MITCHELL DAYSH

SKYSOLAR

SOLAR FARM – PLANTATION ROAD, ONGAONGA

Resource Consent Application and Assessment of Environmental Effects

6 May 2022

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Report Status	Final
Our Reference	MDL001908
File Location	Mitchell Daysh > Projects > Skysolar > 03 Application
Author	Tom Hosford
Review By	Philip McKay

PART A

Resource Consent Application

FORM 9

APPLICATION FOR RESOURCE CONSENT

Sections 88 and 145, Resource Management Act 1991

To Central Hawkes Bay District Council: 28-32 Ruataniwha Street Waipawa 4210

1. Skysolar Limited apply for land use resource consent.

2. The activity to which the application relates (the proposed activity) is as follows:

   The establishment and operation of a solar electricity generation farm (herein called a 'solar farm'), with associated ancillary works (trenching, access enhancements and the establishment of a site office).

3. The site at which the proposed activity is to occur is as follows:

   A rural property located at 189 Plantation Road, Ongaonga, which is currently legally described as Lot 9 DP 203, Lot 2 DP 311925 and BLK 302 Ruataniwha CGD and held in Records of Title HBM4/917, 46965 and HBA4/836, respectively. Refer to Section 2 of the AEE for further details of the site.

4. The full name and address of each owner or occupier (other than the applicant) of the site to which the application relates are as follows:

   Plantation Road Dairies Limited – 313 Wakarara Road, RD2, Ongaonga 4279

5. There are no other activities that are part of the proposal to which this application relates.

6. No additional resource consents are needed for the proposal to which this application relates.

7. I attach an assessment of the proposed activity's effect on the environment that—

   (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

   (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

   (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.

9. I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

10. I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:

Assessment of Effects on the Environment
Records of Title
Development Plans
Landscape and Visual Effects Assessment
Affected Persons Consents
Consultation Record

Date: 6th May 2022

Signature: Tom Hosford

Person authorised to sign on behalf of applicant.

Address for Service: Mitchell Daysh Limited
PO Box 149
Napier

Telephone: + 64 21 1919 704
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Contact person: Tom Hosford

B

PART B

Assessment of Environmental Effects

1. INTRODUCTION

1.1 PROJECT OVERVIEW

Skysolar Limited ('the Applicant') proposes to establish and operate a solar electricity generation farm (herein called a 'solar farm') at 189 Plantation Road, Ongaonga.

The overall site is approximately 152 ha in size, is legally described as Lot 9 DP 203, Lot 2 DP 311925 and BLK 302 Ruataniwha CGD and is held in Records of Title HBM4/917, 46965 and HBA4/836, respectively (included in **Appendix A**). The proposed solar farm will be established across the majority of the site as outlined in **Figure 1** below.

The intent of the solar farm is to provide a new renewable source of electricity generation to supply both the local market and the National Grid. Given that Central Hawke's Bay receives approximately 1,700 hours of bright sunshine each year, the proposed Ongaonga solar farm has been selected to utilise the solar resource as a source of renewable energy on a year-round basis. The site has also been chosen due to being conveniently located adjacent to existing electricity transmission infrastructure, which is critical to enable the electricity generated at the solar farm to be distributed into either the local or national transmission grid. At full operation, the solar farm will have an operational capacity of 160 Gigawatt hours per year, being enough to power 18,000 houses.

As part of developing the solar farm, the Applicant seeks to achieve other sustainability benefits beyond harnessing renewable energy. The establishment of the Ongaonga solar farm will include areas of native buffer planting which have been selected to include pollinator species to support nearby apiarists, along with a larger biodiversity enhancement project in planting the riparian margins of the Kahahakuri Stream. Further to this enhancement of a wetland adjacent the stream with indigenous plantings is also proposed.

As there have been no other solar farms of a similar scale established and commissioned across the country, the Applicant seeks for this project to be an exemplar.

A copy of the proposed site layout is shown in **Figure 1** below. A full copy of the proposed site development plans is included as **Appendix B**.

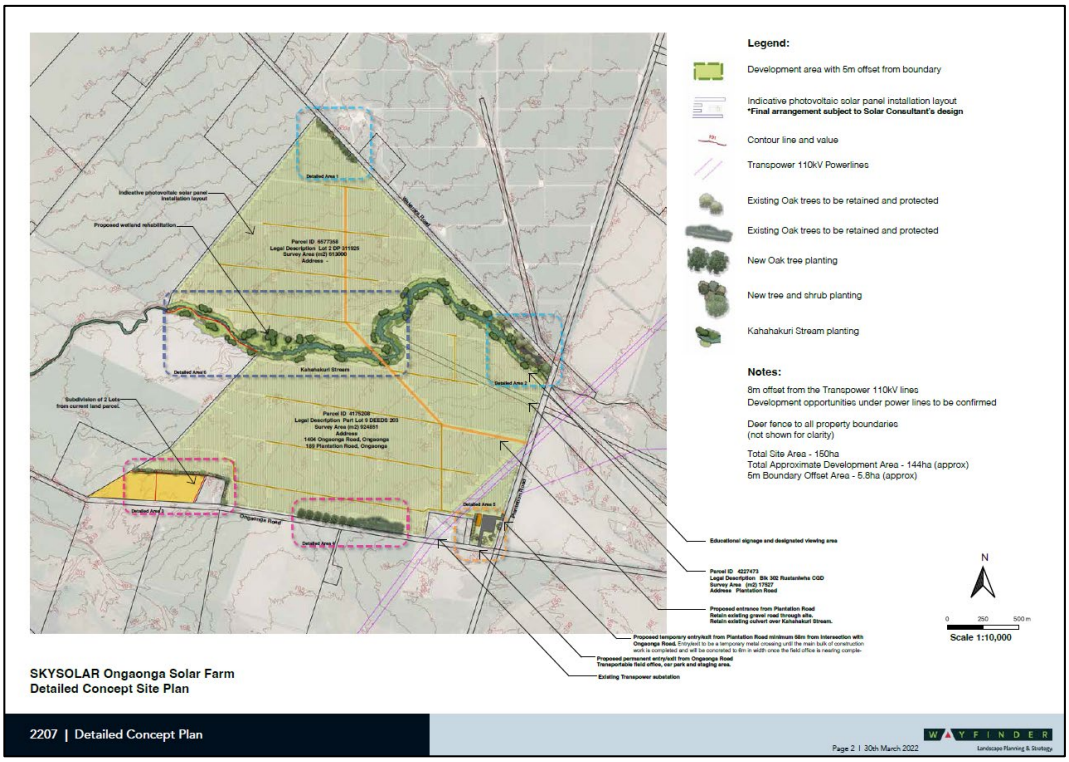

Figure 1: Site layout plan.

2. SITE AND LOCALITY DESCRIPTION

The site is located 500 m to the east of the rural settlement of Ongaonga, and approximately 12 km to the west of Waipawa. The irregular shaped site of 152 ha in area is bounded by Wakarara Road to the northeast, Planation Road to the East, and Ongaonga Road to the south.

The topography of the site consists of relatively flat country, which is bisected by a watercourse, the Kahahakuri Stream, which transverses the middle of the site. Built development on site is limited to a bore pump shed. The site is largely devoid of any mature vegetation, except for a grove of mature oak trees along the southern boundary adjacent to Ongaonga Road and a similar stand of trees at the corner of Planation and Wakarara Roads.

Formed access to the site is obtained by a farm style vehicle crossing at the centre of Plantation Road frontage which provides access to a gravelled farm track to the middle of the site.

The site shares a common boundary with land that accommodates substations that are owned and operated by Centralines and Transpower along the Ongaonga Road boundary. National grid powerlines cross the south-eastern corner of the site from the substation and towards Plantation Road. Further west along Ongaonga Road the site also surrounds a rural lifestyle site (1396 Ongaonga Road). The land within the subject site to the west of this lifestyle site is also in the process of being subdivided into rural lifestyle sites, however at the time of lodging this application no new titles have been created. Grazing land adjoins the site to the west.

A large orchard is located opposite the site to the north which contains on-site worker accommodation and facilities. Grazing activities are located adjacent to the site to the east on Plantation Road and to the south on Ongaonga Road.

