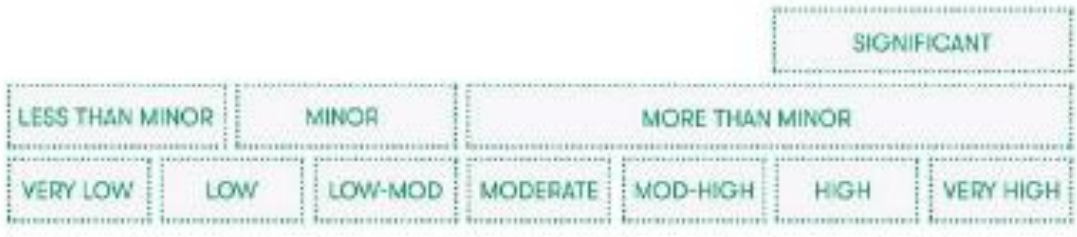

Figure 4. Visual Effects Ratings and Categorisation as per Te Tangi a te Manu

54. The application included a Visual Effects Assessment, prepared by Ms. Anne Wilkins of Novo Group Ltd. Prior to the notification decision for this application, this assessment was updated in response to a Section 92 Request for Further Information, and I have relied on this version of the assessment, dated 3 February 2025. This assessment was initially reviewed by Mr. Andrew Craig, Landscape Architect, however Mr. Craig was overseas during the time period of preparing this report. Consequently, Mr. Chris Glasson, Landscape Architect, was engaged to prepare landscape evidence on the Council's behalf, and this is attached as **Appendix E**.

[2]Landscape Evidence, p.6, Mr. Chris Glasson

55. Mr. Glasson's evidence noted that his views were well aligned with those of Ms. Wilkins, and differing views are limited to the temporary effects of the proposed landscape mitigation measures, and the effect on residents of specific properties.

56. When setting out the proposed activity in the context of the existing rural environment, Mr. Glasson considered that the solar farm will depart from the expected land use pattern of the rural zone, be unlike any other activity within the vicinity of the site, change the rural outlook and sense of openness for some residents and road users, and bring about a loss of rural character and amenity values, most apparent while landscape mitigation is establishing.

57. The scale of this change is expected to generate low to moderate adverse landscape effects for an initial period. However, within 4-5 years, where planting has reached an approximate height of 1.5-2 metres, there will be a more natural effect created, and any adverse landscape effects will be reduced to low. In terms of specific properties, Mr. Glasson considers that the site will be visible from parts of the dwelling curtilages of 44, 66, 90, 106, 132 and 134 Struie Road.

58. With respect to the mitigation measures proposed by the applicant, being the proposed landscaping around the boundaries of the site, Mr. Glasson is of the view that the layout of the planting and the species proposed are unlikely to be effective in achieving the desired screening of the solar farm. The application proposes one 3.0 metre wide planting strip along three boundaries of the site, relying on the existing woodlot to the east of the site to provide screening from this direction, and proposes native plant species including lacebark, kohuhu, New Zealand broadleaf, and akeake with no irrigation. While Mr. Glasson acknowledged these mitigation measures, he considers that the following landscaping is more appropriate:

- All boundary planting should be in two rows, to allow for staggered planting to gain complete visual and wind closure amongst the planting.
- Planting should be two rows of Leyland cypress 'Leighton Green', as these are hardy and fast growing plants that do not require irrigation, although it is noted that some trimming will be required to prevent shading of the solar panels.
- The outer row should be 2 metres from all boundary fences, with plants being 2 metres between rows and 1.5 metres between plants.
- Maintenance should include spraying around the plants, fertiliser application in spring, and rabbit control, to assist with plant growth.

59. With respect to the plant species proposed by the applicant, Mr. Glasson considers that akeake is not appropriate as it is frost tender, and New Zealand broadleaf is not appropriate as its growth rate is too slow.

60. Mr. Glasson has also identified the key issues of concern with respect to achieving effective screening. These are the likelihood of inconsistent planting heights and gaps arising from mortality of plants, and the constrained planting width due to the location of the solar panels near boundaries.

