



**NOTICE OF DECISION  
FOR RESOURCE CONSENT(S) UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)**

**06 July 2020**

<b>RC Number:</b>	RM220083
<b>Applicants:</b>	Skysolar Limited
<b>Location:</b>	189 Plantation Road, Ongaonga
<b>Legal Description:</b>	Lot 9 DP 203, Lot 2 DP311925 and BLK 302 Ruataniwha CGD
<b>Valuation Number:</b>	1077022701
<b>Proposal:</b>	Land use consent for the establishment and operation of a solar electricity generation farm with associated ancillary works
<b>Date Application lodged (s88):</b>	6 May 2022
<b>Operative District Plan Zone:</b>	Rural Zone
<b>Operative District Plan Notations:</b>	Floodable area Transpower Transmission Lines
<b>Proposed District Plan Zone:</b>	Rural Production Zone
<b>Proposed District Plan Notations:</b>	SAA - SA-14 - Tukituki River and its tributaries National grid corridor
<b>Activity Status:</b>	Discretionary Activity – Operative District Plan
<b>Appendices</b>	Appendix A: Site Development Plans Appendix B: Landscape and Visual Assessment Appendix C: Landscape Peer Review

**DECISION**

The Customer and Consents Manager, acting under delegated authority from the Central Hawke's Bay District Council (the Council) and pursuant to section 104B of the Resource Management Act 1991 (the Act), grant resource consent to the proposal for the establishment and operation of a Solar Electricity Generation Farm at 189 Ongaonga Road (being Lot 9 DP 203, Lot 2 DP311925 and BLK 302 Ruataniwha CGD), subject to the conditions below.

## Conditions of Consent

### General

1. That the development be in general accordance with the application received by Council on 6 May 2022 and the plans and all other information submitted in support of the application and held on Council file RM220083, where there is inconsistency with these documents and the conditions below, the conditions will prevail.

### Final Details and Layout

2. Prior to any construction or installation commencing, the consent holder must submit to Council's Customer & Consents Manager (CCM) a Detailed Development Plan (DDP) for technical certification. The purpose of the DDP is to confirm the final Solar table layout and associated details in accordance with the works authorised under this resource consent; and ensure that the final layout ensures a minimum 10m set back from the Kahahakuri Stream.

The DDP must be based on the *Detailed Concept Plan by Wayfinder Ltd*, Drawing No: 2207, undated, and must include the following details:

- a. A final photovoltaic solar panel layout to be installed, including the location and depth of all cabling;
  - b. Confirm that all works and structures will be contained within the property boundary (including airspaces);
  - c. Ensure all panels and above-ground features are set back a minimum of 10m from the Kahahakuri Stream;
  - d. The location of any transformer or any such feature to be located within the site.
  - e. Confirms all areas of earthworks proposed to be undertaken;
  - f. Details of how a 12m clearance of Transpower's 110kV power lines will be maintained, including from the location of any office or other proposed building and in accordance with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993); and,
  - g. Details the intended staging for installation and the intended timeframe for completion of each stage.
3. Should the Council's CCM refuse to certify the DDP, the consent holder shall submit a revised DPP to the Council's CCM for written, technical certification. The certification process shall follow the same procedure and requirements as outlined in condition 2.
  4. The Consent Holder shall ensure that the implementation of works authorised by this consent proceeds in accordance with the certified DDP.
  5. No construction activities of any kind (with the exception of boundary fencing) may commence before to the DDP being certified.

ADVICE NOTE: Certification from Council's CCM (or withholding of certification) shall be based on its assessment of the accuracy and quality of the information provided to achieve the purpose of condition 2 of to the extent practicable.

#### Final Landscaping Plan

6. Prior to any construction or installation commencing on the site, the consent holder must submit a final Landscaping Plan the Council's CCM for technical certification. The Landscaping Plan must be based on the plan by *Wayfinder Ltd*, plan titles: *Detailed Concept Plan*, Drawing No: 2207; and be designed to achieve effective screening through the establishment and maintenance of landscaping within the areas shown on this plan.

The final Landscaping Plan must include (as a minimum):

- a. The location of all plant species to be installed, including a full schedule of quantities indicating all botanical names, common names, PB size and quantities;
- b. A planting specification that shall cover all method of site soil preparation, type and quality of all plant materials e.g. plants, soils, mulch, stakes, ties, method of physical planting installation, defects and maintenance period of 24 months;
- c. The location and species of existing landscaping to be retained within the site to achieve the mitigation purpose referred to in this condition.
- d. The location and spacing of each plant or group of plants:
  - a. Along the site's road boundary of Ongaonga Road, Plantation Road and Wakarara Road;
  - b. At the property boundary with the two rural-residential property boundaries approved for subdivision (Council Reference No: 210199); and
  - c. The tree planting along the site's Ongaonga Road frontage (as agreed by the applicant with the owners of 1343 Ongaonga Road).

ADVICE NOTE: In achieving this condition all planting under (d) above must be a minimum of 1m in height above ground level when planted.

7. Should the Council's CCM refuse to certify the Landscaping Plan, the consent holder shall submit a revised Landscaping Plan to the Council's CCM for written, technical certification. The certification process shall follow the same procedure and requirements as outlined in condition 6.
8. No construction activities of any kind may commence before to the final Landscaping Plan being certified.

ADVICE NOTE: Certification from Council's CCM (or withholding of certification) shall be based on its assessment of the accuracy and quality of the information provided to achieve the purpose of condition 6 of to the extent practicable.

9. The consent holder must complete all landscaping works in full, in accordance with the certified Landscaping Plan. These works may be completed before or during construction activities but must be completed no later than the planting season after construction commences.
10. The consent holder must retain the landscaping in accordance with the certified Landscaping Plan. The consent holder must ensure that the landscaping is maintained in good order to achieve its mitigation purpose outlined in Conditions 6 above. If any plants die or are damaged or are removed, they must be replaced with the same or similar species of the same size unless otherwise agreed in writing with Council's CCM.

#### Planting near the Kahahakuri Stream

11. Prior to any construction or installation commencing on the site, the consent holder must submit a Kahahakuri Stream Fencing and Landscaping Plan (KSF&LP) to the Council's CCM for technical certification. The Landscaping Plan must be based on the plan by *Wayfinder Ltd*, plan titles: *Detailed Concept Plan*, Drawing No: 2207; and, be designed to re-vegetate the banks of the Kahahakuri Stream, including:

The final KSF&LP must include (as a minimum):

- a. The location of all plant species to be installed, including a full schedule of quantities indicating all botanical names, common names, PB size and quantities;
  - b. The location, design, height and details of any fencing proposed along either side of Kahahakuri Stream;
  - c. Details of any correspondence or consultation with Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust with respect to the planting species selected and details of the extent to which these details have been incorporated into the Landscaping Plan.
  - d. A planting specification that shall cover all method of site soil preparation, type and quality of all plant materials e.g. plants, soils, mulch, stakes, ties, method of physical planting installation, defects and maintenance period of 24 months; and,
  - e. The location and species of existing landscaping to be retained.
12. Should the Council's CCM refuse to certify the KSF&LP, the consent holder shall submit a revised KSF&LP to the Council's CCM for written, technical certification. The certification process shall follow the same procedure and requirements as outlined in condition 11.
  13. No construction activities of any kind may commence before to the final KSF&LP being certified.  
ADVICE NOTE: Certification from Council's CCM (or withholding of certification) shall be based on its assessment of the accuracy and quality of the information provided to achieve the purpose of condition 11 of to the extent practicable.
  14. The consent holder must complete all works in full, in accordance with the certified KSF&LP. This works may be completed before or during construction activities but must be completed no later than the planting season after construction commences.

15. The consent holder must retain the landscaping in accordance with the certified KSF&LP. The consent holder must ensure that the landscaping is maintained in good order to achieve its mitigation purpose outlined in Conditions 11 above. If any plants die or are damaged or are removed, they must be replaced with the same or similar species of the same size unless otherwise agreed in writing with Council's CCM.

#### Public Viewing Area

16. Prior to the operation of the final stage of the solar farm, a Public Viewing Area must be constructed and enabled for public use.
17. Prior to the construction of the Public Viewing Area, the consent holder must submit a Public Viewing Area Design Plan (PVADP) to Council's CCM (in consultation with the Council's Land Transport Contract Manager) for the purpose of ensuring that public access to this area will avoid or mitigate adverse effects on the safe and efficient operation of the roading network.

The PVADP must include (as a minimum) the following:

- a. details of the proposed surfacing;
  - b. the exact location of the parking area and distance of the vehicle entrance from the intersection of Plantation and Wakarara Roads;
  - c. details to confirm that all parking on site will be designed and installed in accordance with AS/NZS 2890.1 'Parking facilities. Part 1: Off-street car parking'; and,
  - d. details to confirm that accessible parking will comply with NZS 4121 'Design for access and mobility: buildings and associated facilities'; and, if provided, must have a convenient, accessible and safe access route (accessible route as per NZS4121).
18. Should the Council's CCM refuse to certify the PVADP, the consent holder shall submit a revised PVADP to the Council's CCM for written, technical certification. The certification process shall follow the same procedure and requirements as outlined in condition 17.
  19. No construction of the public viewing area may commence before the final PVADP being certified.

ADVICE NOTE: Certification from Council's CCM (or withholding of certification) shall be based on its assessment of the accuracy and quality of the information provided to achieve the purpose of condition 17 of to the extent practicable.

20. The consent holder must complete all works in full, in accordance with the certified PVADP.

#### Construction Traffic Management Plan

21. No less than **15 working days** prior to the commencement of any works on the site, the Consent Holder must submit a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified and experienced practitioner to the CCM (in liaison with the Council's Land Transport Contract Manager) for written, technical certification.

The purpose of the certified CTMP is to set out how the effects of traffic on the surrounding environment are to be minimised during construction using reasonably practicable measures and the methods to be used to achieve these effects. The certified CTMP must include, but not be limited to, the following information, methods, measures and techniques to achieve its purpose:

- a. Purpose and scope of the plan;
- b. Relationship with other management plans;
- c. Hours of construction traffic activity;
- d. Estimated numbers and sizes of construction vehicles and deliveries;
- e. Controlled internal and external access routes;
- f. Parking locations for construction staff;
- g. How safety risks on the land transport network can be minimized.
- h. Access and delivery locations, including swept path analysis for largest vehicles to enable vehicles to enter and exit the site in a forward facing direction;
- i. Likely construction access routes to and from the site;
- j. Management of oversize loads;
- k. Wheel cleaning and covering of loads;
- l. How access to the site might change throughout the stages of construction; and
- m. The management of any complaints.