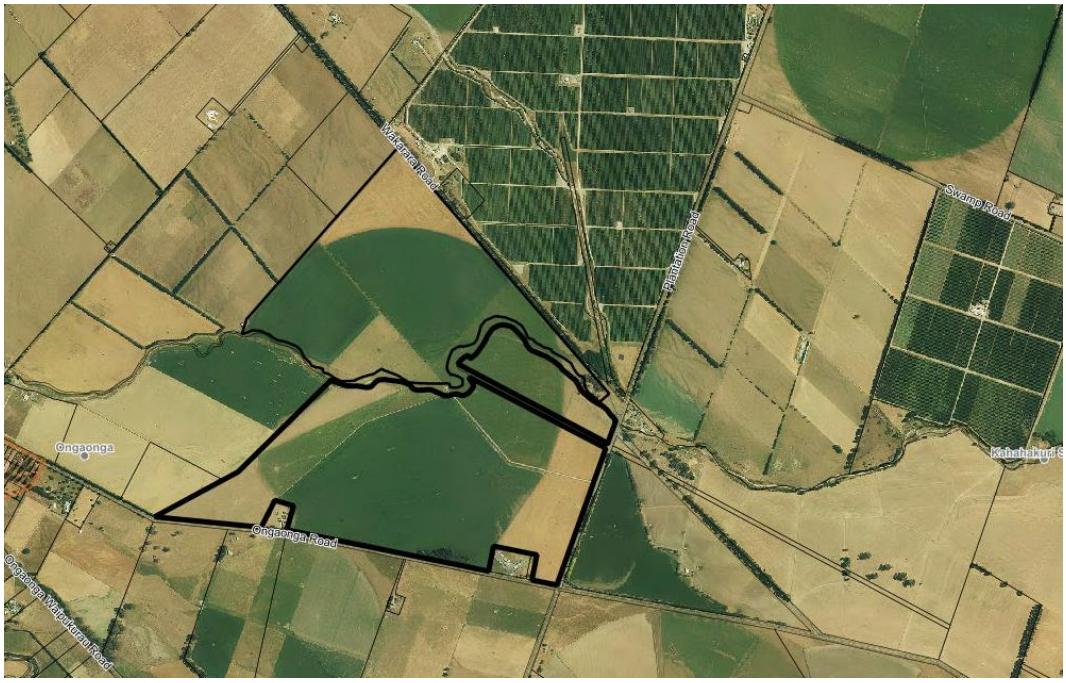

Figure 2: **Aerial image of subject site (Source: HBRC).**

Figure 3: **View of site from southwestern corner on Ongaonga Road facing east.**

Figure 4: **View of site from the Plantation Road entrance facing south towards substation site.**

Figure 5: **View of the site from the northern corner of the site facing southwest along common boundary.**

Figure 6: **View of wetland area to be enhanced facing south.**

3. DESCRIPTION OF PROPOSAL

3.1 SITE LAYOUT

The proposal involves the construction and operation of a solar farm across 120 ha of the site as depicted by the blue area shown in Figure 1 above. The structures that hold the solar panels (referred to as solar tables) will be constructed up to 5 m from the external boundaries of the site. An 8 m buffer is proposed to run parallel with the edge of the 110kv powerlines to maintain safe electrical distances and in accordance with Transpower requirements.

It is proposed to construct the solar farm in one stage over a duration of six to seven months, however this is dependent on materials and equipment arriving from overseas. It is envisioned that construction of the solar tables will start near the adjoining substation and will be progressively expand in a north-easterly direction.

Fencing in the form of a 1.8 m high deer fence will be established around the entire perimeter of the site to secure the site. Small signage identifying that this is a high voltage area will be attached to the fencing as per the requirements of the New Zealand Electrical Code of Practice.

Access for construction and delivery vehicles will be provided via a two-way entry/exit system, whereby vehicles will enter the site via a construction entrance adjacent to the Transpower substation on Ongaonga Road and will exit via the existing farm gate entrance on Plantation Road.

It is proposed to establish an on-site office and parking area in the south-eastern corner of the site adjacent to the substation property. The office building will be a new build transportable design, being of a similar appearance as shown in **Figure 7** below. Access to the office building will be via the temporary construction entrance on Ongaonga Road which formed to the Council vehicle crossing standards prior to the occupation of the office building. The parking area will be of a compacted gravel surface and shall be capable of accommodating six car parking spaces. The office and parking area will be provided with buffer planting with the proposed species detailed in the plant palette included in **Appendix B**.

Additional landscape screening is proposed in four locations as shown on the site development plan (**Figure 1** above). The northern corner of the site adjoining Wakarara Road will be provided with a native vegetation buffer adjacent to the orchard accommodation on the opposite side of the road. The existing mature oak trees in the portion of the property at the corner of Wakarara and Plantation Roads are proposed to be protected and retained. It is proposed to establish a dedicated viewing area in this location with an information board that explains the nature of the electricity generation activities on

the site, and renewable electricity in general. Two separate tree and shrub buffer areas are proposed along Ongaonga Road to provide additional screening from adjacent properties.

Figure 7: Example of proposed transportable office (Source: Transbuild).

3.2 INFRASTRUCTURE

The solar farm will comprise of rows of solar panels which are to be constructed on a rotatable steel structure (referred to as a solar table). Each solar table is attached to the ground by seven steel posts which are centralised along its length which allows the solar panels to rotate throughout the day. The solar panels will face east in the morning and will pivot towards the west in the afternoon (as the sun moves). The solar panels are 2.394 m long and 1.096 m wide (2.623 m^2 in area) and will be attached two-wide along the solar table. Based on each solar table being 63.592 m in length, each solar table will contain a total of 114 solar panels.

Each solar panel has a 3.2 mm thick glass surface with an anti-reflection coating. This coating acts to minimise the amount of potential light that is reflected away from the solar panel and therefore maximising the panels' efficiency.

The top of the solar tables, when parallel with the ground (with the sun overhead), are approximately 2.564 m above ground level. When the solar tables are facing as far east or west as they can rotate, the top of the tables are approximately 4.434 m above ground level, while the bottom of the solar tables are approximately 50 cm above ground level, as generally indicated in **Figures 8 and 9**. An example of a typical solar table is shown in **Figure 10** below. The posts of the solar tables will be post rammed into the ground to a depth of 1 m to 2 m depending on the soil strength encountered at different parts of the site.

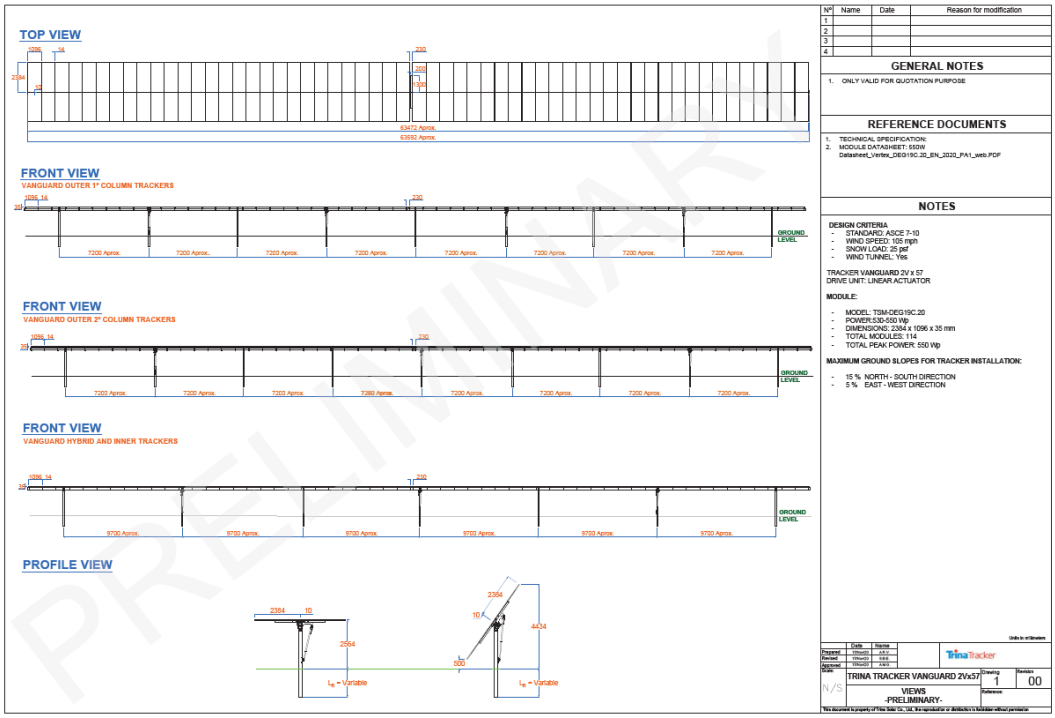

Figure 8: Technical drawings of solar table design.

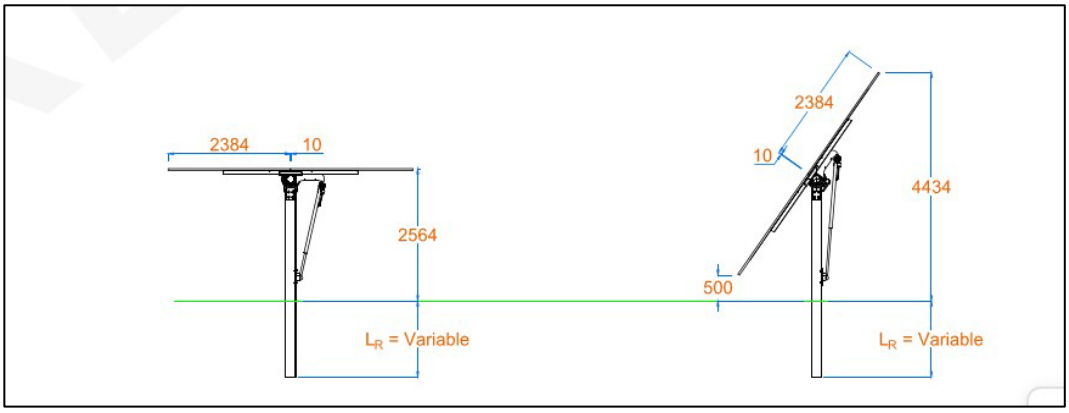

Figure 9: Close up of Solar Table.