61. A number of submission points were raised in relation to visual effects and landscaping, including the visual effects of the proposed storage containers, the temporal visual effects arising until the planting reaches a sufficient height, the flammability and nuisance of akeake, and the overall fire risk to the adjoining woodlot. I have assessed the submission points relating to wildfire risk separately in the relevant section below. Mr. Glasson has considered these submission points in his evidence, and has recommended mitigation measures to address these points where relevant.

62. Overall, Mr. Glasson concludes the following:

> *"In general, the applicant's landscape assessment is reasonable to understand the effects arising from the proposal, and how any adverse effects may be mitigated.*
>
> *However, there are matters raised by the submitters and myself that could improve upon the localised effects, especially the mitigation measures to reduce the landscape and visual effects, I have outlined.*
>
> *Having considered the application, I am of the opinion that while the solar farm is an intense industrial activity in a rural environment and will change the landuse pattern, it is of a small scale. Provided the proposed planting that I*

have advocated for takes place, it will only result in temporary low to moderate (minor) effects initially, then the permanent landscape and visual effects will be of a low (less than minor) value."

63. If the applicant is willing to adopt the mitigation measures proposed by Mr. Glasson, I am of the view that while there will be a localised change in the landscape and underlying rural character, overall, with appropriate mitigation, the visual and amenity effects of the proposal will be less than minor. I have recommended amendments to the conditions proposed by the applicant, in accordance with Mr. Glasson's evidence.

Reflectivity, glint, and glare

64. The proposed solar array has the potential to reflect light back into the surrounding environment, resulting in glare effects. While low level glare may result in nuisance effects, higher levels of glare can result in considerable effects on adjoining sites and road networks.

65. The application proposes that the solar panels will be coated with an anti-reflective coating, to absorb as much light as possible, and the estimated reflectivity of these panels is 2 per cent, which is well within the permitted maximum of 37 per cent in the Partially Operative District Plan. Additionally, all other components at the site, such as the MV station and weather stations, will also be constructed with low reflectivity materials.

66. The application included an assessment of glint and glare effects for the solar array. Of note, the assessment provided with the application was based on a previous proposal, with up to 17 hectares of the site and an adjoining site used for the solar farm, however the applicant considered that this was still appropriate for the reduced size. This assessment was reviewed on behalf of the Council by Mr. Rudi Van der Velden, of Velden Aviation Consulting Ltd, and his review for the Section 95 notification report is attached as **Appendix F**.

67. Mr. Van der Velden has prepared subsequent evidence following the close of submissions, which is included as **Appendix G** to this report. With respect to the appropriateness of the applicant's analysis, Mr. Van der Velden found that there were some differences or discrepancies between the assessments, including the guidelines used for assessment and the number of dwellings which should be considered. His independent analysis used the Australian New South Wales Government Guidelines for solar array developments, which includes relevant and conservative standards for dwellings and road or rail routes. It also did not include any modelling of mitigation measures, such as existing or proposed planting, and included an extra nine dwellings not considered by the applicant. Notwithstanding the differences in analysis approach, Mr. Van der Velden considered that his findings were largely in agreement with the applicants' assessment, and that there would be no potential glare impact to any of the dwellings considered, or to nearby roads.

68. For completeness, the application also assesses the effects on a nearby hot air ballooning company. Mr. Van der Velden has not undertaken any assessment relating to this activity, as he considers it to be *'recreational and with non-directional landing requirements compared to piloted fixed wing aircraft at aerodromes'.*

69. None of the submissions received raised concerns with glint and glare effects. However, Mr. Van der Velden's evidence does address these submissions insofar as confirming that no additional mitigation is required in relation to glint and glare effects on these parties.

70. I accept Mr. Van der Velden's view, and consider that in conjunction with the planting proposed by the applicant, there will be no adverse glint or glare affects arising from the proposal.

Reverse sensitivity effects

71. The potential for reverse sensitivity effects can exist when a new and sensitive activity establishes near a lawfully established existing activity or a permitted activity which generates effects which are incompatible with the sensitive activity, such as noise, dust, or odour.

72. The Partially Operative District Plan defines reverse sensitivity as:

"The potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity".

73. The proposed solar farm is within the General Rural Zone, which is characterised by primary production activities, and other supporting activities such as rural industry.

