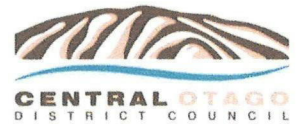


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SUBMISSION ON NOTIFIED APPLICATION CONCERNING RESOURCE CONSENT

(Form 13)

Section 95A Resource Management Act 1991

To: The Chief Executive
Central Otago District Council
PO Box 122
Alexandra 9340
resource.consents@codc.govt.nz



DETAILS OF SUBMITTER

Full name: Michelle Faulkner Bisset

Contact person (if applicable):

Electronic address for service of submitter: mbissopt@gmail.com

Telephone: 021 117 2507

Postal address (or alternative method of service under [section 352](#) of the Act):
22 Aronui Road
Bridge Hill
Alexandra 9320

This is a submission on the following resource consent application: RC No: **240065**

Applicant: **Helios OTA Op LP Valuation No: 2828012800**

Location of Site: **48 Ranfurly-Naseby Road**

Brief Description of Application: **Land Use Consent to Construct, Operate and Maintain a Solar Farm (Maniatoto Plain Solar Farm) being a Renewable Electricity Generation Activity in a Rural Resource Area.**

The specific parts of the application that my submission relates to are:

(give details, attach on separate page if necessary)

• 3-5 Decommissioning of Solar Farm

• 4 Statutory Framework

• Appendix 9 Engagement Summary

This submission is: (attach on separate page if necessary)

Include:

- whether you support or oppose the specific parts of the application or wish to have them amended; and
- the reasons for your views.

• Decommissioning. Ammended to include the payment of a bond (grounds attached as pg. 1).

• Statutory Framework. Oppose (grounds on pg 2-3)

• Engagement. Ammended (grounds on pg. 4-5)

I/~~We~~ seek the following decision from the consent authority:

(give precise details, including the general nature of any conditions sought)

That resource consent is not granted unless/until
- a bond is stipulated, agreed and paid; ORC consenting
is completed and becomes part of material considered
at the CODC hearing along with engagement material specified
I support/oppose the application OR neither support or oppose (select one) above.

I ~~wish~~ do not wish to be heard in support of this submission (select one)

I ~~am~~/am not* a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (select one)

*I/~~We~~ am/am not (select one) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

*Delete this paragraph if you are not a trade competitor.

3.5 Decommissioning of Solar Plant

I seek to have this section of the application amended to include detailed information on how the solar farm infrastructure will be removed after dismantling.

Specific detail must be provided on how these components will be reused and/or disposed of.

It is not enough to say that they will be taken to an appropriate location for recycling or disposal.

It is clear that local recycling or disposal options would not be able to cope with this material and shipping offshore to an undisclosed location is increasingly unfeasible and inherently undesirable.

This aspect of the application must be thoroughly and explicitly detailed - it is not acceptable for the future residents/ratepayers to potentially be faced with the consequences of poorly executed decommissioning or the worst case scenario of "abandonment in place" if the applicant defaults for any reason.

The rapidly increasing numbers of solar farms in New Zealand will put pressure on potential disposal options and the policy around this area is under developed, if considered at all.

Good examples of policy on decommissioning is available from the United States as is best practice advice for end of life/end of system performance.

A bond, commensurate with the size of the project and looking out 35 years, should be included. This practice is something that has already ^{been} implemented by ODC in mining applications under Section 108 (2) b of the RMA.

The Reengineering of State Plant

I seek to have the reengineering of the application form to include detailed information on how the form structure will be revised after streamlining.

Specific detail must be provided on how these components will be revised and for disposal of it is not enough to say that they will be taken to an appropriate location for recycling or disposal.

It is clear that local recycling or disposal options would not be able to cope with this material and shipping offshore to an unregulated location is increasingly unfeasible and increasingly unwise.

This aspect of the application must be thoroughly and explicitly detailed - it is not acceptable for the fabric residual control category to potentially be faced with the consequences of poorly executed decommissioning in the worst case scenario of "abandonment" in place" if the applicant defaults for any reason.

The rapidly increasing number of shale farms in New Zealand will put pressure on potential disposal options and the policy around this area is under development, if consistent at all.

Good examples of policy in decommissioning is available from the United States as it best practice advice for end of life / end of system performance.

A kind commensurate with the size of the project and looking out 25 years should be included. This practice is something that has already been implemented by ODF in mining applications under section 108 (2) of the EMA.