Figure 10: Example of solar table construction

Inverters and transformers will also be installed in association with the solar array in order to convert the DC power from the solar panels into AC power for regular domestic consumption. These components will be installed on a regular basis throughout the park and allow for a direct connection at medium voltage into the nearby substation infrastructure. The inverter / transformer units are supplied and installed as an integral unit and installed within the park itself and will not be visible from the solar park boundaries. Their height is lower than the solar panels around them and all cabling within the solar park will be buried. The expected locations of the inverter / transformer units are shown on the site layout maps. The transformers are essentially silent, the same as transformers found in any residential street in New Zealand but do emit a very low hum when operating at full power (midday).

3.3 EARTHWORKS

The Applicant proposes to undertake earthworks to establish all weather access tracks throughout the site. The tracks will be constructed with limestone and shall be located

between every four rows of solar tables, or along rows that contain an inverter or transformer. The remainder of the solar farm will remain as a grassed paddock which will be grazed by lambs periodically.

Earthworks for trenching will be required to lay electrical cabling to onsite transformers and inverters prior to connecting to either of the substations on the adjoining property.

3.4 STREAM AND WETLAND ENHANCEMENTS

As stated above, the Applicant proposes to undertake a substantial rehabilitation programme along the riparian margins of the Kahahakuri Stream for the entire length of the waterbody as it passes through the site. Generally, a 10 m wide buffer on either side of the stream is proposed in most cases, however this will be widened to include a wetland area within the proposed planting area. The riparian and wetland plantings are to be fenced to exclude sheep from grazing. A preliminary plan of the main body of revegetation works is shown in **Figure 11** below.

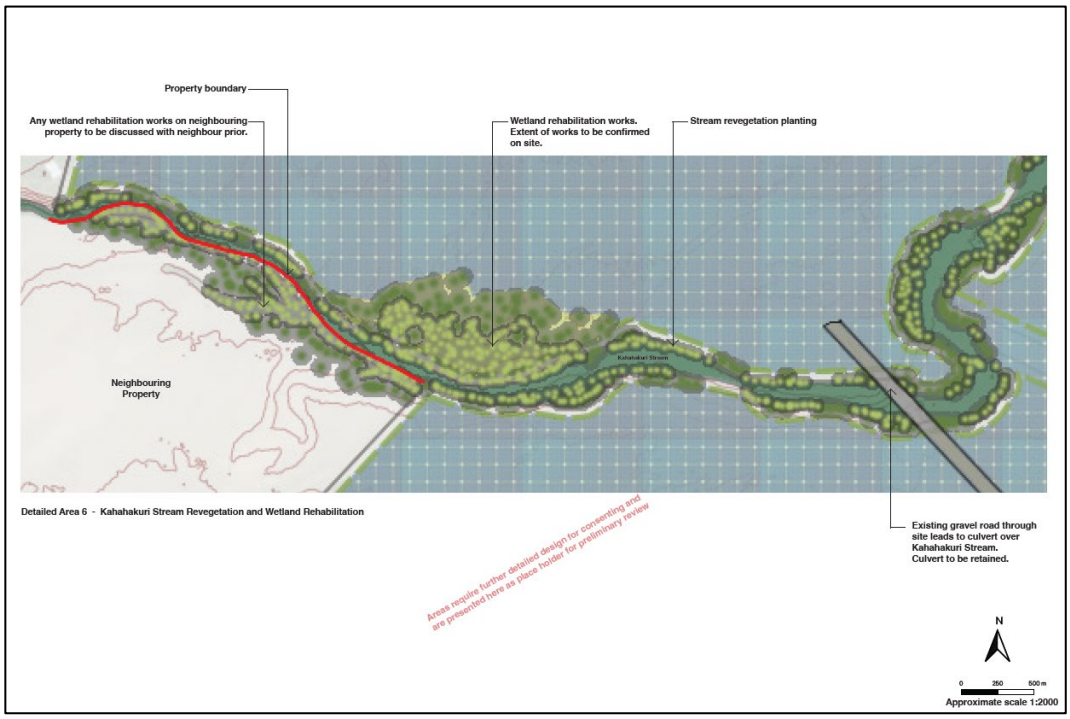

Figure 11: Preliminary enhancement plan.

4. RMA STATUS OF PROPOSED ACTIVITY

4.1 ZONING AND ACTIVITY STATUS

4.1.1 Operative Central Hawkes Bay District Plan

4.1.1.1 Rural Zone

Under the Operative Central Hawkes Bay District Plan, the proposed activity being a solar electricity generation farm is not specifically provided for under any of the activity headings in Section 4.8 of the Rural Zone.

Section 4.8.3(f) states that Any Other Activity, which is not listed as a Permitted Activity or a Controlled Activity or a Non-Complying Activity shall be a **Discretionary Activity**.

The Operative District Plan contains the following definition of a building:

> *Building: shall have the same meaning as in the Building Act 1991, but does not include:*
> *• Fences or walls of 2 m in height or less above ground level or retaining walls of 1.5m in height or less below ground level, not used for a sign or for any purpose other than as a fence, retaining wall or wall.*
> *• Structures less than 5 m^2 in area and which are less than 2 m in height above ground level.*
> *• Radio and television antennas (excluding dish antennas for receiving satellite television which are greater than 1 m in diameter), less than 2 m in height above ground level.*
> *• Masts and poles less than 7 m in height above ground level.*
> *Building includes the construction, erection, alteration, relocation or placement on a site of a building.*

As the solar tables are technically a structure and will be of a height greater than 2 m above ground level, the solar tables must be treated as a 'building' as per the above definition and are therefore subject to the performance standards of the Rural Zone.

The relevant performance standards of the Rural Zone are assessed as follows:

Table 1: Relevant Performance Standards of the Rural Zone:

Performance Standard	Compliance
4.9.1 - Building Coverage: The net area of any site covered by buildings and impervious surfaces shall not exceed 700 m^2 or 7% of site area, which ever is the greater.	No - As the solar tables being defined as a building, the building coverage performance standard will be exceeded, as approximately 75% of the site will be covered by buildings and other impervious surfaces (access tracks).

Performance Standard	Compliance
4.9.2 Height of Buildings: Maximum height of any building for an activity shall be 10 m.	Yes – the maximum height of the solar tables when at full tilt is 4.434 m above ground level.
4.9.3 - Recession Lines i. No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary. ii. Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right-of-way over it in favour of that site, the recession lines shall be constructed from the far side of the access.	Yes - The 4.434 m height of the panels does not exceed 2 m + 5 m (being the shortest distance to the boundary.
4.9.4 - Setback from Roads i. The minimum setback for a residential unit shall be 5 m; ii. The minimum setback for any building for any other activity (including stockyards, and stock loading ramp\race) from road boundaries shall be 20 m:	No - The proposed solar tables are proposed to be setback 5 m from each of the roadside boundaries, and therefore do not comply with standard 4.9.4(ii). The office building will comply with the 20 m setback requirement contained in standard 4.9.4(ii).
4.9.5 - Setback from Neighbours Subject to any other rules for Rural Zone, the minimum setback of buildings for an activity from internal boundaries shall be: i. residential units: 5 m i. all other buildings: 10 m	No – The proposed solar tables are proposed to be setback 5 m from the neighbouring boundaries, as opposed to 10m as required by standard 4.9.5(ii).
4.9.6 - Domestic Wastewater Disposal All buildings containing ablution facilities and which are not connected to a reticulated sewage system, shall have an on-site septic tank system, including an approved filter unit, or any equivalent system that complies with the Draft	Yes – This matter will be addressed at the time of applying for building consent to place the transportable office building on the site, and shall be of a standard that meets the requirements of the Hawkes Bay Regional Resource Management Plan.

