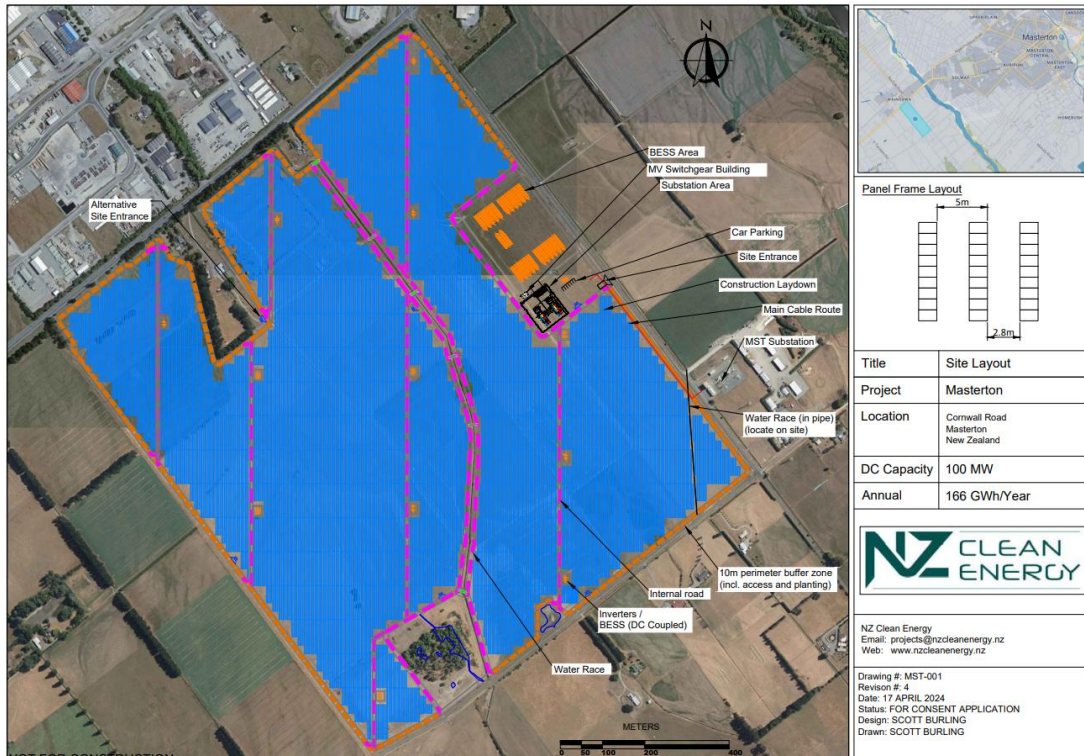


CARTERTON DISTRICT COUNCIL

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF RESOURCE MANAGEMENT ACT 1991

Application No:	240005
Consent Type:	Landuse
Applicant:	Masterton Solar and Energy Storage Ltd
Proposal:	100-megawatt renewable energy project. The establishment of an agrivoltaics development (solar farm) including solar panels, inverters, transformers, battery energy storage system, a substation, a site office and connection to nearby Masterton Substation.
Location:	3954A State Highway 2
Legal Description:	Pt Lot 2 DP 2099, Pt Lot 3 DP 2099, Pt Lot 1 DP 46533, Lot 1 DP 19148, Pt Lot 4 DP 2099, Lot 1 DP 171189, Lot 1 DP 3447, Pt Lot 4 DP 2099
Zone:	Rural (Special) – Operative Wairarapa Combined District Plan 2011 General Rural Zone – Proposed Wairarapa Combined District Plan
Management Area:	Operative – Contaminated site, Airport Obstacle Limitation Surface, Air noise contour Proposed- Airport obstacle limitation surface, Air noise contour, Highly productive land, Noise boundary for State Highway 2
Activity Status:	Overall the application will be assessed as a Discretionary Actiity under the Wairarapa Combined District Plan.

