

28 April 2023

**NOTIFICATION REPORT PURSUANT TO SECTIONS 95A TO 95F
OF THE RESOURCE MANAGEMENT ACT 1991**

**RESOURCE CONSENT APPLICATION TO THE TARARUA DISTRICT COUNCIL (202.2022.136.1)
FOR THE ESTABLISHMENT AND OPERATION OF A SOLAR FARM
AT 410 MANGAMAIRE ROAD, PAHIATUA**

THE APPLICANT: ENERGY BAY LIMITED

LOCATION: 410 MANGAMAIRE ROAD, PAHIATUA

LEGAL DESCRIPTION: LOT 13 SECT 8 BLK XIV MANGAHAO SD (WN229/202), LOT 1 DP 392402 (370429), LOT 2 DP 392402 (370430), PT SECTION 150 BLK XIV MANGAHAO SD (WN25D/915), SECTION 139 BLK XIV MANGAHAO SD (WN38B/55) AND SECTION 140 BLK XIV MANGAO SD (WN38B/53)

ZONING: RURAL MANAGEMENT AREA

ACTIVITY STATUS: DISCRETIONARY

A. INTRODUCTION & BACKGROUND

1. Planz Consultants Limited has made an application, on behalf of Energy Bay Limited (the applicant), for a resource consent to Tararua District Council (TDC) to establish and operate a solar farm at 410 Mangamaire Road, Pahiatua.
2. The application was formally received by TDC on 3 October 2022. Rangitāne o Tamaki nui-ā-Rua and Ngati Kahungunu were informed of the application under the statutory acknowledgment process. Initial reviews were carried out by Mr Stephen Chiles (acoustic engineer), Mr Shannon Bray (landscape architect) and Andrew Bashford (planner and author of this report). I visited the site on 2 November 2022 and am generally familiar with the area.
3. A formal request for further information was made under section 92 of the Resource Management Act 1991 (RMA) on 10 November 2022 in respect of affected persons approvals, properties where no apparent assessment of effects had been carried out, area of the proposed solar farm, assessment under the National Policy Statement for Highly Productive Land (NPS-HPL), decommissioning of the site and if further consents were required from the Manawatu-Whanganui Regional Council.
4. The applicant responded to the requests on 20 February 2023. I consider this satisfied the section 92 request.
5. In addition to the above process, the applicant has provided a written approval to the application from the landowners and occupiers of a number of neighbouring sites. This is discussed in more detail later in this report.

B. THE PROPOSAL

6. Section 3 of the application outlines what the applicant is wanting to achieve. In summary, the applicant seeks to establish and operate a solar farm located at 410 Mangamaire Road, Pahiatua.

The proposed solar farm is split across two sites which are on opposite sides of Mangamaire Road. The application refers to these sites as Site A and Site B respectively and these areas are shown below in Figures 1 and 2.



Figure 1: Site A (taken from Figures 1 in the application)

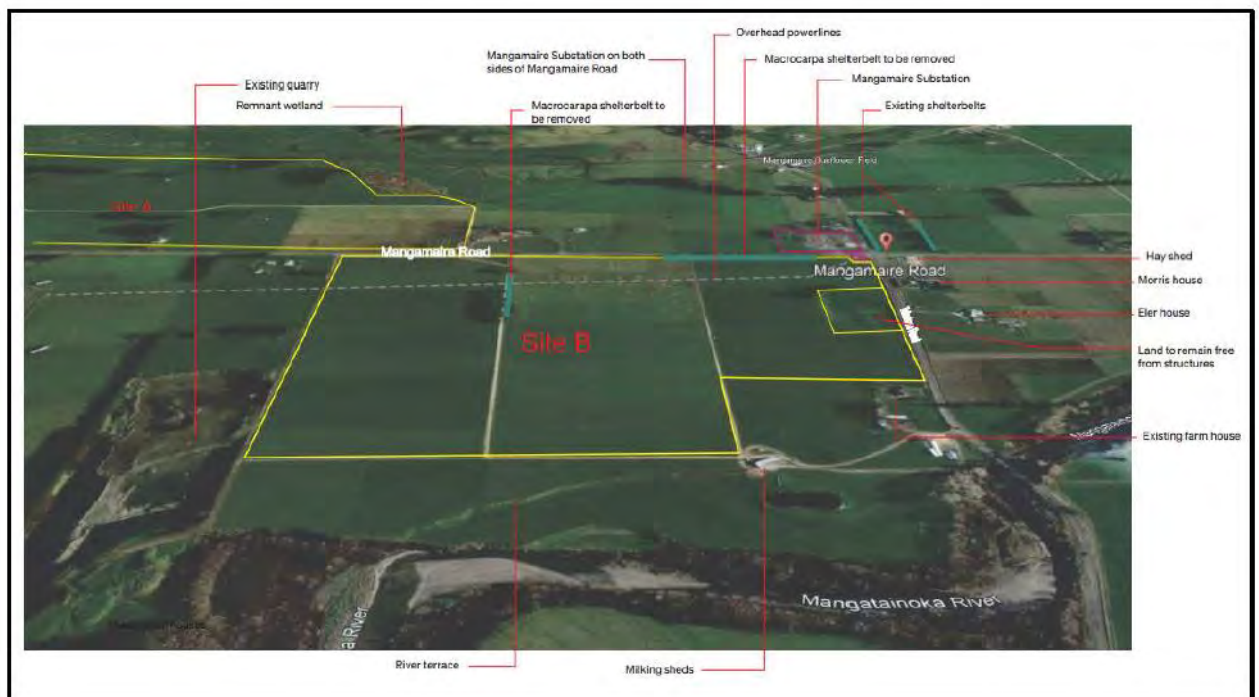


Figure 2: Site B (taken from Figure 2 in the application)

7. The applicant provides the following description of the site layout:

“The proposed activity comprises approximately 88,500 solar panels spread across approximately 885 bases which are split between Sites A and B. In Site A to accommodate the existing power lines and farm tracks, the solar panels are broken into 7 clusters ranging in size from 1.1ha to 12.4ha with

the solar farm being spread over a 32.5ha total area. Site B is spread over 26.82ha and is broken into 5 clusters ranging in size from 0.5ha to 15.2ha. [...] Each solar table consists of and measures 52 solar panels long by 2 solar panels wide (totally 104 solar panels per solar table). The dimensions of each solar table is approximately 60m long by 4.9m wide.”

Figure 3 below shows an example of how the proposed solar panels will look.

Solar Panels Exemplar Images



Figure 3: Example images of the proposed solar farm (taken from appendix 2 of the application).