Performance Standard	Compliance
Australian\New Zealand Standard DR96034 or any subsequent final standard.	
4.9.7 - Factory Farming Effluent Disposal	N/A – Factory Farming is not proposed.
4.9.8 - Electrical Safety Distances Any activity, including the establishment of buildings and structures or any earthworks, within the vicinity of overhead electric lines shall comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993).	Yes – A 8 m buffer is shown in relation to the overhead 110 kv powerlines which is compliant in terms of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993).
4.9.9 - Coastal Margin	N/A – The site is not located within the Coastal Margin.
4.9.10 - Tree Planting	
Setback from Neighbouring Properties: No tree planting, except for amenity tree planting, shall be located on, or within, 10 metres of the boundary of any property under a separate Certificate of Title unless prior written permission has been obtained from the affected landowner. A copy of the written permission shall be forwarded to the Council and will be registered on the land information property records. (Note: Where written permission is not obtained within this zone tree planting shall be a discretionary activity with respect to this matter).	Yes - It is considered that the proposed plantings are for the purpose of amenity tree planting. Regardless of this, the written approval of all neighbouring properties where new screening is to be established has been obtained (see Appendix D).
Setback from roads: No tree planting shall be positioned such that when the trees grow they will shade a public road between the hours of 10am and 2pm on the shortest day of the year.	Yes - All of the new tree plantings along the road side boundaries of the site will be arranged that any tall growing varieties are set as far back as possible, with lower growing species closer to the road boundary.
Setback from residential units: No tree planting shall be positioned such that when the trees grow they will shade a residential unit on a	Yes - No shading is anticipated by the proposed species types.

Performance Standard	Compliance
neighbouring property between the hours of 9am and 4pm on the shortest day of the year.	
4.9.11 - Noise On any site, activities, shall be conducted such that the following noise levels are not exceeded at nor within the notional boundary of any residential unit, other than residential units on the same site as the activity: 55dBA L10 - 6:00am - 11.00pm Monday to Saturday 45dBA L10 - at all other times 75dBA Lmax - at all other times	Yes – The inverters are designed to comply with the below noise requirements.
4.9.12 - Setback From Fault Lines No building for an activity shall be located within 20 m of an earthquake fault line identified on the Planning Maps.	Yes – The site is not affected by fault lines
4.9.13 - Areas of Significant Conservation Value There shall be no modification to any "Site of Significant Conservation Value".	Yes – The site is not an area of significant conservation value.
4.9.14 - Noise from Waipukurau Aerodrome	N/A – The site is not located on the Waipukurau Aerodrome
4.9.15 - Buildings by Waipukurau Aerodrome Notwithstanding the performance standards in relation to buildings set out in rule 4.9 there shall be: i. no building for an activity in those areas specified as "No building zone" on Planning Map 30; ii. no building for an activity that exceeds 6m or 10 m in those areas specified as "Height Restriction of 6 metres" and as	N/A – The site is not located near the Waipukurau Aerodrome

Performance Standard	Compliance
"Height Restriction of 10 metres" on Planning Maps 30 or 32; iii. no building for an activity that exceeds a height restriction determined by a 1:20 approach and takeoff gradient for aircraft using the runways which are identified on Planning Map 30 at the Waipukurau Aerodrome.	

Accordingly, as the proposal fails to comply with some of the performance standards relating to building coverage, setback from roads and setbacks from neighbours, the extent of these infringements shall be assessed as a Discretionary Activity.

Overall, the proposal is a Discretionary Activity under the Operative Central Hawkes Bay District Plan.

4.1.2 Proposed Central Hawkes Bay District Plan

The Central Hawkes Bay District Council notified their Proposed District Plan on the 28th of May 2021. Though this planning document does not currently have full legal effect, the consent authority must have regard to any provisions of a proposed plan when considering an application, but not when determining the activity status of an application.

Part 2 of the Proposed Central Hawkes Bay District Plan includes a chapter that is specific to Renewable Energy. Renewable energy is defined in the RMA as:

> *"energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean current sources".*

As the proposal involves the production of energy from a solar source, it is considered to fit with this definition of renewable energy.

The Proposed Central Hawkes Bay District Plan defines 'Renewable Electricity Generation Activities' to mean:

> *"the construction, operation, maintenance and upgrading of structures associated with renewable electricity generation. Includes small and community-scale distributed renewable electricity generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity".*

It is considered that as the proposal involves the construction, operation and maintenance of structures associated with renewable electricity generation, that the proposal is consistent with the above definition.

The construction and commissioning of renewable electricity generation activities are provided for in the Renewable Energy Chapter by Rule RE-R4 of the Proposed Central Hawkes Bay District Plan as a Discretionary Activity, provided the following condition is met:

a. *New renewable electricity generation activities must not be located within an Outstanding Natural Feature or Landscape, or a High Natural Character Area, identified on the Planning Maps and in NFL-SCHED6 and CE-SCHED7.*

As the subject site does not comprise of any of these landscape areas, the proposal is therefore a Discretionary Activity under the Proposed Central Hawkes Bay District Plan. It is noted however, that the activity status is determined only by the Operative District Plan.

4.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH (NESCS) (SECTION 104(1)(B)(I))

Regarding the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("**NESCS**"), a check of Council records and a review of historical aerial imagery for the wider area indicates that the subject site has always been a farming property.

During my site visit on 17 February 2022 there was no obvious evidence of historic agricultural land uses such as spray races or ship dips being located across the site. The below historic aerial imagery indicates that the site has always been used solely as a grazing block without any established farming infrastructure.

Furthermore, the underlying use of the site as production land will not be altered by the proposed solar farming activity, as the site will continue to be grazed at a reduced scale and by sheep rather than cattle. The solar farm will also facilitate the production of solar energy.

Accordingly, it is highly likely that the land area involved has not been used for a HAIL activity and therefore the NESCS does not apply to this application.

Figure 12: Historic aerial image (Source Retrolens, 1952).

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 POSITIVE EFFECTS

The establishment and ongoing operation of the proposed solar farm will contribute to the local, regional, and national electricity sectors by creating a new source of renewable electricity. The proposed solar farm is of a scale which will assist with achieving the Government's strategic national target to generate 100% of electricity from renewable energy sources by 2030. The establishment of new solar farming facilities in Central Hawkes Bay will provide further resilience within the local and national electricity sectors in response to changing climatic conditions and changing attitudes towards fossil fuel use.

The proposal involves the removal of an intensive dairy farming operation on land that drains into the Kahahakuri Stream. As reported by the Hawke's Bay Regional Council, the Kahahakuri sub-catchment is failing to meet the Macroinvertebrate, Dissolved Inorganic Nitrogen and Dissolved Reactive Phosphorus indicators set by the Tukituki Catchment Plan (Plan Change 6). Though it is proposed that lambs or ewes will graze the land periodically during the year as part of pasture management, the proposal will result in a substantial reduction of leachate and runoff entering the waterbody following the removal of the dairy herd and the associated transfer of water rights from the site. A 10m buffer of land on either side of the Kahahakuri Stream will be fenced from stock to allow for a significant native revegetation programme to be undertaken along the stream banks and including an existing wetland on the north bank at the western end of the stream within the site. The combination of these measures will result in an observable improvement in water quality and biodiversity in and around the site in addition to the benefits that are afforded from generating electricity from renewable sources.

From the outset of this project the applicant has sought to involve the wider community as part of developing the solar farm. Every opportunity to source materials and plants from local suppliers will be sought to ensure the Central Hawke's Bay community can benefit from the flow on economic effects of the development. The local labour market will be utilised as part of constructing the solar farm, and it is envisioned that schools and local marae will be invited to assist the Kahahakuri Stream and wetland revegetation programme. The establishment of a dedicated viewing area with an information board will also provide additional educational opportunities to the wider public to better understand the operation of the solar farm and the benefits of solar electricity generation.

5.2 LANDSCAPE AND VISUAL AMENITY EFFECTS

As the nature of the proposal is unique to the District and the wider Hawke's Bay region, the proposal has the potential to give rise to effects on the rural landscape. Though there are some very small, residential scale solar panels in the general area, the solar farm will become a noticeable, eye-catching, and distinctive element of the wider landscape. To understand and the extent of landscape change that will result from the proposal the

Applicant commissioned a Landscape and Visual Effects Assessment ('LVA') from Wayfinder in support of this application (**Appendix C**).

It is noted that the wider landscape is a highly modified landscape that is extensively used for primary production. It contains built forms such as sheds and houses, and electricity infrastructure in the form of the adjacent substation site and various overhead lines. As noted in the Wayfinder 'LVA', the proposal represents an additional type of primary production activity, rather than solely using the land and soil for traditional productive pastoral use, the proposal uses sun light for the production of electricity.

The solar farm will necessitate the establishment of new built forms and associated infrastructure. However this is not dissimilar to the managed rows of the adjacent apple orchard which seeks to optimise and achieve the best yield from the site, or the arrangement of the existing fences within the site to achieve efficiency of irrigation for the dairy farm. In reflecting on the character of this productive environment, Wayfinder has recognised that these observations of the landscape are not natural patterns; they represent ways in which people have manipulated the landscape resource to maximise productivity.