74. Land-based primary production activities can produce effects such as noise, dust, traffic, and odour effects, which may be perceived by a sensitive activity as potential nuisance effects. While I do not consider that the proposed solar farm is a sensitive activity, as the site will be largely vacant except for intermittent maintenance and therefore will not be sensitive to most effects arising from general farming activities, I do consider some further discussion is required with respect to dust effects.

75. There is the potential for dust generated by adjoining sites to adversely affect the generation capacity of the solar farm if the extent of dust settling at the site is such that the panels cannot absorb solar energy. The application has addressed this, and confirms that rainfall and annual cleaning is sufficient to keep the solar panels clean, and also considers that the proposed boundary planting will provide some mitigation from dust generated on adjoining properties.

76. I therefore consider that any adverse reverse sensitivity effects will be less than minor, and adequately mitigated by the proposed ongoing maintenance at the site.

Construction effects, including transport and earthworks

77. The application proposes to undertake construction in a single stage, consisting of approximately six weeks for site preparation works, and 18-20 months for the construction of the solar farm. Up to 15 contractors are anticipated at the site at any one time during the peak of works, and works will be limited to 07:30-18:00, Monday to Saturday. Access to the site will be via the existing vehicle crossing and accessway, and aside from the ongoing construction works to develop the site, the only change to the existing site is the relocation of a temporary site office onto the site, which will be removed upon completion of the construction works. The applicant considers that construction works will comply with all relevant noise and vibration requirements, and I have recommended a condition to this effect.

78. No submissions were received in relation to construction effects.

Transport

79. The application does not assess the transport effects of the proposal, however it anticipates the total number of vehicle movements will be approximately 60 equivalent car movements per day (ecm/d), averaged over a week, consisting of contractor vehicles and delivery trucks. This will likely be comprised of up to six heavy vehicles (12 ecm each) delivering large components, and 12 contractor vehicles (2 ecm each).

80. With respect to the distribution of vehicle movements, it is expected that contractor vehicle movements will be limited to the start and end of the day, and truck deliveries will occur during the course of the day. This distribution is not dissimilar to the movements expected for rural industry activities, where staff travel to the site and heavy vehicles deliver or pick up goods as required. Parking, loading and manoeuvring space will be provided within the site, and as the application site is a rear site, this will occur well away from the adjoining road network, and all vehicles will have good visibility when entering and exiting the site.

81. Whilst the construction period would result in a noticeable change in the number of vehicle movements to this site, including a number of heavy vehicles, it would not be wholly out of character with the rural environment, such as during the busier periods for primary production activities. I also note the proposed vehicle movements do not exceed the permitted activity threshold, and the transport components of the proposal are entirely permitted under the Partially Operative District Plan.

82. For the above reasons, I consider that the actual and potential effects arising from transport during the construction phase of the proposal will be less than minor.

Earthworks

83. The proposal includes approximately 4,500 cubic metres of earthworks, for site preparation works, cable trenching, and the formation of internal access and parking areas. The maximum depth of excavation will be 1.6 metres, for cable trenching. While not strictly earthworks, foundations for the solar arrays will be pile-driven to a depth of 2.2 metres below ground level.

84. The applicant is proposing to undertake works in accordance with an Erosion and Sediment Control Plan (ESCP), and a Dust Management Plan (DMP), to ensure that dust, erosion, and sedimentation effects are managed during construction works. Additionally, all works are to be set back at least 100 metres from any dwellling, which will minimise nuisance effects.

85. The earthworks aspects of the application have been reviewed by Mr. Victor Mthamo, Consultant Development Engineer. Mr. Mthamo did not raise any concerns with the proposal, subject to compliance with an ESCP and appropriate management of dust. I have included the standard conditions of consent recommended by Mr. Mthamo in my recommended conditions of consent for this application.

86. I also note that the applicant has obtained resource consent from Environment Canterbury for earthworks and the discharge of construction phase stormwater[3], and these consents include a range of conditions to further manage the effects of earthworks, including erosion and sedimentation, the discovery of unexpected contaminants, and the decommissioning of ESC measures following the completions of works.

87. Given the above, and subject to compliance with the relevant conditions of consent, I believe that any adverse effects arising from earthworks will be appropriately managed such that they would be less than minor.

Effects from overland flow on adjoining sites

88. The application includes a stormwater technical assessment, prepared to support resource consent applications to Environment Canterbury for the discharge of stormwater to land. While I understand that this is not strictly relevant to the application, this assessment is relevant insofar as it relates to a submission received on the content of this.