8. The proposed site layout is shown in Figure 3 within the application and included as Figure 4 below.

General Arrangement Plan

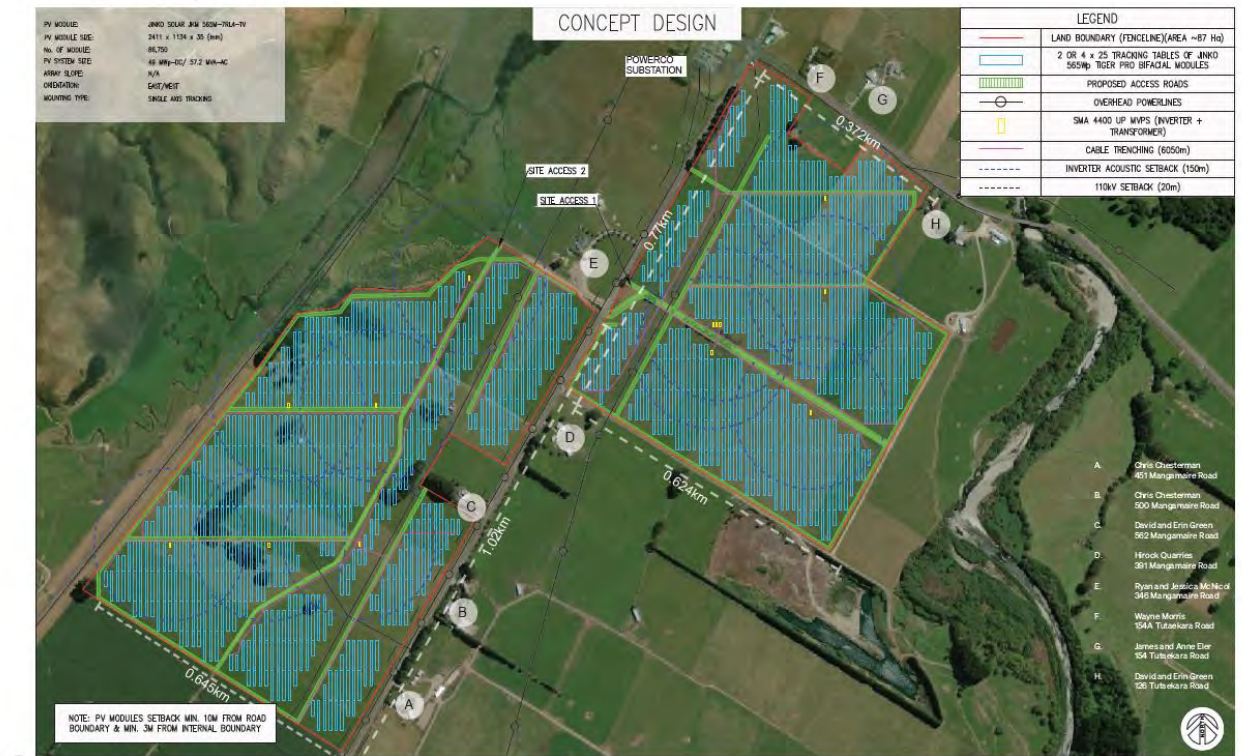


Figure 4: Proposed site layout showing solar panel locations (taken from Figure 3 of the application)

- In addition to the solar panels the AEE states there will be eleven (11) inverters located across sites A and B. Each inverter is approximately 2.8m long, 1.6m wide and 2.3m high and are white / off white in colour. The applicant anticipates that the inverters will comply with the noise requirement set out in the District Plan.
- To facilitate the construction of the solar farm the AEE anticipates that approximately 20,700m³ of earthworks will be required. This includes earthworks associated with access tracks, cable trenching, creation of bases for the inverters and recontouring of the site.
- The applicant has undertaken a landscape assessment and as a result has proposed a landscape treatment plan as shown in Figure 5 below. The applicant proposes to plant a staged, two row, landscape buffer around parts of the site. The planting will take place along Mangamaire and Tutakara Roads where the solar farm directly fronts those roads, and between Site B and the property located at 391 Mangamaire Road. In addition, the site will be surrounded with a deer style fencing arrangement. A small identifying sign is also proposed, although no details of the signage have been provided at this stage.

Proposed Landscape Mitigation Plan



Figure 5: Proposed landscape mitigation plan (taken from Appendix 2 of the Application)

12. Access to the site will be via existing vehicle crossings which are not proposed to be upgraded. The applicant notes that once construction has finished, movement to and from the site will be limited and infrequent.
13. Once operational, the applicant intends to graze stock beneath and between the solar panels and inverters. The AEE anticipates that the solar farm will generate approximately 72.69 GWh in its first year which based off an average annual usage of 7,000kwh/NZ home equates to 10,384 homes. The electricity will be fed into an existing substation at Mangamaire, and it has been confirmed that there is capacity available for the power to be fed into this site.

C. THE SITE AND SURROUNDING AREA

14. The site is located on either side of Mangamaire Road near its intersection with Tutaekara Road, approximately 8km south of Pahiatua. Historically the land has been utilised as a dairy farm. The solar farm is proposed to be established over six titles of land which comprise approximately 114ha of land while the “development area” is approximately 86.93 in area. The site is shown in context to surrounding towns below in Figure 6.



Figure 6: Subject Site (light blue) and Surrounding Area

15. As described above, the site is split into sites A and B. Site A is located on the north-western side of Mangamaire Road and comprises of 48.86ha and is spread over 3 separate land titles. This site is predominantly covered in pasture with scattered trees (many now removed). The site envelops a 1.2ha parcel of land occupied with by a single-storey farmhouse also owned by the landowners of the site. Overhead powerlines (Designation 220) follow the road corridor and the rail corridor (Designation 201) runs along the north-western boundary of the site. A potential wetland is located adjacent to the solar farm site immediately to the north of Site A, which appears to be a remnant from a diverted stream.
16. Site B is located on the south-eastern side of Mangamaire Road. This site is 38.62ha in area and spread over 3 titles. The site is bound by Tutaekara Road and Mangamaire Road. At its southern boundary is a private drive that provides access to an existing quarry at the southernmost corner of the site. Like Site A, Site B is primarily pasture, with a few scattered trees. The Mangatainoka River also lies to the east, adjacent to Site B, as does State Highway 2.
17. The site is zoned rural in the District Plan and is located partially within an area identified as potentially being subject to flooding in a 0.5% AEP flood. However, the development itself is located outside the floodable area. This is shown below in Figures 7 and 8.