22. The Consent Holder shall comply with the certified CTMP at all times.
23. The CTMP may be amended at any time by the Consent Holder. Any amendments to the CTMP shall be submitted by the Consent Holder to the Council's CCM (in liaison with the Council's Land Transport Contract Manager) for written, technical certification. If the amended CTMP is certified, then it becomes the certified VTMP for the purposes of Condition 21. Any amendments to the CTMP shall:
  - a. achieve the CTMP purpose (see Condition 21);
  - b. be consistent with the conditions of this resource consent; and
  - c. be prepared by an appropriately qualified and experienced person.
24. Should the CCM refuse to certify the CTMP, the consent holder shall submit a revised CTMP to the CCM for certification. The certification process shall follow the same procedure and requirements as outlined in conditions 21-23.
25. No construction or earthworks activities shall commence on the site prior to the CTMP being certified.
26. All construction and other heavy vehicles accessing the site during construction shall do so in general accordance with the certified CTMP.

#### Vehicle Access

27. Prior to the first delivery of solar farm construction materials and/or shipping containers to the site; or, any construction commencing, the consent holder shall form a vehicle crossing from Part Lot 9 Deeds Plan 203 to Plantation Road to Council's specification TS-LT-2009-08.1, to the

satisfaction of the Land Transport Contract Manager. This vehicle crossing must comply with the safe sight distances from intersection standard in Chapter 8. Transport of the Operative District Plan.

ADVICE NOTE: A vehicle crossing application will be required from CHBDC prior to the construction of this vehicle crossing occurring.

#### Stockpiling of Construction Materials and Storage Containers

28. In order to mitigate the potential adverse visual and landscape effects associated with the stockpiling or storage of construction materials, containers and the like, the consent holder must ensure that:
- Construction of the solar farm occurs progressively within the site;
  - Construction materials and shipping containers containing construction materials are only stored on-site during construction and must be removed no later than 3 months following the completion of construction.

#### Earthworks

29. The consent holder must implement erosion, silt and sediment control measures on-site at all times until the site has been re-stabilised to the satisfaction of the CCM. These measures must ensure sediment-laden water must not discharge from the site at any time.

ADVICE NOTES: CHBDC recommends use and adherence to the principles and practices contained within the document titled "*Hawke's Bay Waterway guidelines— Erosion and Sediment Control*", prepared by the Hawkes Bay Regional Council, ISBN No: 1-877405-35-3, dated April 2009 (Reference: 1 [hbrc.govt.nz](http://hbrc.govt.nz)).

30. The Consent Holder must manage all dust emissions to ensure they do not cause nuisance beyond the boundaries of the subject site, and that the land disturbed by earthworks and any stockpiles of soil left exposed are regularly wetted or otherwise managed to ensure that no offensive or objectionable discharge of dust occurs beyond the site boundary.
31. Earthworks and associated works on this site, including the transport of excavated material on to or off the site, must only occur within the following hours:
- Monday to Saturday 7.30am to 6pm
  - Quiet setting up of site (not including running of plant or machinery) may start at 6.30am
  - No work is to be carried out on Sundays or Public Holidays, apart from urgent erosion and safety control works.

*Note: these hours have been selected from Table 2 NZS 6803: 1999 "Acoustics – Construction Noise". The standard applies in all other respects, including the permitted noise levels in Table 2, and all persons undertaking earthworks and management of the site must adopt the best practical option to control noise to a reasonable level.*

32. The Consent Holder shall ensure that all vehicles and earthmoving machinery exiting the site do not carry earth-worked materials onto the surrounding roading network. In the event material is tracked onto the road, the consent holder must be responsible for cleaning and repairing the road back to its original condition.
33. All exposed areas of earthworks, unless otherwise built on, are to be grassed or re-vegetated within 3 months of the completion of the earthworks, or each stage of earthworks, to a level of establishment satisfactory to Council's CCM. This work is required to establish a ground cover for the purposes of limiting dust and erosion and also to mitigate the visual appearance of the exposed cut or fill surface. Progress must be monitored at regular intervals and remedial works carried out by the consent holder if required.
34. The grassing required under Condition 32 above must achieve a minimum strike rate of 80% to the satisfaction of the Council's CCM.

#### Accidental Discovery Protocol

35. Prior to the commencement of works, the Consent Holder shall develop and have in place a procedure that is to be followed in the event that any urupā, taonga (significant artefacts), kōiwi (human remains) or archaeological sites (whether recorded or unrecorded) are disturbed and/or discovered during site works, including:
  - a. works in the location of any accidental discovery immediately cease; and
  - b. the area is to be secured in a way that ensures any remains or artefacts are untouched.
36. In the event of an archaeological site, waahi tapu or koiwi being discovered or disturbed during the activities authorised by this consent, the consent holder shall immediately cease further work and inform:
  - a. the relevant local iwi;
  - b. the Council's CCM;
  - c. the Hawke's Bay Regional Council Regulatory Manager; and
  - d. Heritage New Zealand.

Works cannot proceed until the Council's CCM will advise the consent holder when work at the site may recommence.

**ADVICE NOTE:** In the event that human remains are found the police should be contacted immediately and all works shall cease until advice is given that works can recommence.

#### Monitoring

37. The Consent Holder must pay to the Council the actual and reasonable costs associated with the monitoring of conditions, or supervision of the resource consent as set in accordance with section 36 of the Act. These costs\* may include site visits, correspondence and other activities, the actual costs of materials or services, including the costs of consultants or other reports or investigations which may have to be obtained.



*Note: For details of costs please refer to the current schedule of Resource Management Fees for guidance on the current administration charge and hourly rate chargeable for Council officers.*

38. A fee will be payable by the Consent Holder if any non-compliance with the conditions of this consent are discovered as a result of monitoring. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991.

#### **Advice Notes:**

**(1) Lapse of Consent**

Under section 125 of the RMA, this consent lapses five years after the date it is granted unless an application under section 125 of the RMA is made to the Council before the consent lapses to extend the period after which the consent lapses and the Council grants an extension.

**(2) Archaeological Material**

If the owners of the property, or their contractor, discover any archaeological material (including human remains) during any works they are advised to cease work and contact Heritage New Zealand immediately.

**(3) Earthworks**

In regard to earthworks, it is noted that compliance with the standards of the Regional Resource Management Plan Rule 7 'Vegetation Clearance and Soil Disturbance' is required.

**(4) Vehicle Crossings**

A vehicle crossing application needs to be completed and returned to the land transport department before any work commences. If a temporary vehicle crossing is required to be installed before building consent is applied for, an application to construct this vehicle crossing will still need to be made.

**(5) Variations**

Should the applicants wish to apply for a change or cancellation of any of the conditions of consent in accordance with Section 127 of the Resource Management Act 1991 such application must be made to Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

**(6) Objections**

Any objection to Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

**(7) Three Waters Bylaws**

All development shall be undertaken in accordance with Central Hawke's Bay District Council Bylaws for Water Supply, Stormwater and Wastewater. The Bylaws can be found on the Central Hawke's Bay District Council website at [www.chbdc.govt.nz](http://www.chbdc.govt.nz)

**(8) Wastewater**

The consent holder is responsible for obtaining any necessary consents for on-site wastewater disposal at the time of future development, as required under the Hawke's Bay Regional Resource Management Plan.

**(9) Resource Consent from Hawke's Bay Regional Council**

Should the proposal generate a non-compliance with the Hawke's Bay Regional Resource Management Plan or the National Environmental Standard for Freshwater Management, resource consent may be required from the Hawke's Bay Regional Council. The consent holder is advised to confirm compliance, or seek resource consent (if required), prior to those works commencing.

**(10) Other Regulations or Consents**

The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015) relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.



## PLANNER REPORT TO THE CUSTOMER AND CONSENTS MANAGER NOTIFICATION AND SUBSTANTIVE REPORT FOR RESOURCE CONSENT(S) UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)

### 1.0 PROPOSAL

The applicant seeks resource consent to establish and operate a solar electricity generation farm (solar farm) at 189 Plantation Road, Ongaonga (the site). The proposal consists of mounted solar panels laid in rows with a north to south orientation. A transportable field office with associated parking will be located in the southwestern corner with entry from Ongaonga Road. An excerpt from the proposed development plans showing the site layout can be seen in *Figure 1* below.

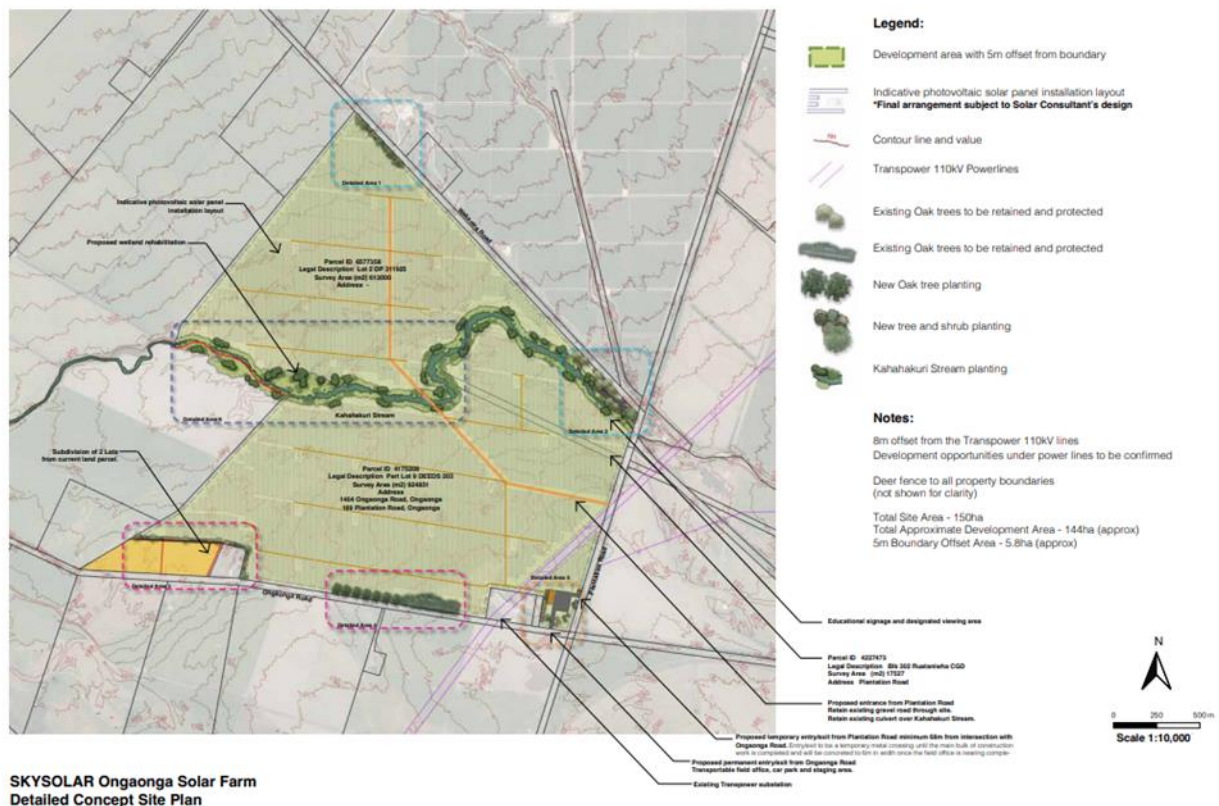


Figure 1: Site layout plan (Source: Wayfinder, Detailed Concept 2022)

The primary components of the proposal are described below.