89. The stormwater assessment identifies that there will be a small increase in run-off from the site, and this will be directed somewhat onto the neighbouring site to the south, which is currently grassed and unlikely to be affected by this. However, in the event that future development is proposed at this site, an infiltration drain could be installed along the entire 400 metres of site boundary to capture this additional run-off. For clarity, this does not form part of any mitigation specifically proposed in the application.

90. The submission from Mr. N Irwin raised concerns regarding stormwater and overland flow, being the owner of the adjoining site to the south of the application site (Struie Road - Lot 7 DP 66179). Mr. Irwin noted that they have resource consent to develop the site, and seeks that the infiltration drain is constructed to capture run-off. They also wish to be consulted on the ultimate dispose of the contaminated run-off water.

91. The application has been reviewed by Mr. Victor Mthamo, Consultant Development Engineer, who confirmed that the site acts as an overland flow path during 1:200 year flooding events. No further advice has been sought from Mr. Mthamo, as he did not raise any concerns with stormwater or overland flow at the site, and recommended standard conditions of consent.

92. I understand that the applicant and the submitter have been in discussions to resolve this issue prior to the hearing, however to my knowledge this has not been confirmed.While I am unable to require that the stormwater infiltration drain is constructed as it did not form part of the mitigation proposed in the application, I consider that the applicant could reach an agreement with the submitter outside of the consent process to address this issue.

Effects from Wildfire Risk

93. Two submitters raised concerns on the potential wildfire risk of the proposal.

94. One submitter raised concerned around the inclusion of the plant species ’akeake’ in the proposed planting plan, as it is identified on the Fire and Emergency New Zealand (FENZ) list of Moderate/High Flammability species and is therefore not suitable for the site.

[3]CRC252597 & CRC252598

95. The other submission objecting to the consent being granted in its current form, due to their site being a neighbouring forestry block, however they consider that this may be able to be addressed via conditions of consent. The following recommendations were included in the submission:

- The minimum boundary setback should be a minimum of two tree lengths, as is required for electricity lines companies.
- A gravelled fire break between the solar farm and neighbouring properties will provide suitable risk management for fires.
- The proposed condition requiring a fire response plan is amended to also require that this is reviewed and approved by FENZ.

96. This submitter also noted that they are willing to work with the applicant to plan an appropriate buffer, and are open to negotiating the clearing of trees from their property to install this buffer if design constraints limit the buffer space available.

97. With respect to the suggestion that the fire response plan be reviewed and approved by FENZ, I am of the view that this is an appropriate amendment to the conditions proposed by the applicant, and I have included this in my recommended conditions. However, I consider the provision of a buffer between the sites is a matter best left to the hearing process, noting that the Plan is silent on this issue.

Effects on cultural values

98. The application includes an assessment of the proposal against the relevant direction within the Mahaanui Iwi Management Plan 2013 (MIMP 2013), which concludes that the activity is '*not culturally inappropriate at this location',* and is for renewable energy generation which is generally supported by the MIMP 2013, therefore cultural effects are likely to be less than minor.

99. Prior to the Section 95 notification decision, this application was provided to Mahaanui Kurataiao Limited (MKL), who provided a cultural report based on consultation with Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga, attached as **Appendix H.** I have confirmed with MKL that they do not wish to provide any further evidence.

100. This cultural report included a number of recommended conditions to avoid, remedy, or mitigate adverse cultural effects, as follows:

- All works shall be undertaken in accordance with an Accidental Discovery Protocol (ADP).
- A site-specific Erosion and Sediment Control Plan (ESCP) shall be prepared for all earthworks, in accordance with Environment Canterbury's '*Erosion and Sediment Control Toolbox'.*
- Landscaping shall be with indigenous plant species to enhance the cultural landscape, among other matters.
- Solar panels must be encapsulated with Glass Laminate Encapsulation to avoid chemical leakage.