Figure 7: Subject Site (dark blue) and District Plan Flood Layers



Figure 8: Subject Site (dark blue) and District Plan Zone Layers

D. REASON FOR CONSENT

18. The applicant has set out the reasons for consent in section 4 of its application. Section 4.1 – 4.4 undertakes an assessment of the application against the Tararua District Plan, I largely agree with the assessment, and I agree with the applicant’s conclusion that the application is a Discretionary Activity under the Tararua District Plan.
19. In summary resource consent is required under the following:
- a. Rules 4.1.6.1 and 5.3.7.2 – Renewable Electricity Generation Facilities – Discretionary Activity. The applicant advises they are unable to meet standard 5.3.7.2 as the proposal is a new activity.
 - b. Rule 5.1.5.3 – Earthworks – Discretionary Activity. The applicant advises they are unable to meet standard 5.1.5.2(b) as the earthworks will exceed 1,000m³.
 - c. Rule 5.4.7.3 – Glare and artificial lighting – Discretionary Activity. The applicant advises that this standard is unable to be met standard 5.4.7.2 as the solar panels will result in up to 15 minutes of glare per day at Mangamaire Road between October-March.
20. Resource consent is also required from Manawatu-Whanganui Regional Council for the disturbance of land greater than 2500m² in any one year. The applicant has advised that they will apply for this upon successfully gaining consent for the solar farm. Given the activity is a controlled activity, and therefore must be granted, I consider it acceptable for the applicant to apply for this consent later.
21. Resource consent requirements under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is also canvassed in Section 5 of the application. The applicant notes that the proposed solar farm site is not a HAIL site, but the connection point to the nearby Mangamaire substation would be on a HAIL site. However, the applicant has determined that due to the low volumes of soil disturbance no consent is triggered. I agree with this assessment.

Overall Activity Status

22. It is considered that the above listed activities are inextricably linked, and that the proposed overall activity exceeds the abovementioned District Plan rules. Overall, the activity is considered to be a Discretionary Activity.

G. THE EXISTING ENVIRONMENT AND PERMITTED BASELINE

23. The existing environment is described in the site description above and within the application. As stated, the site and surrounding area is rural in nature with sheep and beef and dairy farming being the predominate land use. The area does contain industrial elements with the railway adjacent to Site A and the Mangamaire substation located nearby.
24. In terms of the permitted baseline the applicant notes that shelterbelt planting is a permitted activity under the District Plan and that this is considered to be of relevance when considering the effects of the proposal on landscape, natural character and visual amenity values. I agree with this assessment and note that the deer fencing proposed around the perimeter of the site could also be considered under the permitted baseline.
25. In terms of the main solar panel structures, inverters and other equipment required, I consider that there is no permitted baseline to apply.

H. PUBLIC NOTIFICATION ASSESSMENT (SECTION 95A)

26. The Council must follow the steps outlined in Section 95A to determine whether to publicly notify an application for resource consent. The Council's assessment against the mandatory steps is set out below.

Step 1: Mandatory Public Notification in certain circumstances:	YES	NO
Has the applicant requested public notification?		X
Is public notification required under s95C?		X
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977?		X

*Note: If any of the above matters apply, the application **must** be publicly notified and steps 2, 3 and 4 are not required.*

Step 2: Public Notification precluded in certain circumstances:	YES	NO
Does a rule or NES preclude public notification of the application?		X
Is the application for 1 or more of the following but no other activities?		
• A controlled activity;		X
• A restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.		X

Step 3: Public Notification required in certain circumstances:	YES	NO
Does a rule or NES require public notification of the application?		X
Will the activity have, or is likely to have, adverse effects on the environment that are more than minor? (See assessment below)		X

Section 95D Effects Assessment:

27. The adverse effects of the proposed activity on the environment are assessed under section 95D RMA, to assist with the decision made under Section 95A(8) RMA.
28. Section 95D of the Act states that a consent authority that is deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor:
- Must disregard any effects on persons who own or occupy the land in, on, or over which the activity will occur, or any land adjacent to that land.
 - May disregard adverse effects if a rule or NES permits an activity with that effect (permitted baseline),
 - Must disregard effects that do not relate to a matter for which a rule or NES restricts discretion (for restricted discretionary activities),
 - Must disregard trade competition, and
 - Must disregard effects on persons who have provided written approval.
29. In this instance, any effects on people who own or occupy properties adjacent to the site have been excluded from this assessment. With reference to the image below in Figure 9 the properties listed in Table 1, also below, have been excluded.

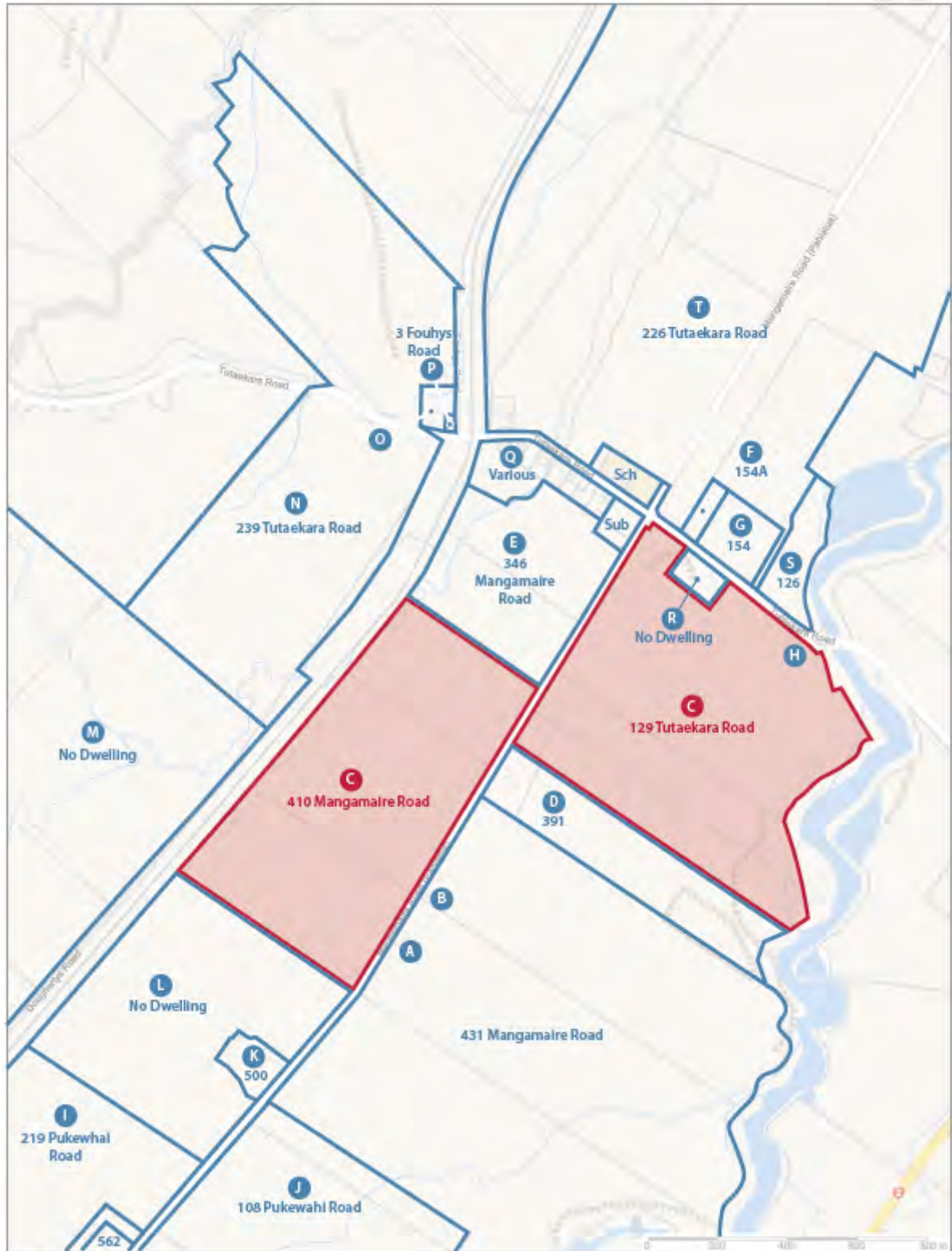


Figure 9: Properties surrounding the site.