The conclusion of the Wayfinder Assessment of Landscape and Visual Effects is set out as follows:

> *This report, together with the design input provided by Wayfinder in regard to landscape mitigation and restoration, has considered the potential landscape and visual effects of the proposed solar farm near Ongaonga.*
>
> *It is recognised that the solar farm will result in a change in the character of the site, introducing built form and diminishing the pastoral character. However, the decision was made not to screen the proposal by planting the entire boundary, and as such the openness of the landscape (including views across the site to the Ranges) can be retained. This will also allow viewers to become accustomed to seeing the solar farm, which in essence is being established in this area to benefit from the expansive sky and high sunlight hours.*
>
> *Overall, it is considered that the potential landscape and visual effects of the proposal will be minor. There will be some residential dwellings in close proximity to the solar farm that will see it, but mitigation planting is proposed to help buffer and screen these particular views.*
>
> *Planting is also proposed along the length of the Kahahakuri Stream.*
>
> *It is recommended that conditions of consent be included that require the implementation of the Development Concept Plan (including Landscape Mitigation) included on Slide 8 of the Graphical Attachment, prepared by Wayfinder 20 April 2022.*

Therefore, based on the expert advice of a registered landscape architect, Mr Shannon Bray, it is considered that any adverse landscape and visual amenity effects of the

proposal will be of a scale that are minor, (but not more than minor in regard to Section 95A of the RMA).

5.3 TRAFFIC EFFECTS

The proposal will involve a temporary increased level of traffic associated with the delivery of the solar farm construction materials to the site. It is estimated that 240 shipping containers will need to be delivered to the site over the four-to-five-month construction period. Though this timeframe is dependent on the materials arriving in the country, it is assumed that the material will be progressively delivered over a three-to-four-month period. This would result in between 15 and 20 truck deliveries per week, which is considered to be commensurate with other rural related activities within the rural environment that have heavy transportation requirements, such as forestry harvesting, river-based gravel extraction or seasonal cropping. Council's Roading Manager (S McKinley) was consulted regarding the nature of the traffic movements and advised that the rural roading network would be able to accommodate the temporary increase in heavy traffic.

To avoid congestion within the site, it is proposed that an entry and exit system be established to allow for delivery vehicles to enter the site on Ongaonga Road and exit onto Planation Road. Both access points benefit from excellent sightline visibility in either direction to allow for the safe movement of vehicles onto or off the public road. It is suggested that a condition of consent requiring a Traffic Management Plan be submitted to the Council as the Road Controlling Activity for approval prior to the first delivery of shipping containers.

At such a time that deliveries to the site are no longer required, the Ongaonga Road vehicle entrance will be formed and sealed in accordance with Council's engineering requirements to allow for the safe movement of light vehicles to and from the office parking area which will be established at the end of the main construction period. The existing farm gate entrance off Plantation Road will also be retained in its current form to support access in and out of the site, as required.

Once in operation, there will likely be one staff member on the site per day undertaking maintenance tasks, with occasional visits by external contractors as required. In this regard, the long-term traffic demands of the activity are likely to be minimal.

Accordingly, it is considered that any adverse traffic related effects will be no more than minor.

5.4 NOISE EFFECTS

The proposed area of works is relatively secluded in terms of its proximity to sensitive noise receivers, such as residential activities. Any traffic noise during the four-to-five-month construction period will be limited to delivering the solar farm materials to the site

which is not expected to generate any significant noise beyond what could be reasonably expected on a rural property, such as tractors and farm vehicles or the operation of farm machinery. Establishing the solar tables will require post ramming the metal footings into the ground which may generate some noise, however noise associated with this will be commensurate with establishing an orchard or a vineyard, or fencing work on a pastoral farm and will be managed in way that complies with the construction noise standard (NZS 6803:1999).

Small levels of noise are generated by the inverters that need to be positioned throughout the solar farm, however the level of noise output is not considered objectionable. The transformers are essentially silent, the same as transformers found in any residential street in New Zealand but do emit a very low hum when operating at full power (during the middle of the day). This will be undiscernible to the human ear from the project boundary.

Therefore, any adverse environmental effects relating to noise will be negligible and certainly no more than minor in regards to section 95D of the RMA.

5.5 CULTURAL EFFECTS

There are no known or recorded archaeological or wāhi tapu items within proximity of the subject site. Only a low level of soil disturbance in the form of post ramming, trenching for new cabling and the establishment of additional all-weather access tracks is required to construct the solar farm, all of which are common activities that are frequently undertaken on farming or orcharding blocks as of right. The nature of these ground disturbance activities is not invasive which minimises the potential for interfering with any unrecorded archaeological items. In taking a pragmatic view, the applicant offers that an Accidental Discovery Protocol condition be imposed on this consent to manage any unexpected discoveries of archaeological material when undertaking the limited ground disturbance works.

Furthermore, the project will result in the removal of a substantial dairy herd from the Kahahakuri catchment and the associated reduction in runoff of nitrogen and phosphorus into the Kahahakuri Stream. This will be supported by the extensive restoration of the Kahahakuri Stream by the applicant which seeks to restore the mauri of this degraded waterbody in terms of biodiversity and aquatic habitat.

Accordingly, any cultural effects associated with the proposed solar farm will be no more than minor.

6. STATUTORY CONSIDERATIONS

6.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air and water. The purpose of the RMA, as set out in Section 5 of the RMA, us to *"promote the sustainable management of natural and physical resources"*. This section of the AEE sets out the framework under the RMA that applies to the resource consents that are being sought from the Central Hawke's Bay District Council.

6.2 SECTION 104 ASSESSMENT

Regarding the consideration of resource consent applications, section 104 of the RMA states:

> *104 Consideration of applications*
>
> *When considering an application for a resource consent and any submissions received, the consent authority must under section 104(1), subject to Part 2, 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) 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...*

Section 104B of the RMA sets out that for discretionary activities:

> *104B Determination of applications for discretionary or non-complying activities*
>
> *After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
>
> *(a) may grant or refuse the application; and*
>
> *(b) if it grants the application, may impose conditions under section 108.*

6.3 ASSESSMENT AGAINST DOCUMENTS REFERRED TO IN SECTION 104(1)(b)

As required by Schedule 4, Clause 2(1)(g) of the Act, the following is an assessment against any relevant provisions of a document referred to in section 104(1)(b).

6.3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) (section 104(1)(b)(i)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is not triggered as discussed in section 4.2 above, the proposal does not involve any HAIL land.

6.3.2 National Environment Standard for Freshwater 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('NESFM') require that vegetation clearance, earthworks or land disturbance within a 10 m setback from a natural wetland is a discretionary activity requiring consent if it is for the purpose of constructing specified infrastructure. Similarly, earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural wetland is a discretionary activity requiring consent if it is for the purpose of constructing specified infrastructure and it results, or is likely to result, in the complete or partial drainage of all or part of the natural wetland.

The proposal does not involve any vegetation clearance, earthworks or land disturbance within 10 m of a natural wetland, nor does it involve any earthworks or land disturbance outside a 10 m, but within a 100 m, setback that is likely to result, in the complete or partial drainage of all or part of any natural wetland.

As set out above, planting and enhancement of the natural wetland is proposed, which is permitted under Regulation 38 of the NESFM.

6.3.3 National Policy Statement on Renewable Energy 2011

The National Policy Statement for Renewable Electricity Generation 2011 ("**NPS-REG**") identifies that the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand and that the benefits of renewable electricity generation are matters of national significance in New Zealand.

The NPS-REG recognizes 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. The NPS-REG sets a national planning direction which seeks to increase the proportion of electricity generated in New Zealand from renewable energy sources such that the New Zealand Government's national target for renewable electricity generation can be met.

Policy A in the NPS-REG identifies that the benefits of renewable energy 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.*

In terms of the above benefits, the proposed solar farm will increase electricity generation capacity in a way that reduces greenhouse gas emissions, while also increasing the security of electricity supply at a local and regional level due to the smaller number of existing generation sites on the East Coast of the North Island. Regarding point d), the establishment of the solar electricity generation infrastructure on the site requires minimal ground disturbance other than trenching for underground cabling and post ramming the support structures to a sufficient depth. The solar panels themselves have a 25-30 year lifespan and are easily replaced to allow for the ongoing efficient use of the existing on site infrastructure. Should the activity become redundant in the future, all of the cabling and support structures can be readily removed from the ground to revert the site back to agricultural production activities.

Policy B(c) of the NPS-REG recognises that meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities. The proposed Solar Farm will create an additional renewable electricity resource on the East Coast of the North Island to provide additional resilience to this portion of the national electricity network. As stated above, the proposed solar farm is of a scale to meet the household electricity requirements of the Central Hawke's Bay District three-fold (as per the 2018 NZ Census).[1]

Policy C1(a) of the NPS-REG recognises that there is a need to locate renewable electricity generation activity where the renewable energy resource is available, while (c) recognises that the location of existing structures and infrastructure including, but not limited to, the distribution network and the national grid in relation to the renewable electricity

[1] 2018 Census – Dwelling counts for Central Hawke's Bay District. Source: StatsNZ https://www.stats.govt.nz/tools/2018-census-place-summaries/central-hawkes-bay-district

generation activity, and the need to connect renewable electricity generation activity to the national grid are matters of relevance to developing renewable generation options. The proposed solar farm is located in an area where the renewable solar resource provides 1,700 bright solar hours annually and is therefore consistent with policy C1(a).