Scheme Plan:



SECTION 95A TO 95F REPORT

1.0 APPLICATION

Site

This site is located at 3954A State Highway 2, which is in the area of Waingawa. The site is roughly square shape, with a total area of approximately 147 hectares. The subject site has frontages onto State Highway 2, Cornwall Road and Hughs Line.

The site is rural in nature, as is the surrounding area to the north-east, south and south-west. Land on the opposite side of State Highway 2 to the north-west is occupied by a number of large and small-scale industrial activities. To the south-east of the site is the Masterton Substation which forms part of the Nation Grid network. Immediately behind the substation is a contractor yard, as well as a small cluster of dwellings that have frontage onto Hughs Line. A number of rural lifestyle properties are located adjacent to the southern boundary fronting Hughs Line. The site is located approximately 1.3km east of Masterton and the Hood Aerodrome.

The site currently has two areas of buildings within the subject site, one associated with the wool sheds and yards and the other with a dwelling that is currently unoccupied. All of these buildings adjoin the sites frontage onto State Highway 2.

The subject site is held within eight records of titles which are summarised as follows:

	<i>RT Ref</i>	<i>Legal Description</i>	<i>Area (ha)</i>	<i>Date Created</i>
1	WNF1/1189	Pt Lot 2 DP 2099	27.9819	23/11/1966
2	WNF1/1188	Pt Lot 3 DP 2099	28.313	23/11/1966
3	WN17B/749	Pt Lot 1 DP 46533	50.0816	13/03/1977
4	WN765/45	Lot 1 DP 19148	0.0376	05/11/1957
5	WND1/413	Pt Lot 4 DP 2099	13.8024	25/01/1965
6	WN638/13	Lot 1 DP 17189	3.0461	14/12/1954
7	WN248/15	Lot 1 DP 3447	9.9947	26/05/1915
8	WN213/272	Pt Lot 4 DP 2099	13.7593	27/11/1912

There are a number of interests on these titles however none impact the determining of this application.

The site is zoned Rural (Special) under the Operative Wairarapa Combined District Plan 2011 with the following overlays Contaminated site, Airport Obstacle Limitation Surface and Air noise contour. The site is zone General Rural Zone under the Proposed Wairarapa Combined District Plan with the following overlays Airport obstacle limitation surface, Air noise contour, Highly productive land, Noise boundary for State Highway 2. The site is not subject to being affected by Natural Hazards, archaeological, cultural or heritage values.

The site includes a number of farm drains and water courses with a permanently flowing watercourse (water race) through the site north to south. Three wetlands have also been identified within the site which are described in the applicants AEE two of which were identified as natural wetlands. The site is dominated by pastoral grazing vegetation, however there are a number of tree species scatted across the site mainly to the north-west. The applicants Ecological Assessment identified three main categories of indigenous fauna that may be found within the site birds, lizards and bats. The bats and birds could utilise the trees however the modified nature of the site reduce the likelihood of indigenous lizards.

The current use of the site is for dry stock (cattle and sheep) pastoral grazing. The stock are managed between this site and a larger station on the east coast of Wairarapa. With regard to the Land Use Capability classification of the site approximately 67ha (45.6%) is classified as Class 3 land and the remainder 80ha (54.4%) is classified as Class 4 land. It is noted that Land Use Capability 1-3 is considered to be highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL).

The subject site is identified as historically containing an effluent pond and irrigation channels for liquid disposal from a nearby tannery activity which have subsequently dispersed on the subject site. These historic activities are included within the Ministry for the Environment's Hazardous Activities and Industries List (HAIL). The result is the site is considered contaminated and subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS).

Proposal

This proposal is for the establishment of an agrivoltaics development also known as a solar farm at 3954A State Highway 2 with the development occupying 138ha of the subject site for a period of 40 years. This will include erecting solar panels (photovoltaic modules), inverters, transformers, battery energy storage (BESS), a substation and a site office. The proposal will also include establishing security fencing and undertaking landscaping in certain places, earthworks and trimming of trees and in some cases removal.