#### The Solar Panels

The proposed solar panels will cover approximately 144ha of the 152ha site. The panels will be mounted on rotatable steel structures called solar tables and laid out in rows in a north-south direction. The panels will face east in the morning and rotating to the west in the afternoon, following the sun's movement across the sky. Each individual solar panel measures 2.4m long and 1.1m wide. They will be laid two panels in width with 114 panels forming a 63.6m long solar table. The solar table will be supported by posts every 7.2m that will be rammed 1 – 2m into the ground. The top of the solar tables when parallel with the ground will measure 2.56m. When the solar panels are facing directly east, or west the top of the solar

table will be 4.43m above the ground with the lowest point 50cm above ground level. Figures 2 and 3 below shows the dimensions of the solar tables.

The solar tables will be located 5m from property boundaries and a minimum of 10m from the Kahahakuri Stream that transects the property. The land under the panels will be grassed and grazed by sheep to reduce mowing maintenance (Figure 4).

The applicant proposes that the exact configuration of the solar panels be confirmed as a condition of the resource consent.

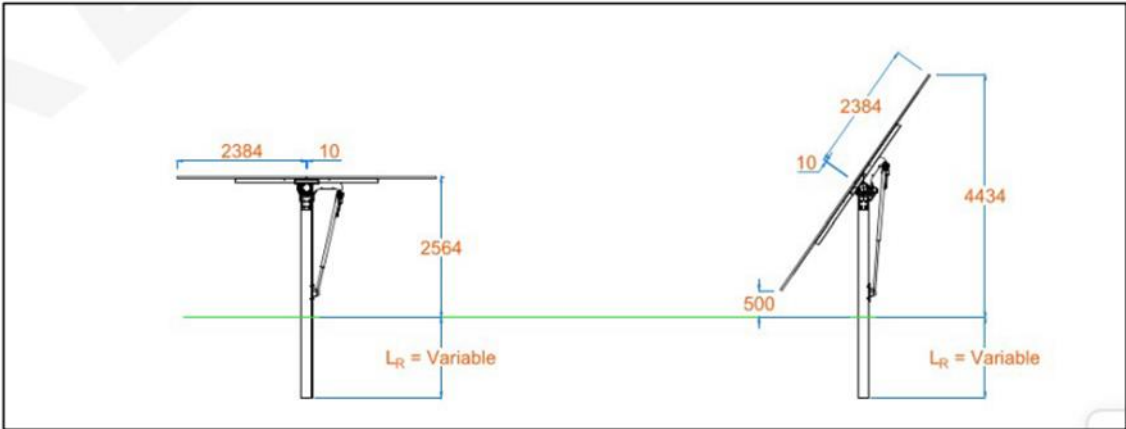


Figure 2: Side view of a solar table

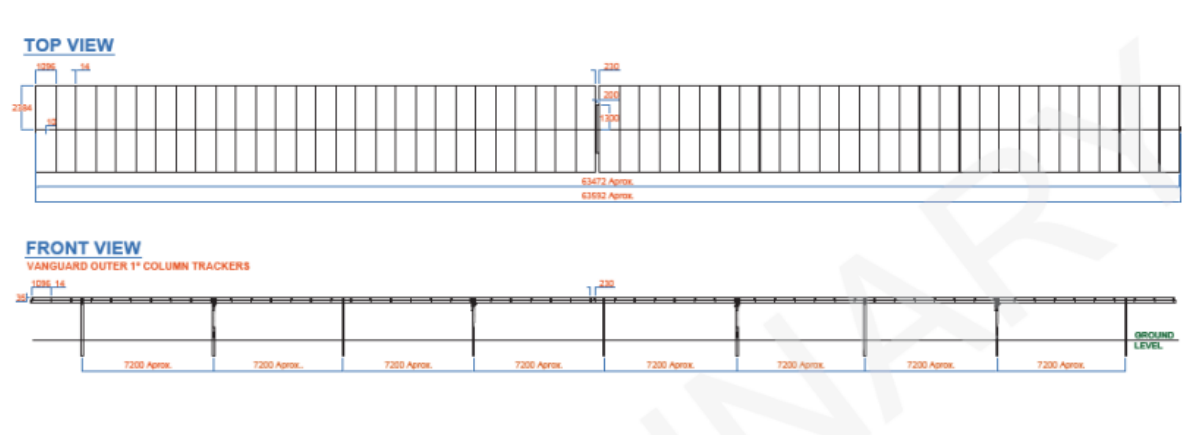


Figure 3: Diagram of a solar table



Figure 4: Sheep grazing under solar table

### **Ancillary components**

In order to convert DC power to AC power, the solar farm operation requires inverters and transformers that will be established at regular spacing across the farm. The *Detailed Concept Site Plan* in Appendix A shows 21 transformers across the site. These will be below the height of the solar panels and not able to be viewed from the external boundaries of the site. The application states that the transformers are largely silent, with a low hum omitted when operating at full power around midday. All cabling within the farm will be buried underneath the ground.

### **Construction and Earthworks**

Construction of the solar farm is intended to occur over a period of 7 – 8 months, however, the speed of installation will depend on the availability of the products from overseas. The site office and carpark area will operate as a staging area during construction and panels will be laid out from the adjacent substation in a north easterly direction until completed. A temporary entry/exit formed with metal will be established onto Plantation Road until construction is completed, after which this entrance will be sealed.

Earthworks will be required to establish limestone tracks between every four rows of solar tables through the farm and along rows that contain an inverter or transformer. Earthworks is also required for trenching to lay the electrical cables that will run between the solar tables and the inverters and transformers, and then to the substation to the south of the property. There is an existing gravel road through the site with a culvert over the Kahahakuri stream that will be retained.

### **Fencing, security and screen planting**

For security purposes, a 1.8m high deer fence with a barbed wire top and electric fencing on the inside is proposed for all property boundaries. This will be accompanied by tree and shrub buffer planting in discreet locations to provide a vegetative screen to existing nearby residences. The location of this screen planting can be viewed in the *Detailed Concept Site Plan* attached as Appendix A.

### **Designated viewing area**

A designated viewing and educational area for the public is proposed for the north eastern corner, near the intersection with Plantation and Wakarara Roads. This area will be set amongst new and existing vegetation. Information and educational signage will be installed to provide specific information regarding the Ongaonga Solar Farm, and renewable energy more generally.

### **Kahahakuri Stream revegetation and wetland rehabilitation**

The Kahahakuri stream transects the property from east to west before flowing into the Tukituki river before the Waipawa Bridge. The proposal includes native plant revegetation of the stream and its associated areas of wetland. This area is to be fenced from grazing sheep. A 10m setback from the stream and wetland extent is proposed, although the extent of the wetland area is yet to be defined.



### Operational requirements

Once constructed, the solar farm is expected to employ one full time person for maintenance tasks with the occasional use of contractors as required.

## 2.0 SITE DESCRIPTION

The land subject to this proposal is legally described as Lot 9 DP 203, Lot 2 DP311925 and BLK 302 Ruataniwha CGD. It comprises a total area of 151.20ha and is contained in the following and respective record of titles HBM4/917, 46965 and HBA4/836 (RT 514204).

The application site is currently a dairy grazing and cropping block on the Ruataniwha Plains. The Ruahine Ranges can be viewed to the west and the land is situated between two braided rivers, the Waipawa River to the north and the Tukituki River to the south. The Kahahakuri Stream bisects the property and flows east feeding into the Tukituki River near Waipawa. The stream can dry out in summer due to the warm, dry climate. The land is of flat topography.

The site has three road frontages, Wakarara Road to the north, Plantation Road to the east and Ongaonga Road to the south. The township of Ongaonga is 500m to the east along Ongaonga Road. Waipawa is 12km to the west.

Surrounding land uses are also largely rural in nature, with a scattering of rural lifestyle sites in the vicinity. There is an orchard operation to the north (Mr Apple) and grazing on land to the east, west and south. The Waipawa substation owned and operated by Transpower New Zealand Ltd (Designation Reference UID: TRP-1) is adjacent to the property and to the south, the location of this being one of the reasons for the site being identified. The National Grid Corridor (110 kV cable) also traverses through the property.

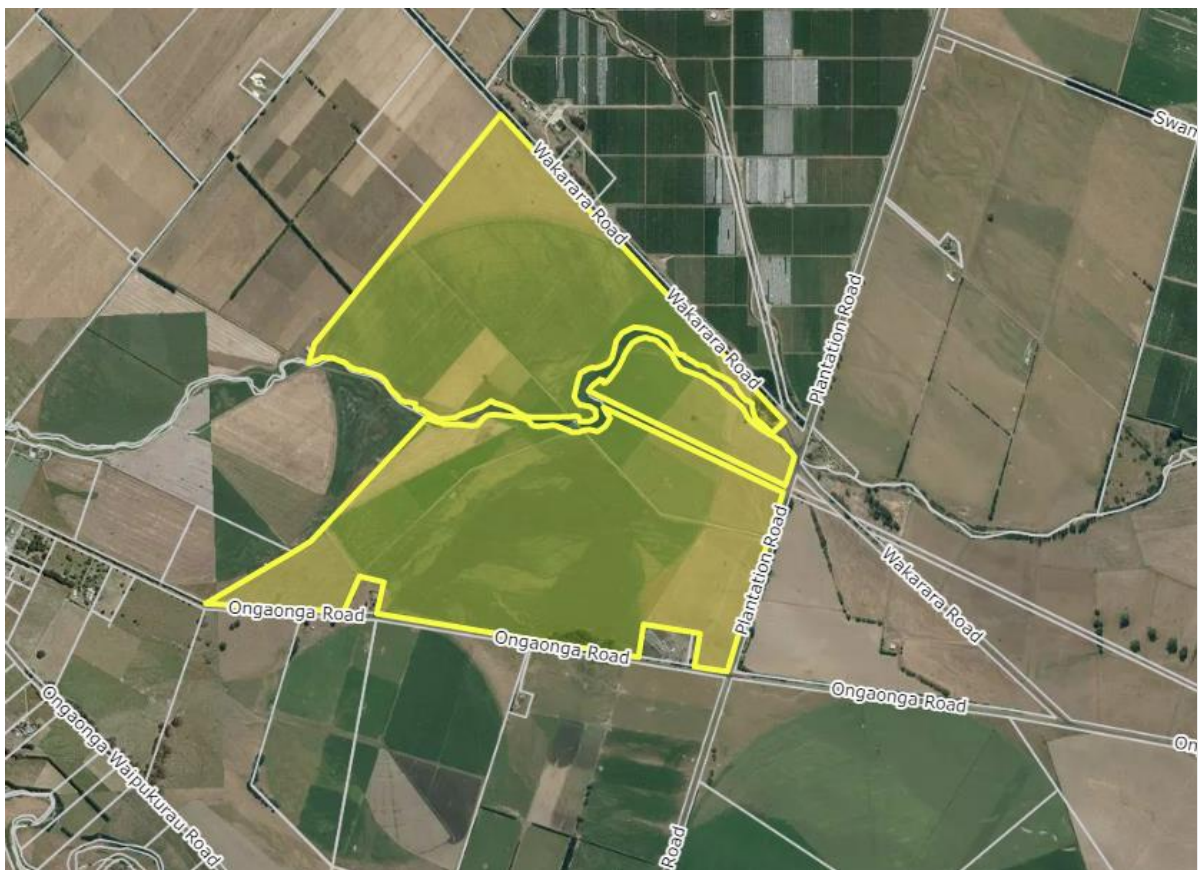


Figure 5: Aerial image of subject site (Source: Online maps)

There is a bore and associated infrastructure in the centre of the property. There are two farm tracks providing access through the property, one via a formed vehicle entrance from Plantation Road, the other a farm track entrance from Ongaonga Road.