In terms of policy C1(b), the proposed solar farm is not constrained by logistical or technical factors as the land within the site is essentially flat and requires little to no ground improvements (other than to create suitable internal accessways). The site is easily accessible along the local rural roading network to allow for the delivery of materials to the site.

Regarding policy C1(c), the proposed solar farm adjoins a site which contains distribution infrastructure that serves both the local network and the national grid, which allows for an easy connection to this infrastructure without needing to cross other properties.

At the outset of developing this project, the applicant aimed for this solar farm to be an exemplar for other developments in terms of providing wider environmental benefits beyond the generation of renewable electricity. As discussed prior, the development includes a substantial wetland and stream replanting programme and boundary plantings where required to provide wider biodiversity and water quality benefits. In this regard, it is considered that the proposal is also consistent with policy C1(d).

In terms of Policy C2 regarding offsetting and compensation measures, the proposal will not generate any adverse environmental effects that cannot be avoided, remedied or mitigated.

No other polices of the NPS-REG are considered to be of relevance to this application.

Accordingly, the proposed Ongaonga solar farm is consistent with, and gives effect to the NPS-REG.

6.3.4 Regional Policy Statement (Section 104(1)(b)(v))

The Hawke's Bay Regional Resource Management Plan 2006 (RRMP) includes the Regional Policy Statement (RPS) for the Hawke's Bay Region. This document does not contain any provisions relating specifically to renewable electricity generation; however, it does recognise the potential national, regional and local benefits from utilising water for renewable electricity generation. In this instance, as the proposed means of electricity generation will not be derived from the use of water, it is considered that those provisions of the Regional Policy Statement are not relevant to this proposal.

Objectives 16 – 18 of the RPS relate to Effects of Conflicting Land Use Activities. There is potential for sensitive activities such as new residential dwellings to result in reverse sensitivity effects on surrounding rural production activities. In this case the proposed solar farm is not a sensitive activity, and it does not involve residential accommodation,

accordingly there is no risk of creating reverse sensitivity effects on neighbouring farming activities.

In accordance with the above assessment of environmental effects it is not considered that the proposed solar farm will create any conflict with neighbouring lifestyle residential or farming activities.

The proposal is therefore considered to be generally consistent with the most relevant objectives of the RPS component of the RRMP.

6.3.5 Other Documents Referenced in Section 104(1)(b)

In terms of other documents referred to by section 104(1)(b) of the RMA, the site is not within the coastal environment, so the New Zealand Coastal Policy Statement is not relevant, nor is it considered that any other national policy statements or other regulations are necessary to consider in terms of this application. This leaves regard to 104(1)(b)(vi), being 'a plan or proposed plan'. The Operative and Proposed Central Hawkes Bay District Plans are relevant documents and are assessed in sections 6.3.6 and 6.3.7 below respectively.

6.3.6 Operative Central Hawkes Bay District Plan

6.3.6.1 Objectives and Policies

4.2.1 - Objective - Rural Amenity and Quality of the Environment

A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment.

4.2.2 - Policies

1. To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.

2. To require some activities to be setback from property boundaries so as to reduce the probability of neighbouring dwellings being exposed to adverse effects.

The above objective and policies of the Operative District Plan emphasize the importance of the retaining the amenity values across the Rural Zone. As stated above, the subject site is located in a landscape that has been modified to maximise productive use and yield, in the form of the existing dairy farm. The proposed activity is a new form of productive use whereby the solar resource is harnessed to generate electricity for commercial supply. Though the proposal will introduce new built form into an otherwise open site, the solar panels will be low within the landscape and will not be an overly dominant feature. In this regard, while the panels will be apparent to motorists travelling along Planation, Ongaonga or Wakarara Roads, it is considered that the visual appearance of the panels will not be unpleasant and nor will the panels detract from the wider rural amenity of the area. Overtime as the solar farming activity is better understood by the community, it is

considered that the rural residents will become accustomed to the new use of the site and appreciate its contribution to the quality of the environment.

Objective 4.4.1 Nature Conservation, Landscape Values, and Riparian Management

1. Protection and enhancement of defined nature conservation areas, and outstanding landscapes views within the District.

2. The margins of wetlands, rivers, lakes and the coast are managed in order to preserve the natural character of these environments and the margins of identified river catchments are managed to enhance water quality.

Objective 4.4.1(2) is relevant to this application as the margins of the Kahahakuri Stream will be enhanced in natural character by the proposed plantings, which in turn along with the change in the surrounding land use will also provide for improved water quality in that stream. Accordingly, the proposed solar farm is considered to be consistent with objective 4.4.1 of the ODP.

Overall, it is considered that the proposal is generally consistent with the above objectives and policies of the Operative Central Hawke's Bay District Plan.

6.3.6.2 Assessment Criteria

The relevant assessment criteria to this application are listed in italic font below with a comment assessing the proposed activity against the criteria provided in normal font.

Total site coverage, setbacks from streets and neighbours:

14.2 - ZONE PERFORMANCE STANDARDS IN RELATION TO:

1. Building and Residential Density - Residential and Township Zones

Building Coverage - Township, Business, and Rural Zones

Building Height and Recession Lines - Residential, Rural and Township Zones

Building Height - Business Zones

Setback from Streets and Neighbours - All Zones

The degree to which the proposed buildings:

- *will be compatible with the character of the area, including the scale of other buildings in the surrounding area;*
- *will overshadow adjoining sites and result in reduced sunlight and daylight;*
- *will cause a loss of privacy through being over-looked from neighbouring buildings;*
- *will block views from properties in the vicinity, or from roads or public open space in the surrounding area;*
- *will diminish the openness and attractiveness of the street scene;*
- *will detract from the amenity of adjoining sites, in terms of such matters as noise, odour, dust, glare or vibration occurring as a result of the building.*

The above criteria largely seek to assess whether traditional buildings within the landscape, such as dwellings or accessory buildings/sheds are appropriate. While the proposed array of solar panels will be a unique building development in the rural environment, the height of the panels during most of the day will not exceed 3m which is not considered to be excessive. When viewed from any of the public or neighbouring viewpoints, the rows of solar panels will have some similar characteristics to that of other built forms that are apparent in the rural environment, such as tunnel houses for fruit production, or net protection over fruit or berry crops.

The placement of the solar panels will not create overshadowing on any adjoining sites due to their low height and compliance with the recession plane requirements of the zone. Privacy of neighbouring sites will not be affected by the panels given their productive and non-residential purpose. Glare effects will not arise as the purpose of the panels is to absorb as much sunlight as possible, resulting in a mat black appearance. Views across the site from neighbouring properties and from motorists using the road corridor will be altered as a result of the proposal due to the site being of a very open nature, however it is considered that the new view of the solar panels will not be adverse, albeit that it will be different.

Importantly, the proposal includes the establishment of an information and viewing area for the public to utilise. This area will likely help people appreciate the facility and its renewable energy credentials**.**

The ability of the applicant to:

- *provide adequate opportunity for garden and tree planting around buildings;*
- *provide adequate vehicle parking and manoeuvring space on site;*
- *provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site;*
- *mitigate any adverse effects of increased height or exceedence of the recession planes, such as through increased separation distances between the building and adjoining sites or the provision of screening;*
- *mitigate any adverse effects on people affected by the proposal.*

As shown in the site development/landscaping plans, the proposal involves boundary landscaping in specific locations to provide screening to mitigate any visual effects on nearby residential activities. Based on advice from Wayfinder landscape architects, it was decided to not provide landscape screening along the entire site boundaries to hide the solar farm so as to allow people to appreciate the sustainable nature of the renewable electricity generation activity. Rather it was considered better to add biodiversity and ecological value to the site with the planting of the stream riparian margins and wetland area.

Once the solar farm is developed, adequate space for vehicle parking and manoeuvring will be provided adjacent to the future office building. Dedicated open space is not required given that no residential use is proposed.

Accordingly, it is considered that the proposal is consistent with the assessment criteria outlined above.

14.8 Signs Assessment Matters

1. Visual and Traffic

a. The degree to which the sign will have any adverse effects on traffic safety and the visual amenities of the locality.

b. In relation to general traffic safety:

i. the degree to which the signs may cause an obstruction to driving sight distances, traffic signs or signals, or unnecessarily intrude into a drivers field of view;

ii. the potential adverse effects of the proposed sign on a driver's concentration under all possible weather conditions.

c. The visual impact of the sign and its potential effects on the amenities of the locality.

d. The potential of the sign to adversely affect public health and safety, or to reduce public convenience.

e. Any likely cumulative effects of allowing the sign to be erected.

f. The need to impose conditions relating to the location, design and appearance of the sign and the period for which it may be erected or operated.