Table 1: Properties considered adjacent for s95D assessment

Plan reference	Address	Legal Description
A	431 Mangamaire Road	Esp: B DP: 474038
B	451 Mangamaire Road	Esp: B DP: 474038
C	410 Mangamaire Road	PtS: 150 Blk: XIV SD: MANGAHAO
D	391 Mangamaire Road	Lot: 1 DP: 85286 and PtS: 141 Blk: XIV SD: MANGAHAO
E	346 Mangamaire Road	Lot: 2 DP: 554906 & Sec 8 BLK XIV SD Mangahao
F	154A Tutaekara Road	Lot: 2 DP: 411440
G	154 Tutaekara Road	Lot: 1 DP: 411440
H	129 Tutaekara Road	PtS: 150 Blk: XIV SD: MANGAHAO
L	No Address Wraps Around 500 Mangamaire Road	Lot 2 DP546734
M	Dougherty's Road	Lot 2 DP67352
N	239 Tutaekara Road	Lot 2 DP562953
Sch	192 Tutaekara Road (old School site)	Lot: 2 DP: 564748 and Lot: 1 DP: 564748
Sch	Hall	Sec: 1 SO: 37938
R	Tutaekara Road	Sec 7 BLK XIV SD Mangahao (LINZ Reserve)
S	126 Tutaekara Road	Lot 1 DP401244
T	226 Tutaekara Road	ML: MANGATAINOKA Sec: J2A2
Sub	Substation - 179 Tutaekara Road, Pahiatua	Sec: 1 SO: 17918
Kiwirail	Kiwirail land	PtS: 118 Blk: IV SD: WOODVILLE

30. As discussed above, the permitted baseline is not considered to be overly relevant to the main activity being a solar farm. Trade competition has not been considered in the assessment below.
31. As detailed in Table 2 below several neighbouring landowners have provided written approval to the application and effects on them have been disregarded.
32. The applicant has provided an assessment of effects on the environment at Section 7 of its application. The assessment covers matters such as landscape and visual effects, noise, transportation, natural hazards, reverse sensitivity, erosion and sediment control and dust, glint and glare and cultural matters. I agree that these are the relevant effects that are likely to arise from the proposed activities. The applicant's assessment is supported by technical reports. These have been reviewed by technical experts on behalf of TDC as discussed in Paragraph 2 above.

Visual and landscape effects on the rural character and amenity

33. As part of its application, the applicant has provided an assessment of landscape effects by Rough Milne Mitchell Ltd. This has been reviewed by Shannon Bray of Wayfinder, on behalf of Tararua District Council. Mr Bray notes his disagreement with assertions made regarding permitted baseline effects, particularly regarding the likening of the solar farm to large glasshouses, which is a permitted activity within the District Plan. Mr Bray is also critical of the descriptions and methods in which the

applicant describes and assesses surrounding properties and roads, noting he finds it somewhat confusing. I agree that the permitted baseline argument is weak, especially when considering that the Mangamaire valley has no notable glasshouses.

34. In terms of the landscape itself the applicant notes the area has high overall rural character values, contributed to by associated values of openness, expansiveness, lack of built form, natural character and legibility, and describes the site as part of a much larger “working landscape”. Mr Bray agrees with this assessment.
35. Mr Bray separates the effects into two distinct categories being landscape effects and visual effects. Mr Bray describes visual effects as a subset of landscape effects and therefore he has a preference of considering landscape effects first.
36. Mr Bray describes landscape effects as a change in the character or value of a landscape. Mr Bray goes on to detail that visual effects are related to the way in which people view or visually experience the landscape and if the change becomes a dominating aspect of the landscape.
37. With regards to landscape effects Mr Bray notes that the applicant finds the absorption capacity of the landscape to be low – meaning that any changes are noticeable and difficult to mitigate. Mr Bray agrees with that assessment. In terms of the addition of the solar farm to the landscape Mr Bray notes that while the farm itself appears to be large, it sits within a very expansive landscape, located in an area that is not heavily populated or widely traversed. The low height of the panels means that it is only likely to be visible from the road corridors and properties opposite or immediately adjacent, noting that in time (4-5 years) the panels will not be easily visible once the perimeter planting has established. Mr Bray is of the opinion that, for the casual traveller, this represents a small portion of a wider journey across the landscape that takes in other productive rural land uses and outward views.
38. Mr Bray concludes that while the shelter belt is establishing the landscape effect will be moderate, and potentially more than minor, reducing to low-moderate once established. With regards to the level of effect, I note Mr Bray’s conclusion is qualified by the fact that, except for local residents, people generally move through this locality and therefore I consider the effects on the wider environment to be minor, i.e., the effect is only in a localised area affecting persons in that area.
39. With regards to visual effects, it is noted from the applicant that the proposal will be highly visible from Tutaekara and Mangamaire Roads within 300 metres of the proposed site. It confirms that from both roads the site will be prominent as a viewer passes by, particularly along the section of Mangamaire Road where the farm will be on both sides of the road.
40. Mr Bray notes that the key points raised by the application is that the solar farm will reduce longer views across the rural landscape, there will be some “yellow glare” for short periods of time (in the evenings), and that generally the visual catchment is restricted locally. Mr Bray agrees with the applicant’s assessment in this regard but also points out that while the length of time and extent of farm that are visible are both relatively low, for local people who travel the surrounding roads regularly the solar farm is likely to become somewhat of a localised landmark. Mr Bray is of the opinion that in the early stages of its development, it will likely draw specific attention away from other aspects in the landscape that might have ordinarily been the viewer’s focus.
41. To mitigate this change, the applicant intends to establish a flax shelterbelt along the road boundaries. While this establishes, Mr Bray is of the opinion that visual effects will be moderate, particularly along Mangamaire Road, reducing to low-moderate once established. Again, this effect is potentially more than minor while establishment of the perimeter planting takes place. However, as with landscape effects, I note this is qualified by the fact that this effect will be observed by people living in the immediate area and that other persons generally move through the area quickly.
42. Based on the above, I consider both the visual and landscape effects on the environment to be minor.

