

Notification Assessment

Sections 95A-E, Resource Management Act 1991

Report pursuant to section 95A-E of the Resource Management Act 1991 (RMA) recommending whether an application for resource consent should be publicly notified, limited notified or non-notified

DATE:	21 January 2025
RESOURCE CONSENT NUMBER:	RC235259
PLANNER PROCESSING APPLICATION:	Nirosha Seelaratne
APPLICANT:	Energy Bay Limited
ADDRESS:	87 Upper Sefton Road, Ashley
LEGAL DESCRIPTION:	Rural Section 2588 and Rural Section 2732 (RT :CB386/203)
ACTIVITY STATUS: Land use:	Discretionary Activity
ZONING:	<u>Operative DP:</u> Rural Zone <u>Proposed DP:</u> Rural Lifestyle Zone (RLZ)
PRECINCTS, OVERLAYS, CONTROLS, DESIGNATIONS ETC	<u>Operative DP:</u> Intensive Farming buffer Effluent spreading buffer <u>Proposed DP:</u> National Grid Transmission Lines Major Electricity Distribution Lines (66kV/33kV) National Grid Yard Major Electricity Distribution Setback Corridor Fault awareness overlay Non-Urban Flood Assessment overlay Geographic Area-(Ecological) Plains Ecological District- Low plains

Part 1 – Introduction

1. Proposal

Overview

- 1.1 Energy Bay Limited (the applicant) are proposing to establish, operate and maintain a utility scale solar energy farm (a multi-megawatt scale grid connected solar voltaic system) for renewable electricity generation on approximately 80 hectares of land adjacent to the intersection of Upper Sefton Road and Beatties Road, Ashley identified as 87 Upper Sefton Road, Ashley. The location of the property identified in Figure 1 below:

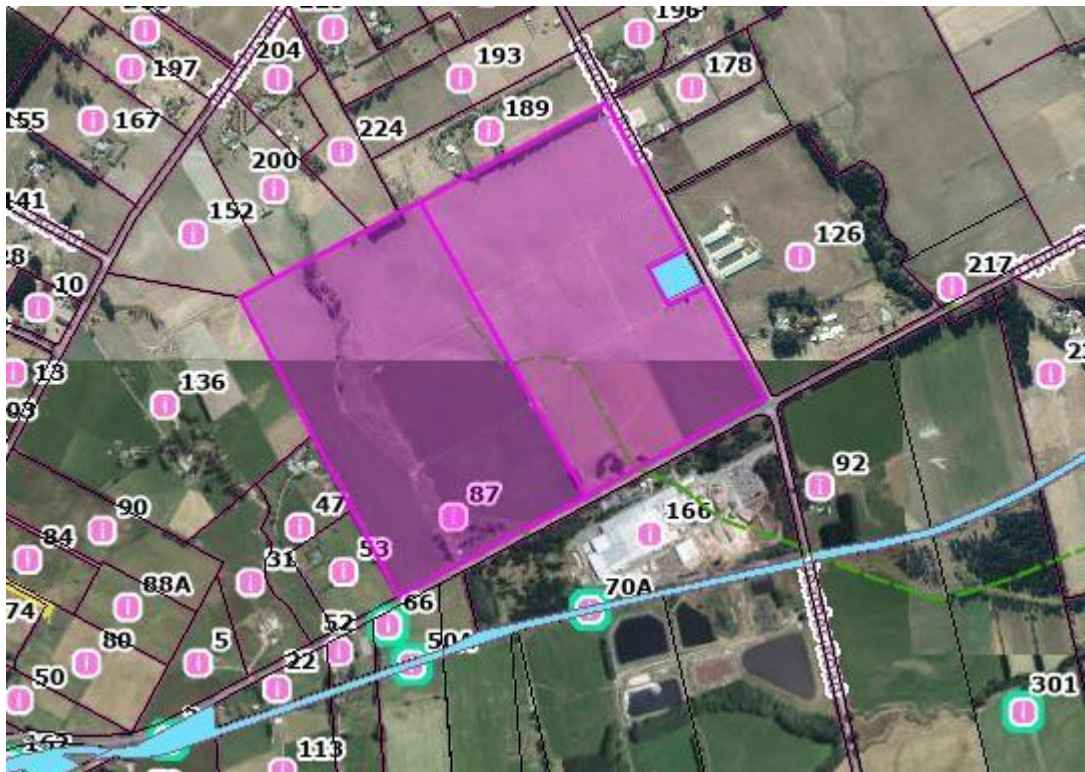


Figure 1: Location of the site. Source: Waimap January 2025

- 1.2 All application documents and associated files can be found under Council Records file reference RC235259. The main aspects of the proposed activity can be summarised as follows:
- a) The proposal will contain either 88,624 fixed or 58,928(one panel)/58,986 (two panel) tilted solar panels .
 - b) There will be 9 inverters for tilted panel option and 13 inverters for fixed panel option (Council records TRIM 241224228990) . Each inverter is approximately 2.8m long, 1.6m wide and 2.3m high and are white/off white in colour.
 - c) There are two small buildings on site, each of 100m². These are a storage building and an operations building.

- d) The overall site coverage for the solar panels, inverters, switch station, storage, and operations building will be as follow according to the solar panel option:
- Fixed Panel option : 234,265.24m² or 23.4ha - 29%
 - One Panel tilting option: 155,850.32 or 15.6ha - 19.5%
 - Two Panel tilting option: 156,003.32 or 15.6ha - 19.5%
- e) Figure 2 below indicate the height of the solar panels both fixed and tilted.

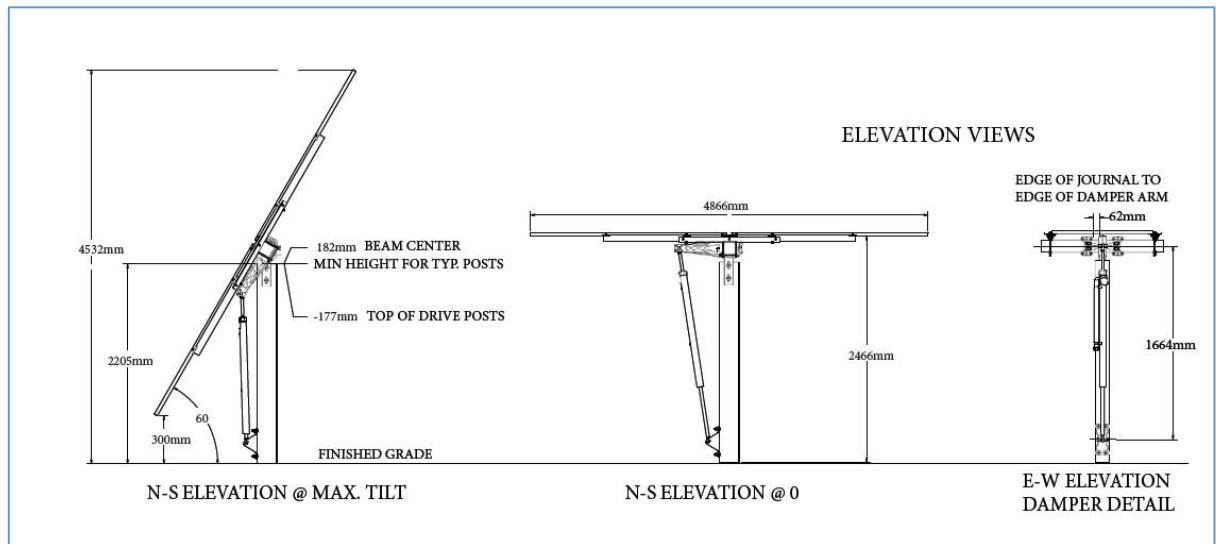


Figure 2: Elevations of solar panels (source : application information)

- f) The proposed solar energy complex could supply the energy equivalent of the needs of approx. 9750 houses.
- g) The total area of earthworks disturbance over the full site will be 127,800m².
- h) Two vehicle access points will be provided to the site off Beatties Road.
- i) The solar farm is estimated to have a life of between 20 and 30 years.