The proposal seeks to establish approximately 166,000 solar panels (photovoltaic (PV) modules). Each module has dimensions of approximately 1.3m wide by 2.2m high and 35mm thick and is to be mounted on a single axis tracking tables (base) oriented north-south.

The tracking tables are to contain approximately 60 modules each with the tracking tables being approximately 78m long. The tracking tables will be approximately 2.95m high at maximum tilt (60 degree tilt) and 2.2m wide at minimum tilt. Each row of PV tracking table is to have a 2.8m wide perimeter clearance to allow for access and maintenance. The PV tracking tables will operate all daylight hours every day of the year.

There are proposed to be approximately twelve solar inverters stations, coupled with small transformers located within and at regular intervals across the solar farm with dimensions of 4.3m long by 2.6m high. The inverters convert direct current energy generated by the panels into alternating current energy so that it can enter the substation.

240 Battery Energy Storage System (BESS) units are proposed to be located in proximity to the substation area fronting Cornwall Road. Each BESS will be approximately 6.1m long by 2.4m wide and 2.9m high located within repurposed shipping containers. The BESS store the energy before it is released into the national grid.

A substation area is proposed immediately south of the BESS area, is to be up to 1ha in size and includes a switching station building which links with the Masterton Substation. A site office is also to be established of approximately 35m² in size with 20 car parking spaces. Twelve 30,000 litre water tanks are also proposed.

The construction for the proposed development is expected to last 12 to 18 months and will include as follows:

- Removal of existing internal fencing and vegetation in development area.
- Formation of site access and implementation of erosion and sediment control measures for earthworks which includes surface soil scraping over an area of 10.8ha and approximately 32,550m³.
- Formation of internal access tracks and hard stand area for BESS, Substation and switching area.
- Installation of PV tracking tables
- Installation of BESS, substation, switching area units, and associated internal connections and cabling.
- Undertake landscape planting and erection of security fence approximately 2.4m high.
- Connection to Transpower.
- Planting for landscape screening 2- 3m high in places around the boundary of the site as indicated in the Visual Landscape Assessment.
- Work is to avoid indigenous lizard habitats.
- Wetlands 2 and 3 in the southern part of the site will be fenced and excluded from the development.
- Prior to the end of the 40-year lease, it is proposed that the site will be decommissioned to enable the site to return to its current agricultural use.
- Construction will take place between 7.30am and 6pm Monday to Saturday.

Activity Status

Wairarapa Combined Operative District Plan

- Rule 4.5.5(c), as the proposal includes construction of buildings not required for primary production or residential purposes that will be greater than 25m² of gross floor area, require consent as a Restricted Discretionary Activity.
- Rule 21.1.24(iii) for the establishment of buildings for energy generation facilities that will result in greater than 10m² of gross floor area, require resource consent as a Discretionary Activity.
- Rule 21.6(a) to undertake an on Contaminated Land as listed in Appendix 3.1 of the ODP, which requires resource consent as a Restricted Discretionary Activity.
- Rule 21.6(a) to undertake an activity that is not otherwise specified as a controlled or restricted activity, which requires consent as a Discretionary Activity.

Overall, the proposal requires consent as a Discretionary activity.

Wairarapa Combined Proposed District Plan

- Rule GRUZ-R19(1) for an activity within the GRUZ which is not otherwise provided for requires resource consent as a Discretionary Activity.
- Rule ENG-R6(1) to establish a large-scale renewable energy generation activity, which requires resource consent as a Discretionary Activity.
- Rule TR-R1(1) for a development that will provide less than the minimum required number of accessible parking bays (1 is required, none are provided), which requires resource consent as a Restricted Discretionary Activity.

Overall, the above reasons for consent will result in this application seeking consent as a Discretionary Activity. However, it is noted that all of the above reasons for consent under the Proposed District Plan are rules that do not have immediate legal effect.

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

The subject site is identified by both the District and Regional Council as having been subject to historic contamination activities. Under Clause 5(7)(b) of the NES-CS, the subject site is therefore considered to be “land covered” by the NES-CS. Further, the proposal will include the disturbance of soil, which is an “activity” under Clause 5(4)(a) of the NES-CS. Therefore, the proposal must be assessed against the NES-CS to determine if there are any additional reasons for consent.