101. The application as lodged included proposed conditions for works to be undertaken in accordance with an ADP and ESCP, and also proposed native plant species for the landscaping strips, and the applicant has subsequently adopted the condition requiring the encapsulation of the solar panels during the processing of this application. Subject to this, I am of the view that any adverse cultural effects will be appropriately mitigated and less than minor

102. However, the landscape evidence prepared by Mr. Glasson recommends that the proposed landscape planting is amended to 'Leyland Cypress', which is not a native plant species. While I note that this is subject to agreement from the applicant, if this recommendation is implemented, it will result in one of the previously agreed conditions being retracted. If this is the case, my view is that adverse cultural effects may 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.

Other matters

103. One submission also raised concerns with the placement of utilities such as electricity cables within the Right of Way, noting that the applicant's share is Part C on the Record of Title, and his share is identified as Part D. He seeks that all underground utilities are located within the applicant's share of the Right of Way.

104. I consider that this matter relates to private property rights, and is not a matter to be addressed by the resource consent process.

Section 104(1)(b) – Relevant Provisions of Statutory Documents

District Plans (section 104(1)(b)(vi))

Operative Plan – Objectives and Policies

105. The rules in the Operative Plan are now inoperative, and the proposal is a permitted activity. Therefore, I have not considered the objectives and policies of the Operative Plan as significantly more weight should be given to the Partially Operative District Plan. However, due to the permitted status of the proposal under the Operative Plan, I consider the proposal to be consistent with the objectives and policies within this.

Partially Operative Plan – Objectives and Policies

106. The Partially Operative Plan objectives and policies that I consider relevant to the application are contained within the Strategic Directions and Energy and Infrastructure chapters of the Plan.

Strategic Directions

107. The Strategic Direction provisions relevant to the proposal relate to District Identity and Mana Whenua Values, noting that although the proposed activity is a renewable energy activity, it does not fall within the Partially Operative District Plan definition of 'important infrastructure', and therefore the Infrastructure, Risk and Resilience provisions are not applicable.

- Objective SD-DI-O1 seeks that Selwyn is an attractive and pleasant place to live, work, and visit, where development considers the existing and anticipated character of individual communities, among other matters.
- Objective SD-DI-O2 seeks that Selwyn's economy and community well-being are supported through the efficient use of land, resources, and infrastructure, while ensuring existing activities are protected from incompatible activities.
- Objective SD-DI-O4 seeks that the components which contribute to Selwyn's environment, or cultural or spiritual heritage, are identified, recognised, and protected for future generations.
- Objective SD-DI-O6 requires that outside of urban growth areas, highly productive land is retained for rural production activities, and rural communities retain their rural character.
- Objective SD-MWV-O1 recognises the cultural significance of the District to Ngāi Tahu and Te Taumutu and Te Ngāi Tūāhuriri Rūnanga, and seeks to strengthen the partnership between Ngāi Tahi and the Council, including by promoting active and meaningful participation by those who hold mana whenua in the resource management decision-making process.

108. The above provisions provide a broad overview of the overarching direction of the Partially Operative District Plan, and are achieved through the implementation of activity and area specific provisions. As the proposal is consistent with the relevant provisions below, I consider the outcomes sought above are also achieved.

Energy and Infrastructure

109. The following provisions, which apply on a District-wide basis, are considered relevant to the proposal:

- Objective EI-O4 seeks to optimise and increase renewable energy generation outputs for national, regional, and local use, while minimising adverse effects on the environment and sensitive activities.

- Supporting policy EI-P2 requires that adverse effects from renewable energy generation are appropriately avoided, remedied, or mitigated, including through co-location, and through ensuring the location, design, and operation of infrastructure minimises effects on public access, the health and safety of people, and the amenity values of the surrounding environment.

- Policy EI-P4 seeks to manage the adverse effects from the construction and operation of renewable energy generation, including noise and vibration.

- Policy EI-P9 seeks to provide for renewable energy generation activities across the District, while having particular regard to the benefits in terms of contribution to national energy objectives, the technical and operation requirements and the location and use of existing electricity generation and distribution infrastructure.

110. For completeness, and as outlined above, the proposal does not meet the definition of 'important infrastructure' as although it is a renewable energy generation activity, it is not being undertaken by an 'Electricity Operator' as defined in the Electricity Act 1992. I also reiterate that the Energy and Infrastructure chapter is intended to be self-contained for all energy and infrastructure activities, and therefore consideration of provisions relating to the rural zone or earthworks, among others, is not required.