1.3 A Resource consent will be required for the following non-compliances

- Breaching the permitted earthworks volumes (Rule 23.1.1.8)
- Exceeding the permitted total floor area for utility buildings (Rule 30.1.1.1)
- Exceeding the permitted structure coverage in the rural zone (31.1.1.10)
- Breaching the permitted setback requirements for structures.(Fencing) (Rule 31.1.1.15)
- Breaching the Permitted number of signs (Rule 31.7.1.7)

2 Existing Environment

- 2.1 The proposed activities are to be located at 87 Upper Sefton Road, legally described as Rural Section 2588 and Rural Section 2732. The applicant has provided a detailed

assessment of the existing environment in Section 5 of the AEE. I adopt the applicant's assessment.

3 Section 92 letter requesting further information.

3.1 A section 92 request was sent to the applicant on the 7th of December 2023 after initial review of the application information and requested information on the following matters:

- a) Inconsistencies in the AEE and the expert reports.
- b) Requirement for Transpower consultation
- c) Earthworks
- d) Stormwater
- e) Transport
- f) Setback from waterways
- g) Contaminants
- h) Affected party approval
- i) Existing vegetation
- j) Signage
- k) Decommissioning
- l) Water supply
- m) Security fence

3.2 Initial reviews of the application and additional expert reports were completed by the following people:

- a) Nirosha Seelaratne -Planner ,Waimakariri District Council
- b) Tasha Tan – Land Development Engineer, Waimakariri District Council
- c) Shane Binder- Senior Transportation Engineer, Waimakariri District Council
- d) Kate Steel- Ecologist , Waimakariri District Council
- e) Dr. Bex Dollery- Bio Diversity Team Leader, Waimakariri District Council
- f) Jon Reed- Greenspace and Community facilities Planner, Waimakariri District Council
- g) Jade Macfarlane - Urban designer, landscape architect , associate Elliot Sinclair
- h) Rudi Van Der Velden -Glint and Glare expert, Velden Aviation Ltd
- i) Hannah Mirabueno, Contaminated land specialist, ECAN Regional Council

3.3 On the basis of the expert reviews and matters identified during further assessment of the application information, additional information were also requested on the following matters:

- a) Landscaping
- b) Glint and Glare
- c) Contaminated land

- d) An ecological Assessment , Lizard survey and Birds survey
 - e) Additional information on noise
 - f) Addressing effects associated with undulating nature of the land
 - g) Effects of Electro Magnetic Fields and radiofrequency fields
- 3.4 Mahaanui Kurataiao Ltd(MKL) has also reviewed the application and provided their recommendations on behalf of Te Ngāi Tūāhuriri Rūnanga. (Council Records : TRIM 231211198520).
- 3.5 Response to further information was received on all matters stated above except for the birds survey at the time of writing this report. (Council records TRIM 250123010612)
- 3.6 Although the applicant has provided information to address s92 matters excluding a birds survey, I have not undertaken an assessment of environmental effects given the applicant requested Public notification. s42 officer's report, which will be prepared once the notification period ends, will assess the effects associated with the activity.

4. **Rules Assessment**

4.1 **Operative Waimakariri District Plan (2005)**

The application site is zoned Rural within the Operative District Plan.

The applicant has undertaken a detailed rules assessment in section 7 of the application. A detailed rules assessment will also be undertaken as part of the s42A report.

Overall, the application falls to a **discretionary activity** status when assessed under the Operative District Plan due to the non-compliances identified in section 1.3 of this report.

4.2 **Proposed Waimakariri District Plan (2021)**

The application site is zoned Rural Lifestyle Zone within the Proposed District Plan.

No rules that are relevant to this proposal have legal effect at this time.

Overall, the application currently has no status when assessed under the Proposed District Plan.

4.3 **Summary of Activity Status under operative & proposed District Plans**

The Proposed District Plan was notified on 18th September 2021 and is currently at the *hearing* stage.

Overall, I consider that the proposal is a discretionary activity under the operative district plan and no weighting is given to the proposed district plan as the relevant rules are undergoing consultation and have no legal effect.

Part 2 – Notification (Section 95 of the RMA)

5 Notification

(Sections 95A-E set out the process for determining whether an application should be processed on a notified, limited notified or non-notified basis. The following assessment considers whether public or limited notification is required, or the application can be processed on a non-notified basis.)

5.1 Public Notification

Step 1: Mandatory notification – section 95A(3)	
the applicant has requested that the application be publicly notified:	Yes
public notification is required under section 95C	No
the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.	No

- 5.2 Given the applicant requested the application to be publicly notified(Council records TRIM 241224228988), the application will need to be publicly notified under s95A.