A detailed Site Investigation is yet to be prepared. This is proposed to be prepared following consent. The proposal is therefore a Discretionary Activity under the NES-CS.

National Environmental Standards for Electricity Transmission Activities (NES-ETA)

The proposal includes the connection of the agrivoltaic development to the nearest connection point to the National Grid, the Masterton Substation. The cable connection will be made underground within the road corridor of Cornwall Road.

The National Grid connection is currently subject to agreement with Transpower, which is being addressed concurrent to this resource consent. Any statutory applications required under NES-ETA will be addressed via the grid connection process.

National Environmental Standards for Freshwater (NES-F)

The development area includes the Taratahi water race / Waikoukou Stream, which is considered a river in accordance with the definition under Clause 3 of the NES-F. The proposal seeks to establish three new culverts to enable vehicles to cross the river.

The proposal will not be able to comply with all of the permitted activity conditions outlined under Clause 70(2)(d) of the NES-F which requires the width of the culvert to be 1.3 times the width of the river. Therefore, consent is required under Clause 71(1) of the NES-F as a Discretionary Activity.

Overall, consent is required as a Discretionary Activity.

2.0 S95A – 95F NOTIFICATION ANALYSIS AND DETERMINATION

2.1 Public Notification

1: Mandatory Public Notification (s95A Step 1)

Public Notification is required when the application meets any of the following criteria;

- The applicant has requested public notification,
- Public notification is required under s95C of the Act (relating to a requests for further information),
- The application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act.

The above provisions do not apply to this proposal.

2: Public notification precluded in certain circumstances (s95A Step 2)

If not required by Step 1 above, Public Notification is precluded in certain circumstances when the application meets either of the following criteria;

- *All activities in the application are subject to one or more rules or national environmental standards that preclude public notification.*
- *The application is for one or more of the following, but no other, types of activities:*
 - *a controlled activity,*
 - *a restricted discretionary, discretionary activity or non-complying activity that is a boundary activity,*

The application is for none of the above and as such is not precluded under step 2.

3: Public notification required in certain circumstances (s95A Step 3)

If not precluded in Step 2 above, Public Notification is required in certain circumstances when the application meets either of the following criteria;

- *Any activity in the application is subject to a rule or national environmental standard that requires public notification,*
- *The activity has, or is likely to have, adverse effects on the environment that are more than minor in accordance with s95D of the Act.*

Under s95D(a) any effects on the people within the site or adjacent to it are not to be considered for the purposes of public notification.

Landscape, Visual Amenity and Rural Character

The proposal does represent a change to the visual appearance of the subject site given that it will introduce an agrivoltaic development to the site that in recent times has been utilized solely for agricultural purposes. The applicant submitted a Landscape Assessment undertaken by Mansergh Graham Landscape Architects which included a mitigation planting plan which included a 10m wide buffer strip left around the external perimeter of the site for fencing, access, and mitigation planting. The mitigation planting would be maintained at a height of between 2m and 3m.

The mitigation planting will be established immediately following the construction of the perimeter fence and is likely to take between 3-4 years to substantially screen the site from view (i.e. there will still be some gaps between and through the mitigation planting) and 4-6 years to achieve full closure and an impervious screen.

The assessment noted that with the mitigation planting in place, the adverse effects of the proposed agrivoltaic development on the existing visual amenity values will range from very low to low from surrounding viewer locations. The exception to this is the effects on 3920 State Highway 2 which will be low-moderate at lower storey and moderate-high from upper storey of the dwelling.

The applicants landscape architect in a subsequent memo noted that the construction assessment concludes that “I would expect the magnitude of the temporary effects to be one order of magnitude higher on the seven-point rating scale identified in the VLEA (i.e. if the permanent effect level is low then the temporary effects during construction and until the mitigation planting becomes established will be low-moderate).”