111. In regard to these objectives and policies, the proposal is for an energy activity, being renewable electricity generation. The proposal will contribute to national energy objectives as it will provide renewable electricity to the wider surrounding area. It is located on a site that meets its functional and operational needs, which enables connection to the Orion distribution network. The activity is not sensitive to, and will not cause, any reverse sensitivity effects, and mitigation is proposed to minimise adverse effects on the amenity values of the surrounding environment. With respect to the construction of the solar farm, the applicant has proposed a range of mitigation measures in accordance with best practice, such that adverse effects will be avoided during this period.

112. Overall, I consider the proposal will be consistent with the Partially Operative Plan.

Plan Weighting

113. Section 104(1)(b)(vi) requires the consent authority to have regard to an [operative] plan or proposed plan. Where there is conflict between the provisions of an operative and proposed plan, a weighting assessment is required to determine which plan may be afforded more weight.

114. Case law indicates that the extent to which the provisions of the proposed plan are relevant should be considered on a case-by-case basis and might include:

- how far through the plan making process the proposed plan is, and the extent to which it has been tested and undergone independent decision making;

- any circumstances of injustice if the provisions are given more or less weight;

- the extent to which a new provision, or the absence of a provision, implements a coherent pattern of objectives and policies;

- whether the new provisions represent a significant shift in Council policy; and

- whether the new provisions are in accordance with Part 2 of the Act.

115. As the relevant provisions of the Partially Operative Plan are no longer subject to appeal, and the corresponding provisions of the Operative Plan are inoperative, I have given significantly more weight to the Partially Operative Plan.

Other Relevant Documents (section 104(1)(b)(i)-(v))

National Policy Statement for Renewable Energy Generation

116. The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) sets out the objective and policies for renewable electricity generation under the Resource Management Act 1991.

117. The objective of the NPS-REG is:

> *To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.*

118. While the overall policy direction with the NPS-REG is more applicable to plan-making[4] rather than individual resource consents, Policy A is relevant:

> *Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:*
>
> *a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
>
> *b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
>
> *c) using renewable natural resources rather than finite resources;*
>
> *d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;*
>
> *e) avoiding reliance on imported fuels for the purposes of generating electricity.*

119. Additionally, Policy C1 sets out the matters that decision-makers shall have particular regard to, which includes *the need to locate the renewable energy generation activity where the renewable energy resource is available*[5]*,* and *the location of existing structures and infrastructure, [...] and the need to connect renewable electricity generation activity to the national grid*[6]*.*

120. The proposed activity is consistent with the above direction, noting that it provides for solar renewable electricity generation, which will increase generation capacity and the security of supply at the local level. By connecting into the electricity distribution network, the site will contribute to an overall reduction in reliance on finite resources and imported fuels by providing electricity to the wider area which is sourced from renewable generation.

National Policy Statement for Highly Productive Land

121. The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) sets out the objective and policies for the management of highly productive land. The NPS-HPL came into effect on 17 October 2022, and was amended in September 2024 in relation to specified infrastructure, intensive indoor primary production and greenhouse activities.

122. For completeness, the site is not considered to be highly productive land as it is not identified as containing soils within Land Use Capability 1-3. Therefore, no consideration is required under the NPS-HPL.

Canterbury Regional Policy Statement (CRPS)

123. The District Plans have been prepared to give effect to the CRPS, and also the higher order documents not yet incorporated into this. Therefore, I consider there is no need to assess these provisions.

Section 104(3)(d) – Notification consideration

124. Section 104(3)(d) states that a consent authority must not grant a resource consent if the application should have been notified and was not. The application was limited notified. Therefore, it is my view that section 104(3)(d) does not preclude the granting of consent in this case.

[4]Policies E1, F, NPS-REG

[5]Policy C1(a), NPS-REG

[6]Policy C1(c), NPS-REG

Part 2 – Purpose and principles

125. The consideration under section 104 is subject to Part 2 of the Act – Purpose and principles.

126. The purpose of the Act is contained within section 5 and it is to promote the sustainable management of natural and physical resources. *Sustainable management* means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

127. The other sections of Part 2, sections 6, 7 and 8, address matters of national importance, other matters and Te Tiriti o Waitangi (the Treaty of Waitangi) respectively.