Noise

43. The application includes an acoustic report prepared by Marshall Day, which recognises the key operational noise source is the inverters. Marshall Day also note that transformers and tracker motors will also generate noise but to a lesser degree than the inverters.
44. Mr Stephen Chiles of Chiles Consulting has reviewed the acoustic report on behalf of TDC. Mr Chiles notes that the predictions show compliance with daytime and night-time permitted activity standards (55 dB and 45 dB respectively) at all neighbouring dwellings with the solar farm operating without any attenuation or mitigations.
45. Mr Chiles comments that while MDA includes cautious assumptions, there remains inherent uncertainty associated with the prediction, particularly in relation to the assumed source levels in Table 3 (Table 3 being a table which shows the predicted noise levels from each device which may emit noise). In addition, Mr Chiles notes that MDA has applied a 5dB penalty for special audible characteristics (tonality), whereas under NZS 6802 this could be 6dB, increasing calculated levels by 1dB.
46. Mr Chiles has also commented on construction activity, traffic noise and vibration. With regards to traffic Mr Chiles notes that the applicant intends to comply with the District Plan noise limits. Mr Chiles does not raise any concerns with this.
47. With regards to vibration, Mr Chiles notes that this has not been addressed. However, based on his experience he is not expecting that the solar farm will result in any adverse effects and will be negligible beyond the site boundary.
48. With regards to construction noise, the sound criteria set out in NZS 6803: 1999 Acoustics - Construction Noise is applicable. The MDA report identifies that construction noise limits may be exceeded at some nearby dwellings depending on the construction techniques used. However, the applicant has confirmed that it will comply with the construction noise standards and expects a condition to specify this.
49. Overall, I agree with Mr Chiles assessment, particularly noting that the District Plan noise limits will not be exceeded in regard to the ongoing operation of the site. As such, I consider effects on the environment from noise to be minor.

Effects on the Roding Network

50. In terms of the local roading environment the applicant's AEE reports that Tutaekara Road is a connector road, that crosses the valley with a traffic count of 1415vpd. The applicant's AEE notes it provides an important link for the residents within Mangahao River valley and the Marima Domain to SH2 and linking to Pahiatua. Mangamaire Road is considered to be a minor offshoot, with the AEE noting a traffic count of 114vpd, that runs parallel with the valley and SH2. During my site visit I noted that both roads are sealed and have long straight sections of road affording good sightlines. Access to the site is from existing formed accessways to Mangamaire Road which is a low traffic volume environment.
51. The applicant has assessed traffic in so far as the noise it will potentially generate, as discussed above. I am comfortable that it will be able to manage the traffic to comply with the District Plan noise limits. It is also noted that the earthworks on site will be cut and fill neutral. The volume of construction traffic has not been assessed or defined by the applicant; however, it can be expected that solar farm components will be trucked in, and contractors will travel to and from the site during construction. Given the road layout and low traffic volumes, the roading network is expected to cope with this traffic with little effect on the safe operation of the network.
52. In the longer term, post construction, I agree with the applicant that the site is unlikely to generate a large volume of traffic.

53. Overall, with the sightlines available and low traffic environment in which the site will be accessed I consider that effects on the roading network to be less than minor.

Reverse Sensitivity

54. It is noted that there is a quarry adjacent to Site B on the property at 391 Mangamaire Road, Pahiatua. The further information request asked that the applicant consider any reverse sensitivity effects that may arise, such as dust emissions landing on the solar panels.
55. The applicant advised that this is not of concern and that the solar panels are regularly maintained to mitigate dust annoyances. As such I am of the opinion that there are no reverse sensitivity issues that need to be considered.

Soil Erosion, Sediment Control and Dust

56. As part of the site preparation, earthworks are required to form the site and allow for the installation of the solar panel structures and for trenching for services. While the works will involve more than 1000m³, the applicant has advised the earthworks will be cut and fill neutral meaning that no fill needs to be imported or excess soil exported.
57. A resource consent will be required from Horizons Regional Council for the earthworks, under which the applicant will be required to prepare an Erosion and Sediment Control Plan (ESCP) to mitigate effects from earthworks. The applicant intends to apply for this consent in the future which, given it would be a Controlled Activity, I consider appropriate. It is noted that works can not commence until this consent is obtained.
58. In addition to the above, the site is fairly flat and there is a setback of approximately 170 metres from the Mangatainoka River. The security fence is also proposed to be setback 10 metres from the wetland area adjacent to Site A with any earthworks beyond that distance. Given the setback distances and site topography I consider effects resulting from earthworks to be minor.

Glint and Glare

59. The applicant has provided a glint and glare report with their application written by Vector Powersmart. This report concludes that Site A will not result in any glint and glare effects.
60. For Site B a green and/or yellow glare will occur at Mangamaire Road (between 6pm to 8pm, October to the start of March, for less than 15 minutes per day for a total of 1,448 minutes annually). Site B will also generate glare for up to 2 minutes annually at Tutaekara Road. Two further observation points were also modelled, both on Mangamaire Road opposite Site A. These were observed to have glint and glare effects of up to 2 minutes annually each.
61. Given the low traffic volume on Mangamaire Road and the very low length of time of glint or glare, I consider the effects on the environment to be minor.

Natural Hazards

62. In its application, the applicant advises:

“A small part of both Sites A and B of the solar farm are located within an identified flooding overlay. Although difficult to tell when comparing the site plans to the flooding maps it appears as though the solar tables and other associated infrastructure will fall outside of the areas prone to flooding. For Site A, the flooding overlay appears to be concentrated around the area that has been identified as a potential wetland. A setback is proposed to this area along with further wetland appropriate planting to act as a buffer. For Site B, the land where the solar tables are to be established is a river terrace approximately 4-5m above the Mangatainoka River and the development will be setback approximately 180-200m from the riverbed itself.”

The earthworks required to establish the development will not result in changes to the land contour ensuring that flood risk will not be spread onto other people, property and infrastructure in the surrounding area. The site will also retain its pasture cover and/or be planted in crops ensuring that soil permeability is retained.”

63. I agree with this assessment and note that the feedback from Horizons Regional Council indicates that flooding is largely confined to the bed of the Mangatainoka River. As such, I do not consider that the development will exacerbate or worsen any flooding.
64. With regards to other natural hazards such as earthquakes and liquefaction, I note that the proposed activity will not result in any habitable buildings, nor will it create or exacerbate the likelihood of an earthquake occurring.
65. Overall, I agree with the applicant’s assessment and do not consider that the development will cause or worsen any risk from natural hazards and consider the effects to be less than minor.