The site and surrounding area are described further in the Landscape Assessment provided by Mrs Erin Griffiths.

The Hawke's Bay Hazard Portal identifies that the site is subject to a low to moderate earthquake amplification risk, consistent with large areas of Central Hawke's Bay. There is a flood risk identified in the vicinity of the Kahahakuri Stream.



*Figure 6: Hawke's Bay Hazard Portal Flood risk areas*

### **3.0 REASON FOR THE APPLICATION**

An assessment of the proposal's compliance with the relevant rules of the District Plan has been undertaken. The activity status has been determined by assessing the relevant rules and associated performance standards in Chapter 4 (Rural Zone) of the Operative District Plan. Also of relevance to this application is how the District Plan defines a "*Building*", as defined below:

*Shall have the same meaning as in the Building Act 1991, but does not include:*

- *Fences or walls of 2m 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 5m<sup>2</sup> in area and which are less than 2m in height above ground level.*
- *Radio and television antennas (excluding dish antennas for receiving satellite television which are greater than 1m in diameter), less than 2m in height above ground level.*
- *Masts and poles less than 7m in height above ground level.*

The solar panel tables are not excluded from the above definition and therefore they fall within the definition of a building under the Building Act. The application has been assessed against the District Plan performance standards in this regard.

Consideration is given to the relevant rules and associated performance standards that *have legal effect or are operative* at the time the application. There are no relevant rules or performance standards under the Proposed District Plan with legal effect. The following table provides an assessment of the proposal's compliance with the relevant rules and definitions of the Operative District Plan:

Rule	Rule Status	Comment
4.8.3 f  Any Other Activity, which is not listed as a Permitted Activity or a Controlled Activity or a Non-Complying Activity	<b>Discretionary</b>	The activity of a solar farm is not specifically provided for in the list of activities in the Rural Zone.

Performance Standard	Comment
4.9.1 Building Coverage  The net area of any site covered by buildings and impervious surfaces shall not exceed 700m <sup>2</sup> or 7% of site area, which ever is the greater.	<i>Does not comply</i>  The solar panels meet the definition of a building. Site coverage has not been specifically calculated but has been estimated at around 75%. This is well over 7% of the site area.
4.9.2 Height of Buildings  Maximum height of any building for an activity shall be 10m.	Complies  The height of the solar panels will be 4.434m when at the maximum angle.
4.9.3 Recession Lines  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.	Complies  The solar panels will not infringe on recession lines.



<p>4.9.4 Setback from Roads</p> <p>ii. The minimum setback for any building for any other activity (including stockyards, and stock loading ramp\race) from road boundaries shall be 20m</p>	<p><i>Does not comply</i></p> <p>The solar panels will be located 5m from the road boundary as opposed to the required 20m from a road boundary. The office building will be set back a minimum of 20m from the road boundary so this aspect of the proposal complies.</p>
<p>4.9.5 Setback from Neighbours</p> <p>i. Subject to any other rules for Rural Zone, the minimum setback of buildings for an activity from internal boundaries shall be 5m for residential units and 10m for all other buildings.</p>	<p><i>Does not comply</i></p> <p>The solar panels will be located 5m from the neighbouring property boundaries as opposed to the required 10m.</p>
<p>4.9.6 Domestic Waste Water Disposal</p> <p>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 Australian\New Zealand Standard DR96034 or any subsequent final standard.</p>	<p><i>Complies</i></p> <p>The site is of sufficient size to accommodate an on-site wastewater system that will be required to service the office building.</p>
<p>4.9.7 Factory Farming Effluent disposal</p>	<p>NA</p> <p>No factory farming on site is proposed.</p>
<p>4.9.8 Electrical Safety Distances</p> <p>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).</p>	<p><i>Complies</i></p> <p>The site plan provides an estimate of the site office location that indicates there is available space to locate the building 12m from the 110kv overhead powerlines in accordance with New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:1993).</p>
<p>4.9.10 Tree Planting</p> <p><u>Setback from Neighbouring Properties</u></p> <p>No tree planting, except for amenity tree planting, shall be located on, or within, 10metres 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</p>	<p><i>Complies</i></p> <p>The proposed tree planting is for amenity purposes to screen the solar farm from adjacent rural residential properties. Regardless, written affected party approval from has been obtained that provides support for the screen planting proposed within 10m of property boundaries.</p>

<p>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).</p> <p><u>Setback from roads</u></p> <p>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.</p> <p><u>Setback from residential units</u></p> <p>No tree planting shall be positioned such that when the trees grow they will shade a residential unit on a neighbouring property between the hours of 9am and 4pm on the shortest day of the year.</p>	<p>Complies</p> <p>Planting along road frontage will include the taller plant species at the rear to avoid road shading. This will also be managed through a condition of consent requiring a planting plan to be submitted to Council.</p> <p>Complies</p> <p>Trees on the boundary with 1396 Ongaonga Road are not proposed to be tall species. This can be confirmed when a planting plan is submitted.</p>
<p>Noise</p> <p>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:</p> <ul style="list-style-type: none"> <li>- 55dBA L10 - 6:00am - 11.00pm Monday to Saturday</li> <li>- 45dBA L10 - at all other times</li> <li>- 75dBA Lmax - at all other times</li> </ul>	<p>Complies</p> <p>The inverters and transformers comply with the noise requirements.</p>
<p>6.7.15 Setback from Faultlines</p> <p>No building for an activity shall be located within 20m of an earthquake fault line identified on the Planning Maps.</p>	<p>No faultlines are located on the property.</p>
<p>Areas of significant conservation value</p> <p>There shall be no modification to any "Site of Significant Conservation Value"</p>	<p>Complies</p> <p>The site has not been identified as an area of significant conservation value.</p>

The proposed solar farm is not an activity specifically provided for and is therefore a **Discretionary Activity** pursuant to **Rule 4.8.3 f**.

The solar panels are defined as a building and subject to the performance standards for buildings in the Rural Zone. The proposal does not comply with all the relevant Rural Zone performance standards and therefore requires land use consent as a **Discretionary Activity**.

#### Overall Activity Status

Pursuant to **Rule 4.8.3 f**, the proposed consent must be assessed as a **Discretionary Activity**.

### **3.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (the NES-CS) was introduced in January 2012. The NES-CS seeks to manage actual and potential adverse effects of contamination in soil on human health from particular activities that have occurred on the site. The NES-CS includes a Hazardous Activities and Industries List (HAIL) that sets out which activities may have potentially contaminated the soil. The NES Regulations apply when a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8) (NES Regulation (5)(1)(a)).

The applicant states the subject site is free from any known HAIL activities. This conclusion is based on a review of historical aerial imagery that indicates that the site has continuously been used for grazing for a number of years and there is an absence of established farming infrastructure where HAIL activities could have occurred. A site visit conducted on 31 May confirmed this observation. The Hawke's Bay Hazard Portal contains up to date information on potential HAIL sites and does not identify this piece of land as being subject to an activity on the HAIL list. Therefore, it is considered that the NES does not apply to this proposal. Although disturbing the soil is an "activity" pursuant to Regulation 5(4) of the NES Regulations the subject site is not a "piece of land" because it is highly unlikely an activity on the HAIL has been undertaken on the site in the past.

### **4.0 PUBLIC AND LIMITED NOTIFICATION ASSESSMENT AND RECOMMENDATION (SECTIONS 95A-95G)**

Section 95A(1) of the Resource Management Act 1991 (RMA) states that the consent authority must follow the steps set out in that section, in the order given, to determine whether to publicly notify an application for resource consent.

Those steps are set out below, in the order provided in the RMA.

#### **4.1 Public notification assessment s95A**

Section 95A of the RMA specifies the steps the consent authority is to follow to determine whether an application is to be publicly notified.

##### ***Step 1: mandatory public notification in certain circumstances – s95A(2-3)***

Mandatory public notification is not required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

***Step 2: Public notification precluded in certain circumstances – s95A (4-6)***

Section 95A(5)(a) RMA requires consideration of whether public notification is precluded where 1 or more activities in a resource consent application are each precluded by a rule or national environment standard (NES).

There are no rules in the District Plan or a national environmental standard relevant to this proposal that precludes public notification.

Section 95A(5)(b) RMA requires that public notification is precluded when an application for resource consent relates to a:

- Controlled activity; or
- Restricted discretionary, discretionary or non-complying boundary activity.

The application is for a Discretionary Activity and therefore, public notification is not precluded under this provision.

***Step 3: Public notification required in certain circumstances – s95A (7-8)***

Section 95A(8) provides the criteria for consideration.

There are no rules in the District Plan or a national environmental standard that require public notification (section 95A(8)(a) RMA).

Section 95A(8)(b) requires an assessment in accordance with s95D as to whether the activity will have or is likely to have adverse effects on the environment that are more than minor.

In considering the adverse effects of the proposal and forming my own conclusions on these matters, I have had regard to the expert assessments provided by:

- Mr Shannon Bray (Applicant's Landscape Expert)
- Mrs Erin Griffiths (Council's Landscape Expert)
- Kurt Sampson (Council's Traffic Expert)

The adverse effects of this proposal considered relevant to this application are:

**a. Effects on rural character and amenity**

The site is located on the Ruataniwha Plains where the rural character can be described as an open, flat pastoral landscape with a low incidence of buildings. The land is bisected by streams, rural roads and the occasional shelter belt. The activity of farming is clearly within view with the presence of farm buildings, pivot irrigators, tractors and stock movements. More recently, commercial fruit growing is establishing in the area using a structured system of posts and wires for supporting the trees.