This landscape assessment was peer reviewed by Alex Gardiner, Senior Landscape Architect, Boffa Miskell Ltd who made the following conclusions:

- The effects on landscape character for operational effects will be low-moderate, and during construction effects will be moderate overall. The construction effect and the effect experienced prior to the establishment of mitigation planting would gradually increase from low to moderate-high, the greatest effect experienced at the peak of construction through to completion of construction.
- There would be no effects that would be deemed unacceptable from a landscape and visual perspective, and mitigation proposed is considered appropriate.
- The assessment acknowledges that the character of the site will transform however identifies that by siting the solar farm in this location, and consolidating growth alongside an already established industrialised area, this mitigates broader effects on rural character. The proposed development would alter the character of the landscape of the site from a rural landscape to a renewable energy landscape with grazing. Existing vegetation in the landscape surrounding the site, in combination with proposed mitigation planting, would effectively contain the influence of the proposed development, ensuring that the wider landscape retains its predominantly rural character.
- Generally agree with the findings of the viewpoint assessment. However, for residents living at properties at 542 and 532 Hughes Line, the introduction of 2m-3m high mitigation planting along the southern boundary of the Site would notably alter the character of the view for these viewers. Therefore, it was assessed the effect should be increased to low-moderate.
- Based on the information provided by the applicant and field reconnaissance and appraisal, it was assessed that the proposed development can be supported, provided the agreed mitigation and conditions are delivered.

Overall, given the above and when not considering the impact on adjacent sites, it is considered that the effect on landscape character for operational effects would be low-moderate, resulting in a minor effect. For the construction effects it was assessed as moderate overall which would be a more than minor effect. As a result the proposed agrivoltaic development on the existing landscape, natural character and visual amenity values would have a more than minor effect during construction phase.

Glint and Glare

The proposed photovoltaic panels are designed to maximise the amount of light they receive with anti-reflective coating. The applicant undertook an analysis that glare will not be experienced at any of the fixed observer locations.

Without mitigation, up to 6 minutes of yellow glare per annum may be experienced from along a short section of Hughs Line in Late April and mid-August. No other roads or railways will be effected. Software for the PV tracking tables of the solar panels are to be set to avoid the angle of the PV modules for the effected period of the day. This will be achieved either through the mechanism holding the panels back at an angle prior to reaching the offending angle for the duration of the affected period. Or, it would transition the panel forward to an angle beyond the offending angle shortly prior to the effected period.

Additional glint and glare modelling was undertaken to analyse the potential for glint and glare effects on the approach paths for the nearby Hood Aerodrome. This analysis did find that the PV modules in the south-eastern section of the proposed development would result in glint and glare effects on planes utilising Approach Path 6 for a limited period of time, approximately 55 minutes each day. Applying the same mitigation measure of manipulating the PV tracking table software to avoid the offending angles at the appropriate time each day is sufficient to ensure that the glint and glare effect on passing planes is within acceptable levels.

It is noted that the glint and glare assessment is also supported as part of the landscape assessment undertaken by Boffa Miskell.

Overall, through application of the proposed mitigation measures to manipulate the tracking of the panels to avoid specific positions, it is considered the proposal will result in less than minor glint and glare effects.

Acoustic Effects

The solar farm is considered one of the quietest forms of renewable energy. However, there are a number of component such as the BESS units, inverters, switch yard and substation which do generate noise. The applicant submitted an Acoustic Assessment by the Styles Group which summarised as follows.

The BESS area has been located to achieve separation distance from existing dwellings. The acoustic modelling undertaken by the Styles Group demonstrates that the acoustic emissions from the proposed development will comply with noise limits at all existing notional boundaries. The acoustic modelling did not identify any need to establish acoustic mitigation as part of the proposal. A construction noise management plan was recommended and proffered as condition to mitigate any potential noise / vibration effects during construction.

Overall, it is considered that the proposal will result in less than minor acoustic effects.

Transport

Once operational the site will have permanent access onto the public road network along Cornwall Road with staff regularly accessing the site for maintenance and security purposes. A Transportation Assessment has been submitted as part of the proposal.