Other Matters

66. Both the applicant and Horizons note the presence of a potential wetland adjacent to Site A. The applicant proposes a setback from this area of 10 metres in line with the requirements of the National Environmental Standards for Freshwater (2020). In addition, the applicant notes the proposal will not require the taking, using, damming, diversion or discharge of water within, or within a 100-metre setback from the potential wetland.
67. While I am satisfied that there are no further consents required in this regard, it is noted that the Regional Council will also check these requirements at the time of application for resource consent for earthworks.

Effects Summary

68. Overall, I consider that the effects of the proposal on the environment to be minor.

Step 4: Public notification required in special circumstances:	YES	NO
Do special circumstances apply that warrant public notification?		X

69. ‘Special circumstances’ are those that are unusual or exceptional, but they may be less than extraordinary or unique. They will make notification desirable despite the general provisions excluding the need for notification. In my opinion, there are no special circumstances that exist in this particular case which would warrant the public notification of the application.

Section 95A Conclusion:

70. In my opinion, the proposal passes through the relevant ‘steps’ of Section 95A and there are no circumstances which warrant public notification of the application.

I. LIMITED NOTIFICATION ASSESSMENT (SECTION 95B)

71. The Council must follow the steps outlined under Section 95B, in order, to determine whether to publicly notify or limited notify an application for resource consent.

Step 1: Certain affected groups and affected persons must be notified:	YES	NO
Are there any affected protected customary rights groups? [s95F]		X
Is the activity on, adjacent to or likely to affect a statutory acknowledgement area?	X	

Would you consider the person(s) for whom the statutory acknowledgement is made to be affected? [s95E(2)(c)] X

72. The Manawatū River and its tributaries are included as a statutory acknowledgement area under the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017. This site is both adjacent to the Mangatainoka River, which is a tributary of the Manawatu River, and a number of smaller streams including the Mangamaire Stream and Pukohi Stream which are also tributaries of the wider Manawatu Catchment. Rangitāne o Tamaki nui-ā-Rua were notified of the application on 28 September 2022 under the Statutory Acknowledgment process.
73. Rangitāne o Tamaki nui-ā-Rua responded to the notification on 13 October 2022. The response canvassed the application noting that the applicant had undertaken engagement with Rangitāne o Tamaki nui-ā-Rua prior to lodgement. Rangitāne o Tamaki nui-ā-Rua make a number of recommendations within its report relating to the wetland adjacent and proposed planting. The report also recommends several conditions Rangitāne o Tamaki nui-ā-Rua would like to see included within any consent particularly in relation to archaeological discoveries given its historical records show significant occupation in the area.
74. At the time of assessment not all of these recommendations have been adopted by the applicant, and I note that the support from Rangitāne o Tamaki nui-ā-Rua is conditional on the inclusion of these conditions.
75. Given this, I consider that the outcome sought by Rangitāne o Tamaki nui-ā-Rua has not been met and that an affected party approval has not been provided. On this basis, I consider Rangitāne o Tamaki nui-ā-Rua to be a potential affected party.

Step 2: Limited Notification precluded in certain circumstances:	YES	NO
Does a rule or NES preclude limited notification of the application?		X
Is the land use consent a controlled activity?		X

There is no rule or National Environment Standard that precludes limited notification of the application.

Step 3: Certain other affected persons must be notified:	YES	NO
Are adverse effects on any person minor or more than minor?	X	

Section 95E Assessment

76. Section 95E(1) of the Act states that 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). In assessing the effects on a person, the consent authority:
- May disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect.
 - Must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion.
 - Must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.
77. It is also noted that a person is not to be considered affected if the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons.

78. Table 2, below, outlines all of the surrounding properties adjacent to or near the subject site. They are also displayed on the map above in Figure 9.
79. The second to last column outlines where written approval has been received, and therefore effects on those people(s) must be disregarded. In this instance there are a number of properties where the occupier has given approval but not the landowner. The last column details where my conclusions are such that there is additional person(s) associated with the property that are affected.
80. In this instance, it is considered that the permitted baseline has limited application, except in respect of deer fences and perimeter plantings, where the relevant plan permits activities with the same effect. The activity is a discretionary activity overall so matters of control or discretion are irrelevant to this assessment. Regard has also been had to the statutory acknowledgements as discussed above.
81. The type of effects that could potentially affect nearby neighbours are landscape, noise, traffic, and glare. These are considered in turn below along with cultural effects.

Landscape and Visual Effects

82. The landscape and visual effects have been discussed above in regard to effects on the wider environment. Here I consider the effects on the people who reside or own property in the immediate locality.
83. With regards to landscape effects Mr Bray has expressed the opinion that the effects may be more than minor, which I have considered for the environment to be minor as the effect does not extend far and that persons from outside the local area are usually moving through the area. However, for a person who resides locally, I agree with Mr Bray that the effects are more than minor. Mr Bray has noted that the solar farm will result in a change to the landscape character of the locality, and likely change the way local people associate themselves with the area. Mr Bray has identified several properties in his report that he considers to be affected, which are repeated below in Table 2 and Figure 9 (above). I do note that the properties where dwellings are accessed from Pukewhai Road would likely not experience this same effect as Pukewhai Road is directly accessed from State Highway 2 avoiding association with the solar farm.
84. With regards to visual effects Mr Bray has again considered the properties outlined in Table 2 and considers the following properties will likely experience more than minor visual effects until such time that the mitigation planting has established. These properties are:
- a. 391 Mangamaire Road (Lot: 1 DP: 85286 and PtS: 141 Blk: XIV SD: MANGAHAO)
 - b. 500 Mangamaire Road (Lot 1 DP546734); and
 - c. Lot 2 DP546734 (adjacent to/ wraps around 500 Mangamaire Road).
85. Based on the assessment above I consider that all persons identified in Table 2, aside from Kiwirail and the substation owners and the properties at 108 and 219 Pukewhai Road, are affected in at least a minor way by the proposed solar farm.

Noise

86. As discussed above, the applicant has shown that the noise expected to be generated from the solar farm to be within the noise limits of the District Plan at all sensitive receivers. This has been reviewed by Mr Stephen Chiles who largely agrees with the applicant's assessment.
87. Mr Chiles does however note that there may be an exceedance to the construction noise limits to a number of properties, as outlined in the applicant's acoustic assessment carried out by Marshall Day Acoustics. Specifically, these are properties which have dwellings adjacent to the site and dwelling facade within 158m as detailed within table 7 of the Marshall Day report. These properties are:
- a. 129 Tutaekara Road ~ dist. to façade 12m
 - b. 154 Tutaekara Road ~ dist. to façade 120m

- c. 154A Tutaekara Road ~ dist. to façade 55m
- d. 346 Mangamaire Road ~ dist. to façade 70m
- e. 391 Mangamaire Road ~ dist. to façade 40m
- f. 431 Mangamaire Road ~ dist. to façade 30m
- g. 451 Mangamaire Road ~ dist. to façade 30m
- h. 410 Mangamaire Road ~ dist. to façade 20m

88. It is noted that the applicant has not applied for a resource consent to exceed the construction noise limit. This issue was clarified with the applicant, and it has confirmed that it will comply with the construction noise limits and expects the limit to be set as a condition of consent. Given this, I consider noise effects on any persons to be less than minor.