The proposal involves two separate types of signage: electrical safety signage on the boundary fences and the future information board. In terms of visual amenities and traffic safety, the electrical safety signage serves an important purpose to advise the public that the site contains live electricity and that there is a real danger of interfering with the electrical infrastructure or solar panels. While a specific design has not been confirmed at the time of lodgement, these signs are generally of a simplistic design and are typically 360 mm x 260 mm in area. Examples of the appearance and content of similar signs are shown in **Figure 13** below.

Figure 13: Examples of electrical safety signage.

The establishment of electrical signage is required under the NZ Electrical Code of Practice for electricity generation and distribution sites to ensure that public safety is recognised.

The proposed information board will not be a dominant feature along the Wakarara Road frontage as it will be located well within the site boundary. The information sign will be of a low height and modern design such as shown in **Figure 14** below. It is suggested that the details of the future information board be confirmed by way of a consent condition following detailed design.

Figure 14: Example of information signage board.

6.3.7 Proposed Central Hawkes Bay District Plan

As the Proposed Central Hawkes Bay District Plan does not have full legal effect and should be afforded limited weight, this assessment focuses on whether the proposal is consistent with the objectives and policies of the Renewable Energy Chapter of that Plan.

6.3.7.1 Objectives and Policies

Objectives

RE-O1 Enable and encourage the sustainable use and development of renewable energy resources within the Central Hawke's Bay District.

RE-O2 Enable renewable electricity generation activities while avoiding, mitigating or offsetting adverse effects that are more than minor.

Policies

RE-P1 To provide for the use and development of renewable energy resources of the District for electricity generation in recognition of the particular local, regional and national benefits in relation to climate change, national energy production and social and economic wellbeing.

RE-P2 To provide for the identification, investigation, establishment, development, upgrading, operation and maintenance of new and existing renewable electricity generation activities in a manner that supports the protection of the District's:

- *High Natural Character Areas (in CE-SCHED7); and*
- *Outstanding Natural Features and Landscapes (in NFL-SCHED6).*

RE-P3 To recognise the environmental, functional, operational and technical constraints of managing new and existing renewable electricity generation activities.

RE-P4 To provide for small-scale renewable electricity generation activities.

RE-P5 To protect renewable electricity generation activities from reverse sensitivity effects.

RE-P6 To recognise that in some circumstances not all significant environmental effects of renewable electricity generation activities can be avoided or remedied. In determining if a proposal is consistent with sustainable management, regard will be had to any environmental compensation or mitigation measures offered by the applicant as part of the proposal.

The proposal will result in the development of significant renewable electricity generation capacity capable of powering three times the number of households in the district (as at the 2018 census). This provides additional resilience to the local electricity market, due to the distance to other electricity generation sites (such as Waikaremoana, Turitea or the Harapaki windfarm that is currently under construction).

The subject site is not located in any High Natural Character Areas or any Outstanding Natural Feature or Landscape. As concluded in the effects assessment contained in Section 5 of this application, there will be no effects which are more than minor that require offsetting or any other form of compensation. Though a substantial restoration of the Kahahakuri Stream and wetland is proposed, and these works are to support the restoration of the waterbody, they are not required for the operation of the solar farm.

Accordingly, it is considered that the proposal is also consistent with the relevant objectives and policies of the Proposed Central Hawke's Bay District Plan.

7. STATUTORY ACKNOWLEDGEMENTS:

The site is located within an area of interest to the Iwi and Hapu of Heretaunga Tamatea.

As stated in Part One of the Third Schedule of the Heretaunga Tamatea Claims Settlement Act 2018, the Tukituki River and its tributaries are areas that are subject to a statutory acknowledgement. The extent of the statutory area is shown on the map referenced OTS-110-30, which is shown as **Figure 15** below:

Figure 15: Tukituki River Statutory Area.

8. CONSULTATION AND NOTIFICATION

Notification of this application needs to be considered in accordance with tests set out in ss95A and 95B of the RMA.

8.1 PUBLIC NOTIFICATION

Pursuant to s95A of the RMA, public notification is required where:

- The applicant has requested public notification (s95A(3)(a));
- The application relates to specific types of activities (see ss95A(3)(c));
- A rule or national environmental standard requires public notification of the activity (s95A(8)(a));
- The activity is determined to have, or likely to have, adverse effects on the environment which are more than minor when assessed in accordance with s95D (s95A(8)(b)); or
- Special circumstances exist which warrant public notification (s95A(9) RMA).

In the present case, the applicant does not seek public notification and the activity to which the application relates is not relevant for the purposes of ss95A(3)(c), 95C or 95A(5).

In respect of s95D, this AEE concludes that the proposal will have no more than minor adverse effects. Consequently, there is no basis for public notification of the application pursuant to ss95A(8)(b) and s95D, therefore, public notification is precluded unless special circumstances exist.

Though the establishment and operation of a solar electricity generation farm may be of general interest to the public due to being the first solar project in the District and given the well documented positive environmental benefits that are associated with renewable electricity generation, it is considered that public interest or opinion in a unique proposal does not meet the threshold for being a special circumstance. More importantly, this application has identified that any adverse environmental effects associated with the proposal will be no more than minor. It is therefore concluded that no special circumstances exist in relation to this application which would support public notification under s95A(9).

Therefore, there is no basis for public notification of the application.

8.2 LIMITED NOTIFICATION

Consequently, the Council must apply the relevant tests to also consider whether the application should be subject to limited notification. Pursuant to s95B of the RMA, limited notification is required where:

- there are any relevant customary rights groups or relevant statutory acknowledgements where affected persons status would apply (ss95B(2) and (3) RMA);
- there is no rule or NES that precludes limited notification (s95B(6) RMA);
- there are any affected persons assessed in accordance with s95E (s95B(7) and (8) RMA); and
- there are special circumstances that warrant notification of the application to specified persons (s95B(10) RMA).

There are no relevant customary rights groups and the significance of the Heretaunga Tamatea statutory acknowledgement is considered below. Limited notification is not precluded and as discussed above there are no special circumstances that exist in relation to this application. Consequently, limited notification will only be justified where there are affected persons in relation to the application (applying the test in s95E). Under that test, a person will be an affected person if the proposal gives rise to adverse effects on the person that are minor or more than minor (but are not less than minor).

8.2.1 Trustees of Heretaunga Tamatea

Regarding s95B(3), statutory acknowledgements arise from Treaty of Waitangi settlements and are a formal recognition made by the Crown of a claimant groups particular cultural, spiritual, historical and traditional association with a specific area (statutory area) owned by the Crown. The Kahahakuri Stream is a tributary of the Tukituki River, which is listed in the Heretaunga Tamatea Claims Settlement Act 2018 as being subject to both a statutory acknowledgement and a deed of acknowledgement. The proposed solar array will be established outside of the proposed 10m riparian buffer which is to be established along the edge of the stream. The nature of the solar panelling and other materials will not leach any material or substances into this waterbody which ensures that the quality of the waterbody is maintained. Further to this, the proposed revegetation programme will enhance the mauri of the waterway in terms of gradually improving water quality and aquatic biodiversity. Overall, it is therefore considered that the proposal will not interfere with this statutory acknowledgment area, and that any effects on the trustees of Heretaunga Tamatea will be less than minor.

8.2.2 Other Potentially Affected Persons

In terms of s95E, the consent authority must decide whether a person is an affected person if it deems that the adverse effects of the proposed activity on the person are minor or more than minor.

In accordance with s95E(3)(a), the following persons who have provided their written approval of the application are not affected persons for the purposes of limited notification.

- Kevin John Davidson (Director of Plantation Road Dairies Limited) – owner and occupier of the subject site and 313 Wakarara Road. This approval has been given with regard to the two-lot rural lifestyle subdivision he is undertaking on Ongaonga Road.
- Sandra Kaye Nicholls & Richard John Collecutt – owners and occupiers of 1396 Ongaonga Road.
- William Robert Arnold Buchanan – owner and occupier of 19 Ngaruru Road, Ongaonga.
- James Gregory Wilson – owner and occupier of 1343 Ongaonga Road.