It was assessed that the site will generate no more than six individual traffic movements on any given day, therefore there would be no discernable effect on the effectiveness or efficiency of

the surrounding road network. The site entrance along Cornwall Road is located approximately 200m from the entrance to the near substation and agricultural yard avoiding the potential conflict between vehicles entering and exiting these commercial sites. The site entrance will also have at least 750m clear sight lines in both directions ensuring safe ingress and egress of the site.

The more notable transportation effect of the proposal are largely related to the construction phase which will comprise no more than a total of 60 traffic movements (light and heavy vehicles) across the course of the day. It was assessed that such volumes of both light and heavy traffic is considered low and unlikely to have a noticeable effect on the road network. As all parking for staff and construction vehicles will be provided on-site including during the construction and operational phases, no adverse parking outcomes are expected. To further mitigate a Construction Traffic Management Plan was recommended and has been proffered as a condition.

Overall, the proposal is considered to have less than minor transport effects.

Contamination Effects

A Preliminary Site Investigation has been undertaken and submitted as part of the application which indicated that the site history has been subject to HAIL activity. In particular HAIL activities A.16, A.10, A.17, G.5 and E.1. These are associated with the use of the western side of the site for effluent disposal from the former AFFCO fellmongery that was located on the opposite side of SH2 from the subject site.

The PSI noted that pursuant to regulation 8(4)(b) of the NESCS, it is highly likely that there will be risk to human health if activity is done to the piece of land. Therefore a detailed site investigation is required prior to soil disturbance on site.

As such further site investigations will be completed prior to the commencement of construction. Once contaminants are identified, appropriate management plans will be developed for the management of soil disturbance and disposal in accordance with industry standards. On this basis, contaminated soils within the subject site are considered to be able to be managed to the extent where the actual and potential effects will be no more than minor.

Infrastructure

The earthworks on site are limited to topsoil stripping to construct access tracks and hardstand areas. To prevent and mitigate any adverse environmental effects during the earthwork's operation, erosion and sediment controls will be implemented in accordance with GWRC guidelines.

The site is relatively flat, and any runoff is dispersed overland onto existing paddocks soaking to ground. Wastewater & water are limited to the site office with options available for a portable toilet or on-site holding tanks along with rain tanks for water collection and use.

Firefighting storage capacity will be supplied via multiple dual water tanks located across the site with suitable access for emergency vehicles. The tanks will also be used for panel maintenance when the panels require washing.

Physical works associated with installing the PV tracking tables and access tracks has the potential to result in fine sediment mobilisation and runoff into the Taratahi water race / Waikoukou Stream and wetlands. All works will be carried out in accordance with an Erosion and

Sediment Control Plan (ESCP) prepared in accordance with best practice guidelines to mitigate potential effects.

Stream works associated with the construction of culverts has the potential to result in the temporary loss of aquatic habitat and injury/mortality to fish and, if incorrectly installed, prevent fish passage. Potential effects on native fish will be managed by preparing and implementing a Native Freshwater Fish Relocation Plan (NFFRP) prior to any stream works for the construction of culverts.

Overall, infrastructure is considered to have no more than minor effects.

Land Use Capability Effects

Part of the subject site is identified as highly productive land LUC 3 which has the potential for the proposal to adversely affect the productive capacity of the land. As such an assessment against the NPS-HPL was submitted with the application.

The assessment noted that the proposal will not negatively impact the land's soil type or properties. There will be improvements to soil properties of the land due to reduced soil compaction by removing cattle from the site, and a reduction in nutrient leaching by grazing sheep as opposed to cattle.

Throughout the duration of the proposal, there will be some reduction in the ability to change land use. For example, cattle farming or maize cropping will not be possible throughout the duration of the panels being in place. The proposal will enable a dual land use opportunity, which could also be expanded to other applications such as beekeeping.