Traffic

89. An increase in traffic has the potential to affect immediate neighbours and residents further away from the site. However, vehicle movements from the solar farm operation are not expected to be of such a level to cause any issues. Whilst there will be an increase in traffic during construction this will be during daylight hours with construction crews arriving in the morning and leaving in the evening. It is expected that heavy vehicles will also deliver materials for the construction during day light hours. It is further noted that the roading network in the locality has low traffic volumes and consists of roads that are generally straight and have good sightlines.
90. Overall, with the low level of traffic likely to be generated across the life of the solar farm and considering that any traffic generated as a result of construction will be temporary, I consider that effects of traffic on neighbouring properties to be less than minor.

Glare

91. As discussed above, glint and glare from solar panels can have effects on neighbouring properties. In this instance the applicant technical assessment shows that such effects will be negligible on nearby dwellings. There will be a minor effect along Mangamaire Road for up to 15 minutes a day, but I consider that this does not affect any particular person.

Cultural

92. In addition to the assessment above regarding Rangitāne o Tamaki nui-ā-Rua, an assessment must also be made in respect of cultural effects as they relate to other iwi whose rohe covers the site. In this instance the rohe of Ngati Kahungunu extends over the locality. The applicant has provided correspondence of consultation undertaken with James Kendrick on behalf of Ngati Kahungunu prior to lodgement.
93. The email provided shows that Mr Kendrick conditionally supports the solar farm application through to the next stage. However, it is expressed that Mr Kendrick would like to see further involvement in the project. Ngati Kahungunu were notified of the application being received by council on 28 September 2022. No further correspondence was provided.
94. With regards to cultural effects none are raised by Mr Kendrick. It is also noted that no sites of significance are listed in the District Plan within or adjacent to the site. Nor have any sites of significance or specific cultural effects been raised. Overall, I do not consider Ngati Kahungunu to be affected by the proposed solar farm in a way that is minor or more than minor.

Other Properties

95. As mentioned in Paragraph 85 above, I do not consider that landscape effects affect the Transpower substation site or the Kiwirail lines. Additionally, there is a small site belonging to Genesis (substation) on the corner of Tutaekara and Managamaire roads and a community hall adjacent to the school site. It is also noted that the school is no longer operating as a school and is in private ownership.

96. With respect to the substation sites and the railway, these sites are of an industrial nature and no persons reside on the sites. While a connection to the Genesis substation is proposed, which will connect to the national grid at the Transpower substation, it is considered that there are no effects on those properties or their owners.
97. Likewise, the community hall site has no persons residing there and is used on an intermittent basis. I do not consider effects extend to this site.
98. It is noted that there is a separate property located at 224 Pukewhai Road, which Mr Bray has not assessed. This property is surrounded by 219 Pukewhai Road and I consider the effects of the solar farm to be the same for both properties. That is less than minor.
99. Table 2 below sets out the various properties and whether I consider them to be affected or not.

Table 2: Potentially affected persons

Plan reference	Address	Legal Description	Property description and relationship to site	Approvals received?	Landscape effects?	Noise effects?	Affected person?
A	451 Mangamaire Road	Esp: B DP: 474038	This property contains two dwellings and is located to the south-east of the site, opposite 'Site A' and south of Site B. The titles are part of larger land holdings and look to form a farm which spans either side of the Mangatainoka River.	Occupier only	Yes	Yes	Yes – Owner only
B	431 Mangamaire Road	Esp: B DP: 474038		Occupier only	Yes	Yes	Yes – Owner only
C	129 Tutaekara Road	PtS: 150 Blk: XIV SD: MANGAHAO	This is the site where the proposed solar farm is to be located (Site B)	Owner and Occupier	n/a	n/a	No
C	410 Mangamaire Road	PtS: 150 Blk: XIV SD: MANGAHAO	This is the site where the proposed solar farm is to be located. (Site A)	Owner and Occupier	n/a	n/a	No
D	391 Mangamaire Road	Lot: 1 DP: 85286 and PtS: 141 Blk: XIV SD: MANGAHAO	This site is located directly south of Site B and adjacent to Site A. It contains a single dwelling and is 17ha in size.	Occupier	Yes	Yes	Yes – Owner only
E	346 Mangamaire Road	Lot: 2 DP: 554906 & Sec 8 BLK XIV SD Mangahao	This site is located directly north of Site A and opposite Site B. There is a single dwelling located on the property which is made up of two titles and covers 21Ha.	Owner and Occupier	n/a	n/a	No
F	154A Tutaekara Road	Lot: 2 DP: 411440	This property is 1.0ha in size and located directly north of Site B. The site contains a single dwelling.	Occupier	Yes	Yes	Yes – Owner only
G	154 Tutaekara Road	Lot: 1 DP: 411440	This property is 3.7ha in size and located directly north of Site B. The site contains a single dwelling.	Owner and Occupier	n/a	n/a	No
H	129 Tutaekara Road	PtS: 150 Blk: XIV SD: MANGAHAO	This is the site where the proposed solar farm is to be located. (Site B)	Owner and Occupier	n/a	n/a	No
I	219 Pukewhai Road	Sec 107 Blk: XIV SD: MANGAHAO	This property is one of four titles that appear to make up one property to the south of the solar farm site. The dwelling is accessed from Pukewhai Road.	No	No	No	No
J	108 Pukewhai Road	Section 105 and Part Section 106 Block XIV Mangahao Survey District and Lot 2 Deposited Plan 13636	This property is situated south of the solar farm, with an area of farmland (properties A, B, D and L) in between. It has a single dwelling located on it, accessed from Pukewhai Road and is 64ha in size.	No	No	No	No