While the soils on the Ruataniwha Plains are relatively productive, soil moisture levels are low due to the dry climate and therefore the predominate land uses are still sheep and cattle farming. Where irrigation is available, more productive uses such as cropping, orcharding or dairying exist. A 160ha apple orchard exists directly to the north of the property. The site is in close proximity to the rural township of Ongaonga (population 168) and there are numerous rural lifestyle dwellings in the vicinity.

There is farm related infrastructure present on the site in the form of pivot irrigators and a pump shed that houses a bore. The site is devoid of any vegetation, with the exception

of a stand of oak trees and conifer species on the southern boundary and a stand of eucalypts near the intersection of Wakarara Road and Plantation Road. Other more public infrastructure exists in the form of a Transpower substation located on the southern boundary. The networks 110kv transmission lines run from the sub-station across the southeastern corner of the site, providing a linkage to the national grid corridor.

The solar panels when constructed will meet the definition of a building and therefore the performance standards for buildings within the Rural Zone apply. The proposed layout of the solar panels does not meet the standard for building coverage (700m<sup>2</sup> or 7% of the site area) or the required setbacks from roads (20m) or neighbours (10m). The purpose of these performance standards is expressed in objective 4.2.1 that states the desired outcome for the Rural Zone is to maintain a level of rural amenity that is consistent with the range of activities anticipated in the rural areas, while not creating unpleasant conditions for the district's rural residents, or adversely affect the quality of the environment.

In assessing the effect that the solar panel structures will have on rural character and amenity, I have considered the other more nuanced features of solar panels that stand them apart from a building and as identified in the Applicant's landscape and visual assessment that accompanies the application. This includes their relatively low height, the ability to see through the solar tables to pasture underneath, and their movement throughout the day which gives them an element of productiveness that is not out of place in the rural context.

Considering the existing rural character of the surrounding area where land use is dominated by productive purposes and associated hard infrastructure, the solar farm is not considered a stark change from the existing rural elements that combine to create the present-day rural character and amenity. Informed by the expert landscape evidence, I am satisfied that the effects on rural character and amenity are considered to be no more than minor on the wider environment.

#### **b. Landscape and visual effects**

The proposed solar farm is of a size and scale of built form that will generate visual change in the local environment. It will be a unique new element that needs to be considered alongside an existing human modified landscape that is distinctly rural in character and typical of Central Hawke's Bay.

The application included a Landscape and Visual Effects Assessment prepared by *Wayfinder, Landscape Planning and Strategy Ltd* which is appended to this report (Appendix B). A peer review of this assessment was undertaken by Natural Capital Ltd (Appendix C). The following assessment relies on the expert opinions contained in these reports.

##### Landscape Effects

The reports both conclude that the landscape effects of the proposed solar farm will be **minor**. The following is a summary of the rationale behind this conclusion:

- The solar farm introduces a new form of production activity that features built forms in the form of energy infrastructure that does not overly detract from the existing 'active rural character'
- The layout of solar panels in rows is not dissimilar to the layout of orchard rows on the neighbouring property
- Retaining grass under the panels provides the ability to graze sheep which will maintain connection with the surrounding rural activities. It will also provide the ability to easily revert back to pastoral activities at the end of life (50+ years), should this occur
- The proposed perimeter deer fencing will create a distinctly rural character
- Positive landscape outcomes include the proposal to enhance the Kahahakuri stream by fencing out stock and the planting of low-level riparian vegetation.

Based on the above, the reports conclude that the overall landscape effects of a solar farm, in this particular vicinity, will be low-moderate which can be translated as minor on the wider environment in RMA terms. I consider that the adverse effects in this regard will be no more than minor on the wider environment.

### Visual Effects

The solar farm will result in a new combined built form and pastoral activity that will present a change in the landscape. The following provides a summary of the identified visual effects of the proposal as viewed by the public and nearby residences.

- The site is large at 151ha but sits within an expansive landscape that is not heavily populated or widely traversed.
- Views of the site itself are restricted to views from surrounding roads and adjacent neighbouring properties
- There may be snapshots of the site in the wider, more expansive view looking east from SH50.
- The relatively low height of the solar panels at around 3m means the broader views of the site will be limited by the presence of shelter belts.

The report prepared two visualisations to depict the visual impact seen from two publicly accessible locations and at different times of the day. Photo excerpts from this report can be seen in Figures 4 – 7 below.





*Figure 7: Photo montage as viewed from near the intersection with Plantation and Wakarara Road, in the morning (Source: Wayfinder Graphical Attachment, Slide 16)*



*Figure 8: Photo montage as viewed from near the intersection with Plantation and Wakarara Road, at midday (Source: Wayfinder Graphical Attachment, Slide 18)*



*Figure 9: Photo montage as viewed from the intersection with Plantation and Ongaonga Road, early morning (Source: Wayfinder Graphical Attachment, Slide 20)*



Figure 10: Photo montage as viewed from the intersection with Plantation and Ongaonga Road at midday  
(Source: Wayfinder Graphical Attachment, Slide 21)

At Page 11 of his assessment, Mr Bray concludes:

*“The farm represents a change in the activity and character of the site and will certainly be perceived as different and unique. It contains built form that will diminish the pastoral character of the site. However, it is located in an expansive, flat rural landscape that has been highly modified to achieve optimised production. At its core, it is no different to other farming activity, utilising the environmental resource as efficiently as possible, with the exception of the retention of grass under the panels to help retain a pastoral connection”*

The peer review report by Mrs Griffith agrees with this assessment and further states that the effect of any landscape change is confined to a relatively small area and notes that there is the:

*“avoidance of high visibility from areas that hold a high degree of naturalness and/or distinctiveness”.*

Overall, the landscape experts maintain that the general landscape effects will be minor on the wider environment.

#### Public Views

The location of the site is adjacent to a network of rural roads that will include the following viewing distances for road users:

- Approximately 2km along Wakarara Road
- Approximately 1km along Plantation Road
- Approximately 2k along Ongaonga Road
- Brief glimpse from SH50



Mr Bray's report notes that these roads all have a speed limit of 100km/hr and with the distances required to travel in this area, the view of the solar farm will be a small and fleeting portion of the overall views experienced on an average trip. Due to the topography of the land, only the first few rows will likely be visible from the road. The height ensures that views to the wider pastoral landscape and to the ranges will be maintained.

Mr Bray's report goes on to note that for the locals who regularly travel the road, the solar farm is likely to become a localised landmark. To begin with especially, it will likely draw attention away from other landscape features. It is stated that the visual effect will be one that changes the way people view the landscape. The decision not to plant the whole perimeter with screen planting was to allow people to become accustomed to the sight of this form of renewable energy generation. Mr Bray considers that over time, the solar farm is likely to become a more common feature of the productive landscape. The addition of the viewing area adds to this educative purpose.

In terms of the public view, consideration needs to be given to the landscape effects in general as discussed above. The site is not located within any identified significant or outstanding landscapes, views or viewshafts and the overall change in landscape amenity as a result of the proposal is considered to be minor.

Considering the above summary of expert opinion on landscape and visual effect matters, I consider that the effects on the environment will be no more than minor in this regard.

#### **c. Traffic effects**

There will be effects on traffic during the construction period and as a result of two new vehicle entrances proposed for access to the site, and one new access for the public viewing area. The traffic effects of both construction and ongoing operation of the solar farm have been assessed from a transport impact and safety perspective. A copy of the memo provided by Transport Engineer, Kurt Sampson is attached as Appendix D.

The proposal includes a site office in the southeast corner of the site that will include a parking area and require new vehicle accesses from Ongaonga Road and Plantation Road. This parking area will also be used as a staging area during construction and a temporary exit will be created onto Plantation Road for truck movements. The applicant consulted with Council's Roading Manager, Mr Shawn McKinley, on the location of these vehicle crossings points and the need for traffic management and potentially a temporary speed limit put in place during construction. An appointed Traffic Management Coordinator would need to consider an appropriate limit when the applicant submits their Traffic Management Plan for approval. This has been offered by the applicant as a condition on the resource consent.

There is an additional new vehicle access and parking area proposed near the intersection with Wakarara Road and Plantation Roads for public viewing of the solar farm. This advice from Council's transport expert questions the accuracy of the location of the public viewing area as shown in the development plans in relation to the existing road reserve in this location. All new vehicle accesses require Council approval to confirm that the location is the required safe distances from intersections in accordance

with the standards set the in Transport Chapter of the District Plan. A more detailed design plan of the viewing area and associated parking will be required to be submitted to Council with any application for new vehicle crossing application.

The traffic assessment comments on the level of driver distraction that may be experienced by passing cars. It concludes that the site is in an area of very low traffic volumes with the majority of traffic being local residents (who would become accustomed to the sight quickly). These aspects combined with adequate screening should minimise the driver distraction risk suitably.

An additional form of distraction considered is the potential for the sun to reflect off the solar panels and momentarily blind drivers. However, traffic advice concludes that there is no point at which approaching drivers would be looking directly towards the solar panels and therefore this is unlikely to create a hazard. Such effects are considered to be no more than minor on the environment in this regard, Furthermore, it is noted that Section 128 of the RMA may be invoked to review any consent conditions on such matters should an effect be generated that is not anticipated by this proposal.

The operation of the solar farm requires one staff member on site with occasional visits by external contractors. Therefore the traffic impacts of construction is considered to be temporary in nature and limited in duration.

Overall, I accept the advice of Council's traffic expert that ongoing traffic impacts in terms of the location of the new vehicle entrances, operational demands and driver distraction are considered to be less than minor and can be managed through conditions of consent. Traffic generation impacts experienced through the construction period are temporary and can be managed through a condition of consent requiring a Traffic Management Plan.

On this basis, I am satisfied that the effects of the proposal on the safe and efficient use of the roading network will be less than minor.

#### ***Step 4: Public notification in special circumstances – s95A (9)***

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary
- outside of the common run of applications of this nature, or
- circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

I agree with the AEE that while the proposal is unique and novel for the region, the proposal does not meet the threshold for special circumstances. No aspects are considered to be exceptional or unusual

Overall, there are no circumstances which warrant **public notification** under to s95A(5)(b)(i) of the RMA.

## 4.2 Limited notification assessment s95B

Section 95B of the RMA specifies the steps the consent authority is to follow to determine whether an application is to be limited notified.

### ***Step 1: Limited notification for customary rights, customary marine titles and statutory acknowledgement groups and persons – s95B (2-4)***

Limited notification is required if the consent authority believes any group with protected customary rights, customary marine titles, or those to whom a statutory acknowledgement is made are affected.