Compared to the current use of the subject site, the proposed development will generate some degree of temporary shading, which has been assumed to have some impact on the amount of solar radiation on pasture and thus a reduction in pasture production. However, the shading offered will also increase moisture retention and provision of shade and shelter for stock (sheep). This will help to offset this reduction in pasture growth.

Once the proposed development has been decommissioned at the end of the operational period, and the land reinstated and remediated, there will be no ongoing or residual impact on the productive capacity of the land with the ability to utilise the land to full productivity and versatility.

Overall, it is considered that the proposed solar farm will have a less than minor effects on the productive capacity of the site.

Ecological Effects

The subject site includes a number of ecological features, including the Taratahi water race / Waikoukou Stream (which is considered a river under relevant planning provisions), several natural inland wetlands, several areas of potential herpetofauna habitat, and a number of trees that could be roosting sites for indigenous long-tailed bats. An Ecological Assessment has been submitted as part of the application assessing the ecological features, and the potential adverse affect.

Vegetation

Construction of the proposed development will result in the removal of scattered exotic trees. In addition, existing mature vegetation comprising shelterbelts / hedgerows around particularly the northern site perimeter would be trimmed to a height of approximately 2m. The willow woodlot located in the southern portion of the site will be excluded from the proposed development.

Vegetation within the site was assessed as having low ecological value in and of itself, but as being of very high ecological value in terms of its potential to provide habitat for indigenous species, particularly herpetofauna and long-tailed bats, and, to a lesser extent, avifauna.

The removal/trimming of exotic trees within the Site to facilitate the construction of the agrivoltaic facility will have an overall effect ranging from 'very low' to 'low' and therefore less than minor effects.

Avifauna

The project will result in the removal and trimming of a number of exotic trees that have potential to provide nesting habitat for common native and exotic bird species typically found in the rural environment. While the majority of birds within the site are expected to be common species of no conservation interest, vegetation clearance or trimming (particularly of mature trees) can adversely affect native species when completed over the breeding season (September to February, inclusive).

EcoLogical Solutions recommends that vegetation clearance occur within autumn to winter so as to not adversely affect the breeding season. If vegetation clearance occurs during the breeding season, other mitigation techniques such as avoiding trees containing nests until chicks have fledged should be implemented to minimise effects. Implementation of either of these mitigation measures will result in effects on avifauna that are assessed as low and therefore less than minor.

Herpetofauna

Part of the proposed access track in the northern portion of the development area intersects with potentially suitable lizard habitat. Utilising an existing farm track through this area of habitat would avoid effects on the habitat or individual lizards.

With regards to PV module installation, the stonefield in the northern portion of the development area and the large boulder pile in the southwestern portion could both be affected. EcoLogical Solutions recommends the avoidance of these areas of habitat as to avoid effects on the habitat or individual lizards. Doing so would also avoid any adverse impacts of excessively shading areas of potentially suitable lizard habitat.

Overall, the construction and operation of the proposed development is determined likely to have a low magnitude of effect and a low overall effect on herpetofauna and potentially suitable habitat. Beyond recommending avoidance of these areas as outlined above, mitigation measures are not proposed. Effects on Lizards are therefore considered to be less than minor.

Long-Tailed Bats

Long-tailed bats are edge foragers, typically feeding along the edges and above canopies of trees rather than within a forest's interior. They also use vegetation for commuting between roosting and foraging sites. This increases the potential that loss of vegetation along these routes to fragment and isolate bat communities.

Because roost trees are likely uncommon and utilised to fulfil specialised requirements, felling such trees (even when bats are absent) could have a disproportionately adverse effect on the local bat population. If the number of suitable roosts and their surrounding habitat is reduced, bats are forced to use roosts that are less optimal for their needs. This means they will use more energy to survive, adversely impacting on survival and reproductive rates. In this way, roost removal creates a higher risk of local extinction.

Vegetation clearance has the potential to cause injury, potentially even mortality to long-tailed bats if they are roosting in a tree when the clearance or trimming occurs. Due to their threatened – nationally critical status, the presence of long-tailed bats at the site would elevate the value of the bat habitats there to very high value. Proximity to other locations of anticipated and/or known bat habitat mean it is likely that bats may use this area but is currently unknown as site-specific bat monitoring has not yet been completed.