Part 3: Recommendation

THAT pursuant to Sections 95A of the Resource Management Act 1991, to establish operate and maintain a utility scale solar energy farm (a multi-megawatt scale grid connected solar voltaic system) for renewable electricity generation on approximately 80 hectares of land adjacent to the intersection of Upper Sefton Road and Beatties Road, Ashley, identified as 87 Upper Sefton Road, Ashley being Rural Section 2588 and Rural Section 2732 proceed on a publicly notified basis.

6. Persons to be served notice


- 6.1 Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 sets out persons to be served notice. Clause (2) states that the WDC must serve notice on:

A. Every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:	Section 95B has not been specifically considered for this proposal as public notification was requested by the applicant.
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B. Every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates.	No party is identified under this section
C. The regional council or territorial authority for the region or district to which the application or review relates:	Consents required from Canterbury Regional Council and those consents were applied for. It is considered notifying them is required.
D. Any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:	<p>Te Rūnanga o Ngai Tahu Te Ngai Tūāhuriri Rūnanga</p> <p>Persons or bodies that the consent authority considers should have notice of the application is listed in Appendix A.</p> <p>The list includes adjoining property owners and persons who have provided informal submissions and consulted the Council on this application.</p>
E. The Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:	n/a
F. The Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in <i>Fisheries Act 1996</i>) other than in the coastal marine area:	n/a
G. Heritage New Zealand Pouhere Taonga, if the application or review— i. relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or ii. affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rāangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014:	n/a


H. Protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions: a. a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:	n/a
I. Transpower New Zealand, if the application or review may affect the national grid.	Required, The application proposes to connect to Transpower grid traverse through the property.

- 6.2 I recommend specific notice is issued to the parties identified in Appendix A. The map in appendix C identifies the parties of adjoining properties identified in Appendix A.
- 6.3 Section 2AB of the RMA defines a public notice. In accordance with this, full notice to be advertised on the WDC website is shown on Appendix B , with the public notice to be advertised in the following newspaper/publications:
- a. The Press
 - b. The North Canterbury News – Star Media

Reported and recommended by  Nirosha Seelaratne Senior Resource Management Planner	Date: 23 January 2025
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Decision

That the above recommendation be adopted under delegated authority.

Approved by:  Ian Carstens DELEGATED OFFICER	Date: 23/01/2025
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APPENDIX A– WDC PUBLIC NOTIFICATION PARTIES LIST

NAME	PROPERTY	ADDRESS 2	LEGAL DESCRIPTION	ATTN
Te Rūnanga o Ngāi Tahu - Te Ao Tūroa	PO Box 13 046			Sir/Madam
Te Ngāi Tūāhuriri Rūnanga	219 Tuahiwi Road	Tuahiwi		Sir/Madam
ECAN Regional Council	200 Tuam Street, Christchurch 8011	Environment Canterbury PO Box 345 Christchurch 8140		Atten: Resource Consents Planner
Hurunui District Council		Hurunui District Council, PO Box 13, Amberley 7441, North Canterbury		Attn: District Planner
Transpower NZ Limited	31 Gilberthorpes Road Islington Christchurch, 8024			Atten: Environmental Planner
KiwiRail NZ	Wellington Railway Station, 2 Bunny Street, Wellington PO Box 593, Wellington 6140			Atten: Environmental Planner
DOC (Department of Conservation)	Whare Kaupapa Atawhai / Conservation House PO Box 10420 Wellington 6143			Sir/Madam
Adrienne Flossie Saunders & Barry Royce Saunders	52 and 53 Upper Sefton Road RD 7, Rangiora 7477	52 Upper Sefton Road RD 7, Rangiora 7477	LOT 1 DP 4466 LOT 1 DP 432589	Sir/Madam
Teresa Mawson	22 Upper Sefton Road, Ashley	22 Upper Sefton Road, RD 7, Rangiora 7477	LOT 1 DP 382113	Sir/Madam
Nicholas Mark Young & Janine Trustee Limited	47 Upper Sefton Road Ashley	47 Upper Sefton Road RD 7 Rangiora 7477	LOT 2 DP 432589	Sir/Madam
Timothy Benson Gentleman & Julie Ann Farrow	31 Upper Sefton Road, Sefton	31 Upper Sefton Road, Sefton Road RD 7 Rangiora 7477	LOT 2 DP 365634	Sir/Madam