128. The relevant District Plans have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes; therefore, taking into account relevant case law, I consider that assessment under Part 2 is not necessary.

Conclusions

129. The application is for the following consents:

- RC246059 - Land Use (s9) - Construction and operation of a 10ha solar array (solar farm)

130. Overall, the application is for a discretionary activity.

131. Subject to my recommended conditions of consent below, I consider that the adverse effects of the proposal on the environment will be adequately mitigated and minor.

132. I consider that the proposal is consistent with the objectives and policies of both District Plans, and that significantly greater weight must be given to the Partially Operative Plan.

133. The proposal is consistent with other statutory documents, notably the NPS-REG.

134. Having considered all relevant matters, I conclude that the application may be granted, subject to conditions of consent.

Recommendation

135. I recommend that land use consent RC246059 is **granted**, pursuant to sections 104 and 104B of the Resource Management Act 1991, subject to the conditions of consent below pursuant to sections 108 and 108AA of the Act.

Report by:  Olivia Robertson, Consultant Planner	Date: 15 May 2025

Condition(s) of Consent

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, and the attached stamped Approved Plans entitled 'Rā Tuatahi No.1 10MWac' and dated 16/01/25 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:

    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.

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 certification in accordance with Conditions 3-6 (including but not limited to the SDC Certification Response in Condition 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 plan shall be prepared by a SQEP and in accordance with Environment Canterbury's Erosion and Sediment Toolbox.

11. No earthworks may commence until the ESCP has been implemented on site. The ESCP 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 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.

12. 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.

13. 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.

14. 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.

15. 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

16. 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 Periodcommencement 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.

17. 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.

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

19. Certificates satisfying the conditions of NZS4431: 2022 Code of Practice for Earth Fill for Residential Development are to be provided to the Council prior to section 224(c) approval. These certificates will be provided by a chartered engineering professional with suitable experience and accompanied by a report detailing the extent and nature of all earthworks undertaken.

20. 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.

21. All loading and unloading of trucks with excavation or fill material must be carried out within the subject site.

22. Any surplus or unsuitable material from the project works must be removed from site and disposed at a facility authorised to receive such material.

Landscaping

23. The Consent Holder shall provide landscaping along the boundaries of the site, in accordance with the following:

    a. Landscaping shall include at least two rows of planting.

    b. Plants shall be at least 1 metre in height at the time of planting.

    c. Plant species shall be Leyland cypress 'Leighton Green'.

24. The proposed landscaping must be established on site within the first planting season (extending from 1 April to 30 September) following the establishment of the activity.

25. At least 30 working days prior to the commencement of landscaping, the Consent Holder shall submit a LMP to Council (Compliance@selwyn.govt.nz) or by their nominated appointee ,for certification in accordance with Condition 21 and 22 above.

26. 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 23.

    b. 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 plant replacement should a gap become apparent, the plants die or become diseased.

    e. The location and design of fencing of the Site.

    f. Details of ongoing maintenance including weed control management and monitoring.

    g. Details of the method and frequency of monitoring the health of the plants to ensure their health and survival.

    h. Minimum heights required to mitigated any glare (noting condition 28).

27. All landscaping shall be implemented and maintained in accordance with the LMP certified under condition 25.

28. All dead or diseased existing vegetation shall be replaced within the next growing season or as soon as practically possible.

Fencing

29. The perimeter security fencing shall be a maximum height of 2.1 metre and the posts shall not exceed 2.5 metres. Closed board fencing shall be prohibited along the site boundaries.

Hazard Management

30. Inverters and transformers shall be established at a minimum height of 1 metre above the existing ground level where they are positioned.

31. The Consent Holder shall prepare a Fire Response Plan in accordance with the Fire and Emergency New Zealand Act 2017 (or any successor legislation), and submit this to Fire and Emergency New Zealand for review and approval, prior to the operation of the solar array. The consent holder must ensure that any updates to this are also approved within 1 month of these being finalised.

32. The Consent Holder shall provide the Council with a copy of the Fire Response Plan, and any subsequent updates, prepared and approved in accordance with Condition 31, prior to the operation of the solar arrays.

33. The consent holder must ensure that the solar panels be encapsulated with Glass Laminate Encapsulation to avoid chemical leakage.

    i. 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

34. 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).