Prior to the commencement of works, initial bat monitoring is proposed to be completed to determine if long-tailed bats are present at the Site. The outcome of the monitoring will determine mitigation or avoidance required to protect the habitat. Given the proximity of the subject site to known areas of bat habitation, it is considered likely by EcoLogical Solutions that bats will be discovered.

A Bat Management Plan ('BMP') prepared by a suitably qualified and experienced ecologist is required prior to undertaking works on-site due to the above high likelihood of discovering and removing bat roosting sites as part of the proposal and has been proffered as a condition. The post mitigation effect is somewhat uncertain without knowledge regarding whether or not any active bat roosts will be affected by the proposed activity. As such, a conservative level of effect has been applied (i.e., moderate). A moderate effect is considered a more than minor effect.

Given the above it is considered that there will be a likely more than minor effect on bat roosts by the proposed activity.

Wetlands

Wetlands W2 and W3 were assessed as natural inland wetlands. Although the wetland values are very low, effects due to the development on these wetlands, particularly any loss of wetland extent or ecological values, including complete or partial drying need to be avoided. It is considered that the proposal will not encroach into these wetlands, nor alter the drainage patterns or volumes into these wetlands. The wetlands will be fenced, the fencing and access tracks will be located within 10m of the edge of the wetlands the agrivoltaic development will be set back 10m from these wetlands.

Overall, it is considered that, the ecological effects associated with this proposal will be no more than minor on the wetland.

Cultural and Heritage Effects

There are no sites of cultural significance identified on the site as noted in the District Plan further there are no historic heritage or archaeological site located on the application site or in the surrounding close proximity. Overall, Cultural and Heritage effects would not be more than minor.

Conclusion

Overall, it is considered that the effect on landscape character during construction of the solar farm would have a moderate effect, that is considered a more than minor effect. Further the post mitigation effect on bat roosts is somewhat uncertain without knowledge regarding whether or not any active bat roosts will be affected by the proposed activity. As such the level of effect is moderate, which is considered a more than minor effect.

As such public notification is required under step 3.

4: Public notification in special circumstances (s95A Step 4)

If special circumstances exist in relation to the application that warrant public notification then the application must be publicly notified.

The term “special circumstances” is not defined in the RMA. However, it is generally accepted by the courts in RMA proceedings that a special circumstance is something which is exceptional, abnormal or unusual but less than extraordinary or unique. The decision as to whether special circumstances exist involves the exercise of discretion based on the Council’s assessment of the factual position and use of its expertise and judgement.

The proposal establishes an agrivoltaics development (solar farm) occupying 138ha for a period of 40 years. It includes 166,000 solar panels (photovoltaic modules), twelve inverters, 240 battery energy storage (BESS), a substation and a site office on what would otherwise be open pastoral land.

This type of activity “Solar Farm” is a new type of activity at this scale within the Carterton District Council region. The nature and scale of this proposal is relatively large and introduces a new type of land use in the Carterton region into its rural environment.

The combination of the above factors are considered to be special circumstances.

2.2 Notification Decision

Having assessed the relevant provisions of Section 95A-95F of the RMA, the application shall be **publicly notified**.

2.3 Section 95B Assessment for the Purposes of Limited Notification

A decision to limited notify an application (or not) must also pass through the necessary stepwise process, as outlined in Section 95B of the Resource Management Act. However, as the proposal has been deemed to have effects which are more than minor and special circumstances, there need not be any consideration of the matters in s95B, which seeks to assess only which particular parties need to be notified, if any.

Reported and recommended by:

Delegated Officer authorised for final approval by:



.....
Nick Eagle
Planning Consultant

.....
Solitaire Robertson
Manager, Planning and Regulatory

DATED at Carterton this 3rd day of July 2024

For and on behalf of the
CARTERTON DISTRICT COUNCIL