Joseph Christopher Williams	5 Upper Sefton Road, Sefton	5 Upper Sefton Road , RD 7 Rangiora 7477	LOT 1 DP 365634	Sir/Madam
Robin John Burrows & Mary Ann Burrows & 1 other...	136,152 and 200 Marshmans Road, Ashley	200 Marshmans Road, RD 7 Rangiora 7477	LOT 1 & 2 DP 73736 LOT 2 DP 61098	Sir/Madam
Michael Ralph Todd & Sarah Charlotte Joan Todd	224 Marshmans Road	206 Cones Road, RD2 Rangiora 7472	LOT 2 DP 563182	Sir/Madam
Mervyn James O'Brien & Alison Heather Lee	189 Beatties Road, Ashley	189 Beatties Road RD 7 ,Rangiora 7477	LOT 1 DP 66741	Sir/Madam
Kevin Geoffrey Legge	193 Beatties Road ,Ashley	99A Maidstone Road Christchurch 8041	LOT 2 DP 66741	Sir/Madam
Mark Sutherland Scown & Kym Dianne Scown	196 Beatties Road, Ashley	196 Beatties Road RD 7 ,Rangiora 7477	LOT 1 DP 353207	Sir/Madam
Abbey Margaret Frampton & Rhys Gerald Frampton & 1 other...	190 Beatties Road Ashley	190 Beatties Road Ashley RD 7 ,Rangiora 7477	LOT 2 DP 353207	Sir/Madam
Lisa Maree Orange & Blair Nathan Orange	178 Beatties Road, Ashley	178 Beatties Road, RD 7 Rangiora 7477	LOT 3 DP 28657	Sir/Madam
Daiken New Zealand Limited	Private Bag 1001 Rangiora 7440		LOT 1 DP 68953 Pt RS 2843 Pt RS 7913	Sir/Madam
Douglass Ian Stevens & Fraser & Associates Trustees Limited	232 Upper Sefton Road, Ashley	234 Upper Sefton Road RD7 Rangiora 7477	LOT 2 DP 71617	Sir/Madam
Broompark Farm Limited	126 Beatties Road, Ashley	1908 Main North Road	LOT 1 DP 28657	Sir/Madam
Peter AdcockWhite				Sir/Madam
Susan Thorpe		PO Box 221 Rangiora 7400		Sir/Madam
David Fordyce				
Peter Anderson		Solicitor for 189 Beatties Rd and 47 Upper Sefton Rd.		

APPENDIX B



WAIMAKARIRI DISTRICT COUNCIL

NOTIFICATION OF APPLICATION FOR RESOURCE CONSENT

RESOURCE MANAGEMENT ACT 1991

The Waimakariri District Council has received the following application for resource consent:

Consent Number:	RC235259
Name of Applicant:	Energy Bay Limited
Location:	87 Upper Sefton Road, Sefton
Proposal:	To establish and operate a utility scale solar energy farm (a multimegawatt scale grid connected solar voltaic system) for renewable electricity generation on approximately 80 hectares of land adjacent to the intersection of Upper Sefton Road and Beatties Road, Sefton.
Applicant's Address for Service:	Energy Bay Limited C/- McCracken and Associates PO Box 2551 CHRISTCHURCH 8140
Closing date for submissions:	Friday 28th February 2025

If you wish to make a submission on this application, you may do so by sending a written submission to the Council no later than **5.00pm** on the closing date shown above. The submission must be dated, signed by you, and include the following information: Your name, postal address, telephone number and email address.

1. Details of the application of which you are making the submission, including location.
2. Whether you support or oppose the application.
3. Your submission, with reasons.
4. The decision you wish the Council to make.
5. Whether you wish to be heard in support of your submission.

Your submission may also be sent via email to: RCsubmissions@wmk.govt.nz.

A copy of your submission must be served as soon as reasonably practicable on the applicant whose address for service is shown above.

APPENDIX C



Adjoining affected parties identified to send the notification letters.