The application site is located within the Statutory Acknowledgment Area, *Tukituki River and its tributaries* acknowledged under Heretaunga Tamatea Settlement Act 2018. This acknowledgement recognises the cultural and spiritual association that iwi and hapū have with the Kahahakuri Stream that bisects the property and feeds into the Tukituki River downstream. A summary of the resource consent has been provided to the Heretaunga Tamatea Settlement Trust for comment.

The effects on the Kahahakuri Stream will be less than minor and potentially positive as a result of the fencing and riparian planting proposed. There will be earthworks required for the trenching of cables and new vehicle accessways, but this work should not have an impact on the water quality of the stream if properly managed.

I have had regard to the specific nature of the proposal, its location, and the potential effects on the statutory acknowledgement area. I do not consider Heretaunga Tamatea Settlement Trust are an affected party for the purpose of notification, over and above the consultation that has occurred already.

Overall, on the basis of the above, I consider that there are no adversely affected parties, groups or persons as a result of the proposed activity.

### ***Step 2: Limited notification precluded in certain circumstances – s95B (5-6)***

Limited notification of a resource consent application is precluded when the application:

- is subject to a rule or national environmental standard that precludes limited notification;
- is for a controlled activity (excluding subdivision of land);

Limited notification is not precluded under this section. There are no rules in the District Plan or a national environmental standard that preclude notification. An assessment under Step 3 is required.

### ***Step 3: Limited notification of affected persons – s95B (7-8)***

An affected persons determination is required pursuant to s95E of the RMA. *“For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95b(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity’s adverse effects on the person are minor or more than minor (but are not less than minor)”(s95E(1)).*

Pursuant to section 95E(2)(a), if a rule or national environmental standard permits an activity with an effect, the adverse effect of the activity on the person may be disregarded. The approach authorises a consent authority to disregard the adverse effects of an activity if the

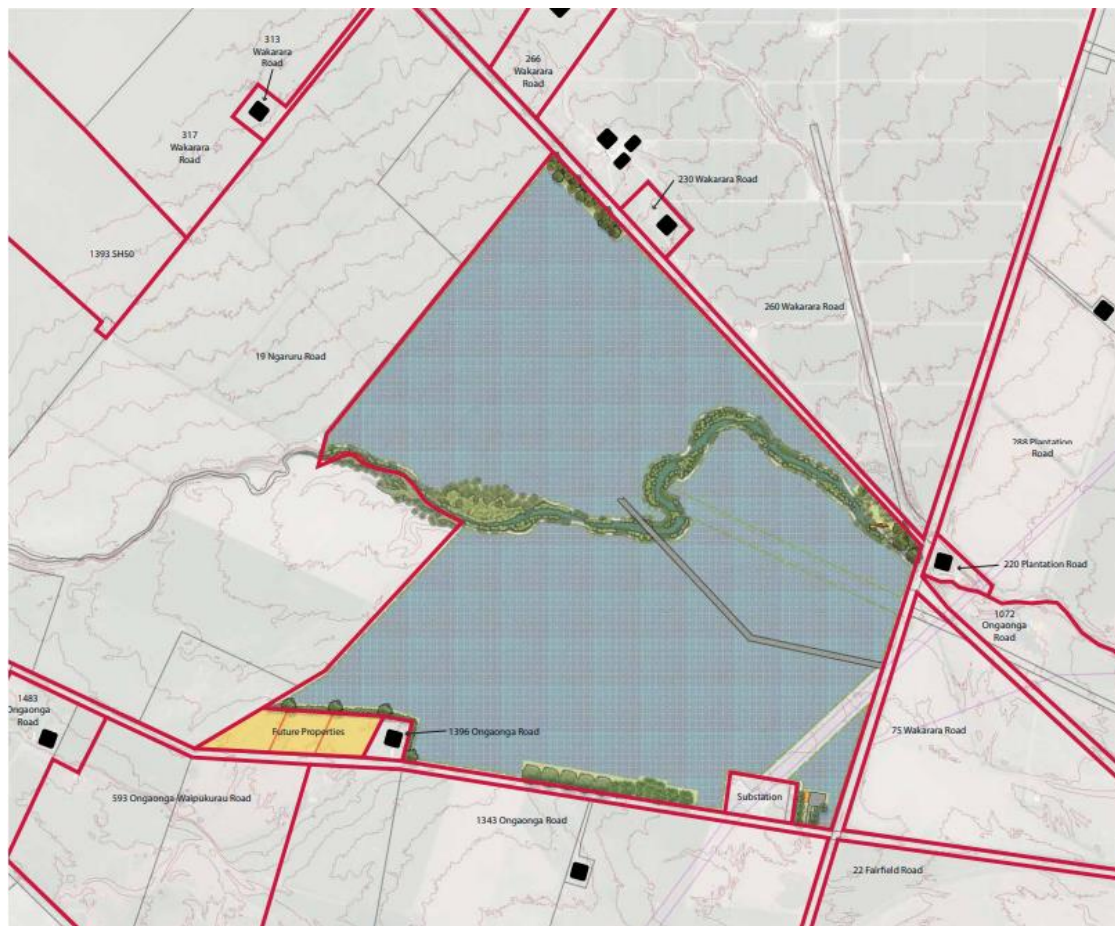
Plan permits an activity with the same effects. This is commonly referred to as the permitted baseline. There is no applicable permitted baseline in this instance as there is no comparable activity in the Rural Zone that could be undertaken without the need for a resource consent.

The applicant has undertaken an assessment of who they consider to be an affected party to the proposal. The applicant consulted with adjoining landowners and has gained affected party approval from the properties that contain dwellings. These persons could be potentially affected by the visual impact of the solar farm.

Affected party approval has also been obtained by adjoining landowners where there are no dwellings but there is a shared boundary and thereby effects could potentially be experienced from the same rural performance standards not being met. The following is an assessment of effects as it relates to effects on persons and properties.

#### Visual effects on residential dwellings

Private views of the solar farm are limited to the dwellings located in close proximity to the site, with varying level of effects experienced by each property depending on the individual outlook of each dwelling. An excerpt from the report below at *Figure 8* shows the location of neighbouring properties.



*Figure 8: Location of adjacent dwellings*

The applicant has assessed the visual impact of the solar farm on the properties identified on the above map. Where the visual impact is deemed to be low or non-existent, these properties were not deemed to be affected. The report identified four properties with dwellings that had potential effects that were low-moderate, which translates to minor. These landowners were approached by the applicant and the potential mitigations of screen planting were discussed.

The written approvals of these landowners have been provided. The following table provides the property details and mitigations agreed to, which the applicant confirms forms part of their proposal.

Property	Approval Given	Comments/Mitigation agreed
1396 Ongaonga Road	Yes	Native tree and shrub buffer planting is proposed along the shared boundaries.
1343 Ongaonga Road	Yes	Extension of the tree buffer with understory planting to be extended along Ongaonga Road to the boundary of 1396 Ongaonga Road.
220 Plantation Road	Yes	Stream restoration and landscape planting in the visitor area will be viewed from this property.
230 and 260 Wakarara Road	Yes	A native vegetative buffer is proposed along Wakarara Road to align with the property boundaries.
Approved subdivision of two sites along Ongaonga Rd with title yet to be issued	Yes	Native tree and shrub buffer planting is proposed along the shared boundaries.

#### Visual effects on surrounding farmland

There will be views of the site from the surrounding productive land, particularly from neighbouring properties identified in Figure 8 above. In my view, the focus of the people that frequent these properties is on their work and therefore there is less reliance on the landscape context for amenity purposes. Visual effects for these properties are regarded in the context of the landscape change in general and therefore no specific assessment has been undertaken. Nevertheless, written approvals have been provided from the adjoining landowners to the north, west and south.

The peer review report has considered the impact on 75 Wakarara Road, a property directly to the east that has not been approached for written approval. A dwelling could be located here as a permitted activity, although this would occur after a decision on this application is made and therefore likely with the knowledge as to the solar farm activity on the adjacent property. The report has considered the site's constraints and existing access arrangements to conclude that any dwelling could be constructed with minimal effect on visual amenity. Mrs Griffiths has suggested a likely location for a dwelling on this property but acknowledges, as do I, that a dwelling could be constructed in any location on this property.

In this specific context, I consider that the effects of the proposal on surrounding farmland will be less than minor. I do not consider that the proposal will generate any reverse sensitivity effects for any other surrounding land use. Accordingly, the effects of the proposal in this regard are considered to be less than minor for any party.

### Visual effects of the public viewing area on neighbouring properties

The proposal includes the construction of a public viewing area which has been offered by the applicant for public education purposes. It is proposed to be set amongst new and existing vegetation. As noted in Mr Bray's report, there will likely be public interest in a solar farm of this scale considering it is one of the first in the area. Locating a viewing area in a specific location is the most appropriate way to manage any traffic generation effects and the area has been appropriately chosen to be set amongst existing vegetation and nearby the stream where enhancement planting is proposed. The applicant is required to submit a plan of this area for Council approval. Therefore, I consider the impact of the viewing area on any party to be less than minor.

### Noise effects

The AEE submitted with the application discussed the potential noise effects from both the construction phase and ongoing operational of the solar farm. I have considered this assessment and agree that any adverse effects relating to noise will be negligible and no more than minor. Noise effects associated with construction will be temporary in duration. The applicant has stated that the ongoing operation will comply with the District Plan Noise limits. In any case, both construction activities and the ongoing operation of the activity is controlled by Section 16 of the RMA.

I consider that the actual or potential noise effects of the proposal on any party will be less than minor.

### Cultural effects

The application site is located within the Statutory Acknowledgment Area, Tukituki River and its tributaries acknowledged under the Heretaunga Tamatea Settlement Act 2018. This acknowledgement recognises the cultural and spiritual association that iwi and hapū have with the Kahahakuri Stream that bisects the property and feeds into the Tukituki River downstream. A summary of the resource consent has been provided to the Heretaunga Tamatea Settlement Trust for comment. No formal comments have been received by Council.

The applicant met with Council's Māori Advisor, Pam Kupa on site to explain the proposal and the potentially positive impact it will have on the Kahahakuri Stream with the proposed fencing and planting of native riparian vegetation. Ms Kupa has shared this information with hapū and iwi representatives and has indicated that the response was positive in regards to potential economic opportunities of the construction phase and the restoration of the stream that aligns with hapū aspirations. A copy of this email was provided with the application.

Council has no record of any archaeological or wāhi tapu sites within the property, or nearby. There will be soil disturbance during the construction phase from the post ramming, trenching for cable laying and the establishment of all-weather tracks. The applicant has offered an Accidental Discovery Protocol as a condition of consent to manage any unexpected discoveries of archaeological material when undertaking ground disturbance works.

Based on the above assessment, and without evidence to the contrary, I consider that cultural effects will be less than minor.