Plan reference	Address	Legal Description	Property description and relationship to site	Approvals received?	Landscape effects?	Noise effects?	Affected person?
K	500 Mangamaire Road	Lot 1 DP546734	This is a small lifestyle block 2.2ha in size. It is located south of Site A. It contains a single dwelling.	No	Yes	No	Yes – Owner and Occupier
L	No Address Wraps Around 500 Mangamaire Rd	Lot 2 DP546734	This is a vacant block of land which is 38.1Ha in size. It is immediately south of Site A.	No	Yes	No	Yes – Owner
M	Dougherty's Road	Lot 2 DP67352	This is a vacant block of land which is 40.8Ha in size. It is immediately west of Site A on the opposite side of the train tracks.	No	Yes	No	Yes – Owner
N	239 Tutaekara Road	Lot 2 DP562953	This is a block of land which is 39.5Ha in size and contains a single dwelling. It is immediately west of Site A on the opposite side of the train tracks.	No	Yes	No	Yes – Owner and Occupier
O	Foughys Road	Sec: 90 Blk: X SD: MANGAHAO	This is a vacant block of land which is 1.1ha in size. It is immediately north of Site A on the opposite side of the train tracks with access from Foughys Road.	No	Yes	No	Yes – Owner and Occupier
P	3 Foughys Road	Sec 90 BLK X SD Mangahao	This property is 1303m ² and contains a single dwelling. It is located north of Site A.	No	Yes	No	Yes – Owner and Occupier
Q	187 Tutaekara Road	PtL: 7 Sec: 8 Blk: XIV Twn: MANGAHAO	This property is 1012m ² and contains a single dwelling. It is located north of Site A.	No	Yes	No	Yes – Owner and Occupier
	189 Tutaekara Road	Def: DEFINED ON SO: 14210	This property is 3035m ² and contains a single dwelling. It is located north of SiteA.	No	Yes	No	Yes – Owner and Occupier
	205 Tutaekara Road	PtL: 5 Sec: 8 Blk: XIV SD: MANGAHAO	This property is approximately 8,000m ² across five titles, and contains a single dwelling. It is located north of Site A.	No	Yes	No	Yes – Owner and Occupier
	209 Tutaekara Road	PtL: 3 Sec: 8 Blk: XIV Twn: MANGAHAO	This property is approximately 8,000m ² across five titles, and contains a single dwelling. It is located north of Site A.	No	Yes	No	Yes – Owner and Occupier
	223 Tutaekara Road	PtL: 1 Sec: 8 Blk: XIV SD: MANGAHAO	This property is approximately 1,000m ² across two titles, and contains a single dwelling. It is located north of Site A.	No	Yes	No	Yes – Owner and Occupier

Plan reference	Address	Legal Description	Property description and relationship to site	Approvals received?	Landscape effects?	Noise effects?	Affected person?
	229 Tutaekara Road	Lot: 1 DP: 554906	This property is 2.2ha in size and located north of Site A and contains a single dwelling.	No	Yes	No	Yes – Owner and Occupier
	Tutaekara Road	PtS: 89 Blk: XIV SD: MANGAHAO	This is a vacant site located between 223 and 209 Tutaekara Road. It is approximately 1,000m ² in size.	No	Yes	No	Yes – Owner
Sch	192 Tutaekara Road (old School site)	Lot: 2 DP: 564748 and Lot: 1 DP: 564748	This property is approximately 1.6ha in size and located diagonally across Tutaekara Road from Site B. It is the site of the old school.	No	Yes	No	Yes – Owner
Sch	Community Hall	Sec: 1 SO: 37938	This property is approximately 2,200m ² in size and located diagonally across Tutaekara Road from Site B and contains a community hall.	No	No	No	No
R	Tutaekara Road	Sec 7 BLK XIV SD Mangahao (LINZ Reserve)	This property is 1.6ha in size and located directly north of Site B. The site is vacant and contains pasture only.	No	Yes	No	Yes – Owner
S	126 Tutaekara Road	Lot 1 DP401244	This is a vacant area of land which is 4.2ha in size. It sits opposite Site B on Tutaekara Road.	No	Yes	No	Yes – Owner
T	226 Tutaekara Road	ML: MANGATAINOKA Sec: J2A2	This property covers a large area of land, over 12 titles, directly to the north of Sites A and B. It contains five dwellings with two located on Tutaekara Road opposite Site A.	No	Yes	No	Yes – Owner and Occupier
Sub	Substation - 179 Tutaekara Road, Pahiatua	Sec: 1 SO: 17918	Substation site on the corner of Mangamaire Road and Tutaekara Roads	No	No	No	No
Kiwirail	Kiwirail land	PtS: 118 Blk: IV SD: WOODVILLE	Kiwirail rail line and corridor	No	No	No	No
	224 Pukewhai Road	Lot 3 DP372357	Lifestyle section with dwelling access from Pukewhai Road.	No	No	No	No

Step 4: Limited notification required in special circumstances:

YES NO

Do special circumstances apply?

X

100. There are no special circumstances that exist in this instance that warrant the limited notification of the application to any other parties.

Conclusions

101. Effects on the environment can be mitigated to a level where they are considered to be no more than minor.
102. A number of written approvals from property owners and / or occupiers have been received and are detailed above in Table 2. Therefore, these persons cannot be considered affected by the proposal.
103. Effects of the proposed activities on a number of persons are considered to be minor or more than minor. These are as follows:

- a. The owners of 431 Mangamaire Road
- b. The owners of 451 Mangamaire Road
- c. The owners of 391 Mangamaire Road
- d. The owners of 154A Tutaekara Road
- e. The owners and occupiers of 500 Mangamaire Road
- f. The owners of Lot 2 DP 546734
- g. The owners of Lot 2 DP 67352
- h. The owners and occupiers of 239 Tutaekara Road
- i. The owners of Sec: 90 Blk: X SD: MANGAHAO
- j. The owners and occupiers of 3 Foughys Road
- k. The owners and occupiers of 187 Tutaekara Road
- l. The owners and occupiers of 189 Tutaekara Road
- m. The owners and occupiers of 205 Tutaekara Road
- n. The owners and occupiers of 209 Tutaekara Road
- o. The owners and occupiers of 223 Tutaekara Road
- p. The owners and occupiers of 229 Tutaekara Road
- q. The owners of PtS: 89 Blk: XIV SD: MANGAHAO
- r. The owners of 192 Tutaekara Road
- s. The owners of Sec 7 BLK XIV SD Mangahao (LINZ Reserve)
- t. The owners of 126 Tutaekara Road
- u. The owners and occupiers of 226 Tutaekara Road
- v. Rangitāne o Tamaki nui-ā-Rua

104. On this basis the application should be assessed on a limited notified basis.

J. CONCLUSIONS AND RECOMMENDATION

105. It is my opinion that the adverse effects of the proposal on the environment will be less than minor. However, I have formed the view that there are potential effects on the owners and occupiers of properties surrounding the solar farm site as set out in Table 2 and Paragraph 103 above.
106. I recommend that the application be notified on a limited basis to the persons and owners and/or occupiers of the properties as set out in Paragraph 103 above.

Recommendation prepared by




Andrew Bashford
CONSULTANT PLANNER

DECISION

I record that I have considered all the material provided by the applicant and the recommendation report prepared by Mr Bashford, as set out above.

I accept and adopt reasons set out in the recommendation report above and find that the application should not be publicly notified and should be notified on a limited basis to the persons outlined in Paragraph 103 of the recommendation report above.



Aimee Charmley
Team Leader Consents (delegated authority)
Tararua District Council

DATE: 28 April 2023