35. The ADP required by Condition X must be prepared in accordance with Appendix (x) to this decision.

36. In the event of the accidental discovery of Māori archaeological sites or material:

    a. works within the site and within 5m of the find must cease immediately. The area must be immediately secured in a way that any artefacts or remains are untouched. Manawhenua iwi, Heritage New Zealand, the Department of Conservation, the Selwyn District Council and the New Zealand Police (in the case of human remains) must be notified that an archaeological site has been exposed, so that appropriate action can be taken. This includes such persons being given a reasonable time to record and recover archaeological features discovered before any work may recommence on the site. Reasonable time will provide an opportunity for those parties to visit the site within up to 3 working days of the discovery (if and as they consider it necessary), and such persons must be given 6 working days of the discovery being made to inspect the find and record and recover archaeological features discovered before any work may recommence on the site.

    b. If the find is an archaeological site in accordance with the Heritage New Zealand Pouhere Taonga Act 2014 (which defines and archaeological site as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand), work may only recommence until any necessary Heritage New Zealand Pouhere Taonga authority is obtained

Decommissioning and Site Rehabilitation

37. 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.

38. 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.

39. 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

40. 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 the for the purposes of:

c. 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

d. 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

e. 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

Selwyn District Council Advice Notes for the Consent Holder

Lapse Period (Land Use Consent)

(a) Pursuant to section 125 of the Resource Management Act 1991, if not given effect to, this land use consent shall lapse five years after the date of issue of the decision, i.e. the date of receipt of the Notice of Decision email, unless before the consent lapses an application is made to the Council to extend the period after which the consent lapses and the Council decides to grant an extension.

Resource Consent Only

(b) This consent is a Selwyn District Council resource consent under the Resource Management Act. It is not an approval under any other Act, Regulation or Bylaw. Separate applications will need to be made for any other approval, such as a water race bylaw approval or vehicle crossing approval.

Building Act

(c) This consent is not an authority to build or to change the use of a building under the Building Act. Building consent will be required before construction begins or the use of the building changes.

Regional Consents

(d) This activity may require resource consent(s) from Environment Canterbury (ECan). It is the consent holder's responsibility to ensure that all necessary resource consents are obtained prior to the commencement of the activity.

Monitoring

(e) In accordance with section 36 of the Resource Management Act 1991, a standard monitoring fee has been charged. This covers setting up a monitoring programme and one site inspection.

(f) If the conditions of this consent require any reports or information to be submitted to the Council, additional monitoring fees for the review and certification of reports or information will be charged on a time and cost basis. This may include consultant fees if the Council does not employ staff with the expertise to review the reports or information.

(g) Where the conditions of this consent require any reports or information to be submitted to the Council, please forward to the Council's Compliance Team, compliance@selwyn.govt.nz.

(h) Any resource consent that requires additional monitoring due to non-compliance with the conditions of the resource consent will be charged additional monitoring fees at a time and cost basis.

Impact on Council Assets

(i) Any damage to fixtures or features within the Council road reserve that results from construction or demolition on the site shall be repaired or reinstated at the expense of the consent holder.

Vehicle Crossing

(j) Any new or upgraded vehicle crossing requires approval from Council's Infrastructure and Property Department prior to installation. Applications to install a new vehicle crossing or upgrade an existing one can be made online via the SDC website (Selwyn District Council - Application to Form a Vehicle Crossing (Entranceway)). For any questions regarding the process please contact the Roading Team via email at transportation@selwyn.govt.nz.

Rural Wastewater

(k) Onsite wastewater treatment and disposal system(s) must comply with the requirements of the discharge consent issued by Environment Canterbury Regional Council. Where compliance via a Certificate of Compliance cannot be provided, a Resource Consent must be obtained.

Provision of Stormwater

(l) Onsite stormwater treatment and disposal system(s) must comply with the requirements of the discharge consent issued by Environment Canterbury Regional Council.

Rūnanga Advice Notes for the Consent Holder

Te Taumutu and Ngāi Tūāhuriri Rūnanga

(a) Indigenous planting should be incorporated between the solar panels.

(b) The consent holder should consider how solar panels can be re-used and recycled once they reach the end of their useful lifespan.

(c) The consent holder should undertake soil testing to monitor how the runoff from solar panels impacts soil quality.