### Summary of effects on persons and properties

Considering the above assessment, I agree with the assessment the applicant made of the persons potentially affected by the proposal. Written approval from these parties has been



provided on the appropriate affected parties form and therefore these parties must not be considered adversely affected parties in accordance with S95E(3)(a). While not all approvals were obtained at the stage the application was lodged, all properties identified with a star on Figure 9 below have now given their written approval. Yellow star property approval was provided with the application, and the red stars approval was received prior to a decision being issued.

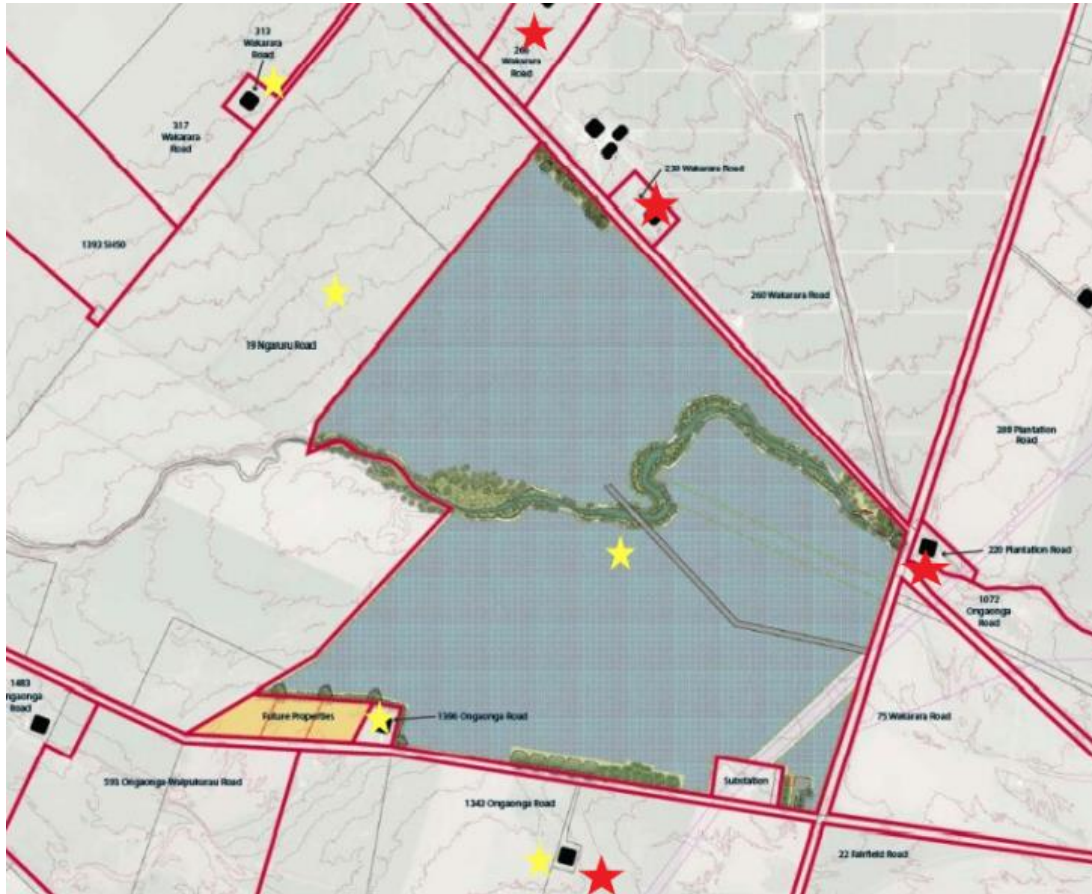


Figure 9: Location of properties who have provided affected party approval forms.

#### **Step 4: Limited notification based on Special Circumstances– s95B (9)**

There are no special circumstances that apply to this application.

Overall, no persons are considered to be affected to an extent that is minor or more than minor and, therefore, **limited notification is not required**.

### **4.3 Section 95 Notification Recommendation**

It is recommended that pursuant to Sections 95A and 95B of the RMA, application **RM220083** for a **Discretionary Activity** shall proceed on a **non-notified** basis for the reasons given above.

### **5.0 SECTION 104 ASSESSMENT**

Section 104 of the RMA prescribes those matters which must be considered when assessing an application. The matters below are considered relevant to this application.

## **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, 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.*

### **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.*

#### **5.1 Actual and Potential Effects relevant to this proposal (s104(1)(a))**

Section 104(1)(a) requires the consent authority to have regard to *any actual and potential effects on the environment of allowing the activity*.

An assessment of the environmental effects of the proposal has been provided under the Section 95A and 95B Assessment above, the conclusions of which are also relevant under Section 104(1)(a) of the Act.

When assessing this proposal, Council's control is not limited. The Section 95A and 95B Assessment above is considered to address all relevant matters addressed in the objectives and policies of the District Plan. There are also positive effects to consider.

#### Positive effects

It is important to consider the strong policy direction under the NPS-Renewable Energy and the requirement to give effect to this NPS when considering resource consent applications. This is discussed further in section 5.3 below however, I mention it here to draw attention to the requirement to balance potential adverse effects that may be experienced locally, with the more positive effects experienced nationally.



The NPS-REG requires weighting of the benefits of renewable energy against Part 2 matters of the RMA. For this application, the maintenance and enhancement of amenity values needs to be considered against the need to have regard to the benefits derived from the use and development of renewable energy. I consider that the specific built features of a solar farm which includes the ability to graze sheep underneath and the environmental enhancements proposed through planting will not result in any adverse effects on rural amenity values. The decision contained in this report has considered the benefits derived from solar farming as a form of renewable energy generation against Part 2 matters of the RMA and has concluded that the effects are acceptable in this regard.

I agree with the summary of positive effects as written in the AEE submitted with the application. As discussed above in the section on rural character and amenity effects, I have considered the need to balance achieving the maintenance and enhancement of local amenity values while having regard to the benefits that can be derived from the use of renewable energy.

#### Summary of effects

In summary, the proposed solar farm will not be unnoticeable. As summarised by the landscape experts, the farm represents a change in the activity and character of the site and will certainly be perceived as different and unique. It contains built form that will diminish the pastoral character of the site. However, it is located in an expansive, flat rural landscape that has been highly modified to achieve optimised production.

Mr Bray expresses the view that, at its core, it is no different to other farming activity, utilising the environmental resource as efficiently as possible, with the exception of the retention of grass under the panels to help retain a pastoral connection, but is also not considered to result in notable differences from the current activities. Mrs Griffiths concurs with this assessment. It is considered that the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions, should consent be granted. Based on the conditions offered by the applicant, and having regard to the expert assessment provided with the application, I am satisfied that the adverse effects of the proposal will be acceptable.

### **5.2 Measures proposed by the applicant (s104(1)(ab))**

Section 104(1)(ab) requires the consent authority to have regard to *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.*

In this regard, I have considered the stream and wetland enhancement measures proposed by the applicant and the provision of a public viewing area that will enable positive effects on the environment to be realised. While I don't consider the adverse effects on the environment to be more than minor and therefore compensation or offsetting is not specifically required, these measures offered by the applicant have been considered as part of this decision.

### **5.3 Other Relevant Provisions (s104(1)(b))**

#### National Environmental Standard - Freshwater (NES-FW)

The NES for freshwater is a regulatory document that sets standards for certain activities that pose a threat to freshwater and freshwater ecosystems. The Regional Council is responsible for issuing resource consents for activities that are not able to meet the standards as defined in the NES-FW. The subject site contains what could potentially be considered a wetland, although an expert in ecology has not been engaged to establish whether the required amount of wetland vegetation exists, or to identify the extent of the area that could be considered wetland. Regardless of this, the location of earthworks proposed are within the required setback from wetlands (10m) and no drainage of wetlands or vegetation clearance is to occur. The proposal does therefore not trigger consent under the NES-FW.

#### National Policy Statement – Renewable Energy Generation (NPS-REG)

The NPS-REG was gazetted in 2011 and directed councils to update all Regional Policy Statements, District and Regional Plans to include objectives, policies and methods that provide for the development of new renewable energy generation activities, including solar energy, to the extent applicable in the region.

The Central Hawke's Bay (CHB) District Plan is in the process of being reviewed and provisions have been proposed that provide policy support for renewable energy activities. Section 5.3.2 below considers the policies in the proposed plan in this regard. The climate in Central Hawke's Bay provides the ideal location for solar energy generation so the providing for this form of development is very much applicable to this region.

I agree with the assessment against the objectives and policies of the NPS-REG provided in the application. The proposed application gives effect to the NPS Renewable Electricity 2011 for the following reasons:

- The solar farm will increase security of supply by diversifying the type and location of electricity generation
- The solar farm is located where the renewable energy resource is available
- the location considers existing structures and infrastructure of the distribution network and the national grid
- There are not considered to be any reverse sensitivity effects that could occur with the solar farm at this location.

#### National Policy Statement – Electricity Transmission (NPS-ET)

This policy statement sets objectives and policies to enable the effective management of the effects of the electricity transmission network under the RMA. Policy 10 and 11 are relevant to this proposal.

##### Policy 10

*In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*

The location of the national grid in close proximity to the proposal has been a deciding factor in the location of the solar farm. The applicants needed to gain an agreement from Trustpower to connect to the network at this location and this was done at the commencement of the project. As a result, I am satisfied that the activity will not result in an unforeseen reverse sensitivity effects on the electricity transmission network and will not compromise the efficient operation of the network.

### Policy 11

*Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).*

The Central Hawke's Bay District Plan gives effect to this national policy statement via a performance standard. The following performance standard applies:

#### 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).*

I have considered this standard and the latest information published by Transpower in relation to activities occurring in the vicinity of the National Grid<sup>1</sup>. A 12m setback distance is required for buildings located under the national grid and this requirement has formed a condition of consent. Therefore, I am comfortable that this resource consent decision is consistent with the NPS-ET.

#### Regional Policy Statement

I have had regard to the relevant provisions of the Hawkes Bay Regional Management Plan that contains the Regional Policy Statement. While there are no provisions that relate specifically to renewable energy generation there is a section on physical infrastructure that recognises that while most of the regions physical infrastructure relies on the use of the land resource making the effects a matter for the District Councils to manage, the RPS provides support when there are regional benefits. The proposal will not be providing electricity to support the whole region, but the fact that it is the first in the region and provides for a diversification of supply, it needs to be considered as regionally significant. The following objectives are relevant:

**OBJ 32** *The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.*

**OBJ 33** *Recognition that some infrastructure which is regionally significant has specific locational requirements.*

**OBJ 33B** *Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.*

I agree with the applicant's assessment against the RPS in regards to the management of reverse sensitivity effects. I also note that the Regional Plan is due to be reviewed and will require amendments to give effect to the NPS-REG. Overall, I consider the proposal is consistent with the provisions in the RPS.