The location of these persons in relation to the subject site are shown in **Figure 16** below:

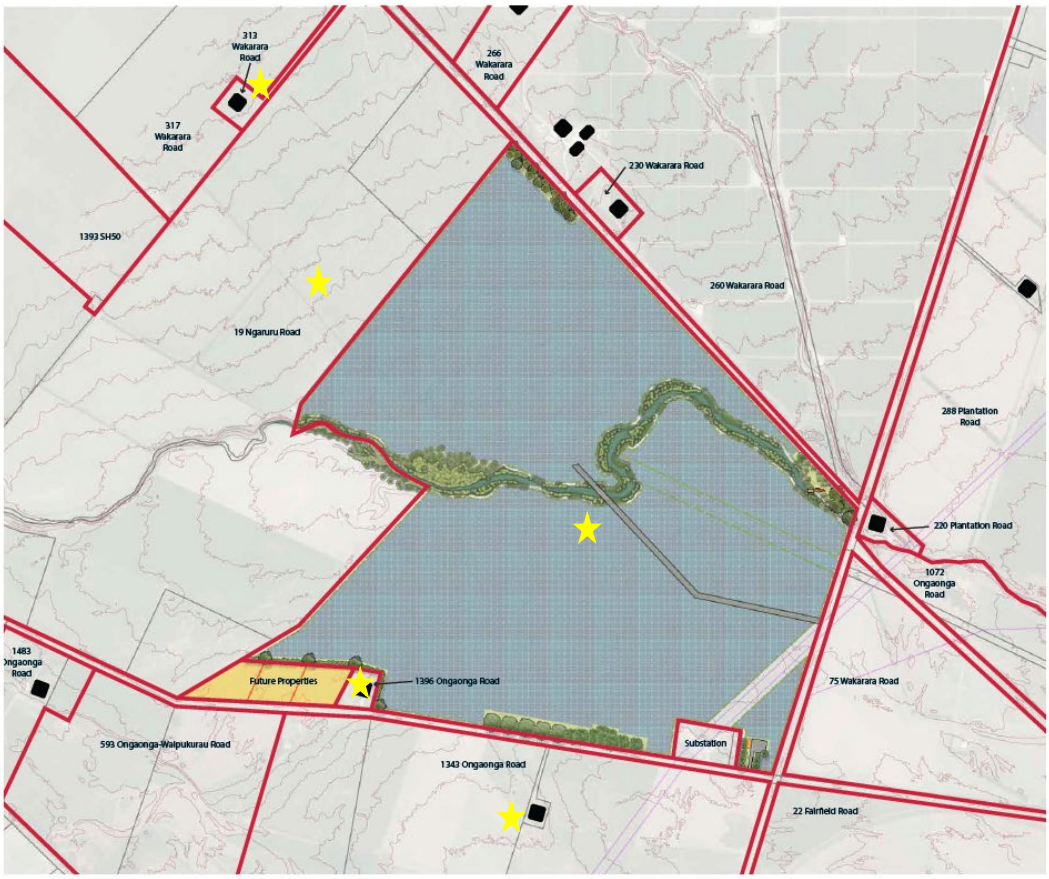

Figure 16: Map of properties where owners written approval to the application has been provided.

8.2.2.1 Tangata Whenua

In addition to the assessment regarding the effects of the proposal on the Trustees of Heretaunga Tamatea, it is noted that the proposal may be of significance to other tangata whenua groups in the Central Hawke's Bay rohe. As shown in the consultation record attached as **Appendix E,** the applicant has engaged with the other tangata whenua groups, via Council's Pou Whātuia (Maori Relationships Manager) whom is a member of the Taiao group. A site visit was held on the 21st of April 2022 to explain how the solar farm will be constructed and to identify the riparian margins within the site that are to be rehabilitated with native plantings. Though the site does not contain any recorded archaeological or wāhi tapu features, the applicant has offered to include an Accidental Discovery Protocol as a condition of consent to manage any unexpected discoveries of archaeological material in accordance with the appropriate processes. The potential for uncovering any unrecorded archaeological features will be minimized given that the scale of the ground disturbance activities associated with the proposal are not considered to be substantial.

It is therefore considered that any effects of the proposal on mana whenua will be less than minor.

8.2.2.2 Transpower and Centralines substation site

Transpower owns a parcel of land which adjoins the subject site along its southern boundary. This site is used for electricity distribution purposes as it contains two electricity distribution substations, one being for the national grid and the other being managed by the local electricity distributor, Centralines. The proposed solar farming activity is considered to be complementary to the ongoing use of the adjacent substation site in terms of supporting the ongoing efficient use of this nationally important infrastructure. Given the substation site is visited infrequently by contractors for maintenance, it is considered that the temporary increase in construction traffic will go unnoticed at this site, and that the change in visual outlook across the site will be readily accepted.

Accordingly, it is considered that any potential effects of the proposal on the Transpower/Centralines substation site will be less than minor.

8.2.2.3 1072 Ongaonga Road

This property is of an irregular shape which is utilised for log storage and firewood processing. The residential dwelling on this site is located approximately 2 km to the southeast of the subject site. The proposed solar farm may be partially visible from the log processing area, however it is considered that these restricted views will not conflict with the amenity of this portion of the site.

Therefore, the adverse effects of this proposal on this property will be less than minor.

8.2.2.4 75 Planation Road

This property is of a triangular shape which is located on the opposite side of Plantation Road to the existing farm access. This site is used for grazing related activities and does not contain a residential dwelling. The western boundary of this site is extensively screened with a significant conifer shelterbelt which provides a visual barrier between both sites.

Therefore, any adverse effects of the proposal on this property will be less than minor.

8.2.2.5 220 Plantation Road

This property is located directly opposite the northeastern corner of the site on the corner of Wakarara and Planation Roads. As noted in the Wayfinder LVA, it will be possible to see most of the solar farm from this site due to the dwelling featuring a second storey observation room. The solar panels will be visible from this property during the morning and afternoon when at their full tilt, however the height of the panels will not conflict with their viewshaft towards the Ruahine Ranges. The proposed viewing and information area will also be visible, however this will eventually be screened by the proposed riparian planting along the Kahakakuri Stream.

Based on the conclusion of Wayfinder landscape architects, while the proposed riparian and ecological planting will gradually reduce the visibility of the solar farm after three to five years, it is considered that the proposal is likely to give rise to landscape and visual effects on this property which are minor. No other environmental effects are considered to be relevant in relation to this site.

It is noted that consultation with the owners of this property is still ongoing and their written approval will be forwarded to Council as soon as possible.

8.2.2.6 230-260 Wakarara Road

This property is located to the north of the subject site and is utilised as an apple orchard by Mr Apple. This site also contains on-site accommodation for seasonal workers, which are located near the Wakarara Road boundary, adjacent to the northern corner of the subject site. All of the on-site accommodation is located behind an extensive conifer shelterbelt that runs along the full length of Wakarara Road. Views of the solar panelling will be apparent from this property, however it is proposed to establish an area of low-height vegetation along the northern boundary in relation to the accommodation units to reduce the direct visibility of the site from this location.

Based on the conclusion of the Wayfinder LVA, the proposed solar farm will not be the most dominant view from this property, as the occupants/workers of the site will be primarily focused on the activities taking place within the site (i.e. orchard management tasks). However, in the short term it is considered that there may be adverse visual and

landscape effects which are minor. Once the vegetation matures over the three-five years, it is considered that the visual effects of the solar farm will be less than minor.

No other environmental effects are considered to be relevant in relation to this site.

It is noted that consultation with the owners of this property is still ongoing and their written approval will be forwarded to Council as soon as possible.

8.2.3 Limited Notification Conclusion

On the basis of the above assessment, the proposal will result in minor visual and landscape effects on the following properties:

- 220 Plantation Road; and
- 230-260 Wakarara Road

9. ASSESSMENT AGAINST PART 2

It is noted that case law in the Court of Appeal decision on *RJ Davidson Family Trust v Marlborough District Council CA97/2017 (2018) NZCA 316* determined that:

> *"If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words "subject to Part 2" in s 104(1), the statement of the Act's purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8."*

This decision confirms that it can be appropriate to consider Part 2 when assessing a resource consent in specific circumstances but otherwise an assessment against Part 2 will not add to the evaluative exercise. In this instance, the application is a Discretionary Activity under the Central Hawkes Bay District Plan. A comprehensive assessment has been provided against the relevant objectives and policies of both the NPS Renewable Electricity 2011 and the Operative Central Hawkes Bay District Plan. Though the operative district plan is a relatively old document, it has been tested over time and was prepared by having regard to Part 2 at the time. The NPS has also been prepared subject to Part 2 of the RMA.

It is noted however that the proposed application is consistent with the sustainable management purpose of the RMA and positively gives effect to sections 6(a) (by enhancing the natural character of rivers and wetlands; and 7(b) (the efficient use and development of the solar energy resource), 7(c), (d) & (f) (with the proposed riparian plantings, wetland enhancement, and information area), 7(i) (reduction in the effects of climate change with renewable energy production), and 7(j) (the development of renewable energy).

In this circumstance then, it is considered that an assessment against Part 2 would 'not add anything to the evaluative exercise' and is not therefore necessary.

10. CONCLUSION

The proposed activity is generally consistent with the relevant objectives and policies of both the Operative and Proposed Central Hawkes Bay District Plans and the Regional Policy Statement. As a discretionary activity the above assessment demonstrates that the proposed activity is generally consistent with the provisions of the Central Hawkes Bay District Plan and that any adverse effects on the environment will be no more than minor.

The proposed application positively gives effect to the NPS Renewable Electricity 2011 and will help provide New Zealand's aim of 100% renewable energy by 2030 to be achieved.

Accordingly, it is considered appropriate for Council to grant resource consent to this application subject to conditions.