---

<sup>1</sup> <https://www.transpower.co.nz/keeping-you-connected/landowners-and-developers/development-near-national-grid>

### 5.3.1 Relevant District Plan Objectives and Policies (s104(1)(b)(vi))

The following objectives and policies of the Operative District Plan are relevant to the proposal. It is noted that the District Plan does have a chapter on Utilities, however the definition of Utilities does not include structures or facilities used for electricity generation.

Chapter 4 Rural Zone	
<b>Objective 4.2.1</b> <i>Rural amenity and quality of the environment</i>	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.
<b>Policies 4.2.2</b>	<ol style="list-style-type: none"> <li><i>To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.</i></li> <li><i>To require some activities to be setback from property boundaries so as to reduce the probability of neighbouring dwellings being exposed to adverse effects.</i></li> <li><i>To maintain clear distinctions between the urban and rural areas through zoning and the provision of performance standards specific to the rural zone, to assist in protecting the character and quality of the surrounding rural areas.</i></li> <li><i>To encourage the protection of waahi tapu and other taonga by facilitating consultation between landowners and the Tangata Whenua should developments be proposed where values occur.</i></li> </ol>
<b>Comment</b>	<p>The proposal has been carefully assessed for its potential impact on rural amenity - its impact on the natural and physical qualities present at the proposed location that contribute to peoples appreciate of the place. Based on this assessment, I conclude that the existing level of rural amenity will be maintained. In accordance with this objective, the proposal has also been assessed against the range of activities that can be experienced in rural areas and its overall impact on the quality of the environment. Policy 1 supports the proposal in that a wide range of land uses is encouraged, providing rural amenity is maintained.</p> <p>The proposed setback from property boundaries is appropriate given the physical nature of the structures. While there is no identified waahi tapu on the site, the applicant has engaged with tangata whenua to understand cultural values in relation to this project. I do not have any evidence of any such sites present in this location. Overall, the proposal is considered to be consistent to the above objective and policies.</p>
<b>Objective 4.4.1</b> <i>Nature Conservation, Landscape Values,</i>	<ol style="list-style-type: none"> <li>Protection and enhancement of defined nature conservation areas, and outstanding landscapes views within the District.</li> <li>The margins of wetlands, rivers, lakes and the coast are managed in order to preserve the natural character of these</li> </ol>

<b>Riparian Management</b>	environments and the margins of identified river catchments are managed to enhance water quality.
<b>Policies 4.4.2</b>	<ol style="list-style-type: none"> <li>1. To discourage inappropriate development in sites identified as having rare, endangered, or vulnerable species of plants or animals of national significance, or indigenous plant or animal communities that are of significance to the nation.</li> <li>2. To control certain activities which have the potential to adversely affect area identified as having major viewing points to some outstanding landscapes in the District.</li> <li>3. In conjunction with Hawke's Bay Regional Council, promote riparian management practices that enhance water quality in the district by the following means: <ol style="list-style-type: none"> <li>i. facilitate improved riparian management by educational means,</li> <li>ii. set priorities as to which waterways in the District require riparian management programmes, and,</li> <li>iii. determine the best methods to encourage protection of priority waterways.</li> </ol> </li> </ol>
<b>Comment</b>	These provisions are relevant only to the extent that the proposed location has not been identified to contain any rare, endangered or vulnerable species of plants. The area, nor any areas in the vicinity, have been identified as having outstanding landscapes that could be impacted by the view of solar panels. The visual assessments concluded that views of the site are limited from surrounding locations. The applicant is proposing to undertake riparian planting which is encouraged by Council in policy 3. The proposal is therefore consistent with these objectives.

<b>Chapter 11 Signage</b>	
<b>Objective 11.2.1</b>	Signs conveying necessary information, while avoiding or mitigating adverse effects on public safety, convenience, access or the visual amenities in the District.
<b>Policies 8.2.2</b>	<ol style="list-style-type: none"> <li>1. To ensure that the signs are displayed in a manner that does not compromise the character, attractive appearance and visual amenity of the different areas of the District.</li> <li>2. To limit signs in or over public places or attached to utilities, community facilities or public reserves, other than in business areas, to signs necessary for direction, public information or public safety</li> </ol>
<b>Comment</b>	Due to the nature of the activity, electrical safety signage will be required in accordance with the NZ Electrical Code of Practice. The application includes examples of this signage and confirms that the size of the signage will not result in a non-compliance with the 3m <sup>2</sup> standard for signs in the rural zone. The signs will be sufficiently spaces to not compromise the visual amenity of the area and are consistent with Policy 2 above in regard to the requirement to be

	attached to utilities for public safety. The signage proposed for the public information area also gives effect to this policy The proposal is therefore considered to be consistent to the signage objective and policies
--	---

### 5.3.2 Relevant Proposed District Plan Objectives and Policies (s104(1)(b)(vi))

The Proposed District Plan was notified on the 28 May 2021, and the submission period closed on 6th August 2021. Hearings are currently underway and decisions on submissions are yet to be made. The Proposed District Plan includes a specific chapter on Renewable Energy and it states that the provisions in this chapter override any respective zone provision. The following provides an assessment against the objectives and policies in this chapter:

Part 2 – Renewable Energy	
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. Enable and encourage the sustainable use and development of renewable energy resources within the Central Hawke's Bay District.</li> <li>2. Enable renewable electricity generation activities while avoiding, mitigating or offsetting adverse effects that are more than minor.</li> </ol>
<b>Policies</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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: <ol style="list-style-type: none"> <li>a. High Natural Character Areas</li> <li>b. Outstanding Natural Feature and Landscapes</li> </ol> </li> <li>3. To recognise the environmental, functional, operational and technical constraints of managing new and existing renewable electricity generation activities.</li> <li>4. To provide for small-scale renewable electricity generation activities.</li> <li>5. To protect renewable electricity generation activities from reverse sensitivity effects.</li> <li>6. 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.</li> </ol>
<b>Comment</b>	The proposed District Plan provides strong direction to support renewable energy developments, providing there is protection of areas identified as having high natural character and outstanding

	features and landscapes. The proposed location will not impact on these areas identified in the proposed district plan. There are not deemed to be any reverse sensitivity effects that will impact on the solar farm. The AEE has determined that there no significant environment effects from a solar farm in this location, however environmental enhancements have been offered and will form conditions of consent. The Proposed District Plan gives effect to the NPS – REG.
--	---

## Part 2 – Network Utilities

<b>Objective NU-O3</b>	The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.
<b>Policy NU-P5</b>	<p>To protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:</p> <ol style="list-style-type: none"> <li>1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;</li> <li>2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects;</li> <li>3. managing access to the railway corridor and to the national and regional road network;</li> <li>4. managing light spill and glare from activities on road users;</li> <li>5. managing land disturbance and activities in the vicinity of gas transmission pipelines;</li> <li>6. managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid substation;</li> <li>7. managing land disturbance, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and</li> <li>8. ensuring subdivision of sites containing a network activity retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.</li> </ol>
<b>Comment</b>	The proposal is adjacent to a substation that supports the national grid, a nationally important network utility operation. While the proposal is dependent on the location of this substation, consideration also needs to be given to the protection of this network utility from any adverse effects that may arise from the construction and operation of the solar farm, and its ancillary



	buildings. For this reason, the conditions of consent require the appropriate setbacks, in line with the requirements of the District Plan and NZ Standards for electricity safety distances, and with the requirements of Transpower. I consider Policy NU-P5 (1) and (6) have been given effect to.
--	---

### 5.3.3 Weighting between Operative District Plan and Proposed District Plan

Submissions on the Proposed District Plan closed 6th August 2021. Hearings are underway and decisions on submissions are yet to be made. Given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight would be given to these provisions at this stage. As a result, greater weight is afforded to the Operative District Plan when considering the application under Section 104(1)(b) of the Act.

### 5.4 Section 104(1)(c) – Other Matters

Section 104(1)(c) requires consideration of *any other matters the consent authority considers relevant and reasonably necessary to determine the application*.

It is considered that there are no other relevant matters that require considered in the determination of this application.

### 5.5 Section 104(2&3) - Effects Disregarded

Pursuant to Section 104(2) of the Act, when forming an opinion for the purposes of Section 104(1)(a), a Council may disregard an adverse effect of the activity on the environment if a plan or national environmental standard permits an activity with that effect (i.e. the Council may consider the ‘permitted baseline’).

The ‘permitted baseline’ was discussed in Section 4.2 of the approved notification report. This discussion and conclusion is also considered relevant for the purposes of the assessment under Section 104(1)(a).

Pursuant to Section 104(3)(a) of the Act, when forming an opinion for the purposes of Section 104(1)(a), a Council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition. Written approvals have been obtained, and trade competition is not a relevant consideration.

## 6.0 PART 2 OF THE RMA

In terms of Section 5, the development will result in sustainable management of natural and physical resources, whilst also not affecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. The application therefore accords with Section 5.

Section 6 sets out the matters of national importance. The site is not within an area mapped as an outstanding natural features or landscapes and it has been established that the proposal is appropriately located within the existing rural landscape.



Section 7 sets out other matters that must be had particular regard to. Of relevance to this application are the maintenance and enhancement of amenity values (s7(c)), the quality of the environment (s7(f)), the effects of climate change (s7(i)) and the benefits to be derived from the use and development of renewable energy (s7(j)). As concluded above, I consider that amenity values will be maintained while concurrently realising the benefits of renewable energy generation.

Section 8 requires that the principles of Te Tiriti o Waitangi are taken into account. This proposal has no effect on the Treaty principles. Iwi have been consulted in the processing of this resource consent application, as noted previously.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

## 7.0 RECOMMENDATION

It is recommended that pursuant to Sections 104B of the Resource Management Act 1991, resource consent for the proposal at 189 Plantation Road, Ongaonga being Lot 9 DP 203, Lot 2 DP311925 and BLK 302 Ruataniwha CGD is granted, subject to the conditions suggested within the recommended conditions attached to this document to be imposed under Section 108 of the RMA.

### REASONS FOR RECOMMENDATION

- (1) The adverse effects of the activity on the environment will be no more than minor.
- (2) The adverse effects on any person are less than minor.
- (3) The proposal is consistent with the relevant Strategic Framework, including the provisions of the Operative District Plan and the Proposed District Plan, and consistent with Part 2 of the Act

**Report prepared by:**



Kim Anstey  
**Consultant Planner**  
Date: 05 July 2022

**Reviewed by:**



Ryan O'Leary  
**Consultant Planner**  
Date: 05 July 2022

## 8.0 DECISION

Under delegated authority from the Council, the Customer and Consents Manager approves this application in line with the recommendation outlined in the Planning Report above.

Signed:



Robyn Burns

## **Customer and Consents Manager**

Date: 06 July2022