4. Statutory Framework and 6. Objectives and Policies

These Sections require much scrutiny and further information due to the tenuous connections made between some elements of the project and relevant legislation/policies. In the between the time of writing the document, lodging the consent application and notification there have been many changes in legislative and policy landscape.

Again, for brevity I will focus on one section.

Section 4.4 Regional Water Plan for Otago - Otago Regional Council.

The application notes (at time of writing), ORC was in the process of developing a Land and Water Regional Plan. This has been put on hold nationally until a new National Policy Statement for Freshwater Management (NPS-FM), is in place. This means that ORC has reverted to its Regional Water Plan and that some activities could require consent and that the rules under that Plan, would apply. Helios has identified the relevant activities and this was documented in the notes of a pre-application meeting between ORC and Helios on 14 December 2023.

It is not the case, as stated in the application, that no resource consent against the Otago Regional Water Plan, is required.

The policy vacuum in which this particular issue played out now has a clear way forward.

ORC also gave the following advice to Helios;

- if de-watering is required within 100m of a natural inland wetland, this may be an additional reason for consent,
- there will need to be an Ecological Impact Assessment

with the application.

- in terms of the construction phase, ORC would require ~~an~~ an erosion and sediment control plan.
- for completeness, the NPS for highly productive land will need to be addressed, and
- it is likely that a technical audit of the application would be required once it is lodged.

The understanding of ORC is that Helios intends to seek consent from CODC before applying for any ORC consents. As at 17 December, Helios had not in fact lodged any consent applications with ORC.

Clearly, the number of issues that Helios is required to address with ORC leaves a gap in the information available to CODC when the consent is heard.

It would seem that CODC consent should not be granted without ORC consents being approved first.

In this situation, joint notification would seem to have been the preferred option for transparency and the provision of full information to the community, Council and Commissioners.

Appendix 9 - Engagement Summary

While there is no obligation under the Resource Management Act for either the applicant or Council to undertake consultation for resource consent applications it is widely considered in modern, democratic societies, to be beneficial.

Helios has undertaken to engage with the affected community and key stakeholders with the aim of informing and engaging them early to ensure "local people were aware of the proposal, had the chance to find out more and express any initial views well ahead of a formal resource consent application".

On the surface of things, this would appear to be an admirable goal however, regardless of whether we call this consultation or engagement (and there are somewhat academic arguments that place engagement as the better process), what is presented here represents the very bottom rungs of the most widely accepted model of consultation/engagement, the IAP2 Spectrum of Public Participation.

Helios have detailed their provision of information via emails with accompanying letter and brochure to a raft of stakeholders which also includes invitation to a community information drop in centre. This would partially satisfy the bottom rung of a participation ladder although we do not know whether the best practice objective of "providing the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions, was met.

In reaching the second rung (obtaining public feedback on analysis, alternatives and/or decisions), it was pleasing to see FENZ's feedback provided.

However, and most importantly under the legislation as it currently stands, is what the views of mana whenua as represented by Aukaha, are.

I would like to see these obtained and presented at the hearing as currently there appears to be little or no reflections of their views in the application.

Helios state that it is committed to open and transparent communication with Aukaha and Kāi Tahu throughout the project and that the project will be guided by ongoing discussions.

While some further feedback from CODC council members and staff as well as key stakeholders such as Forest and Bird, is recorded there would appear to be a resounding silence from others.

In terms of the community drop-in information session which Helios describe as a resoundingly positive event, from the 35 (approx) attendees; the exception to this positivity from four adjoining landowners and their concerns, are noted.

Two feedback forms were completed and according to Helios, both noted support for the project. We do not know if any other matters were raised in these forms. Could these be made available?


This engagement sets a very low bar by many measures.

We will hear in the submissions hearing and via submissions made what the wider community feel and this could well be seen as a result of the social media campaign and community meeting driven from the grass roots. It is actions like these that drive public participation forward towards achieving a higher standard of engagement.

~~I/We~~ will consider presenting a joint case if others make a similar submission

**Delete this paragraph if not applicable.*

I ~~request~~ do not request (select one), pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. "See *note 4 below as you may incur costs relating to this request.*"



Signature
(to be signed by submitter or person authorised to sign on behalf of submitter)

19 December 2024
Date

In lodging this submission, I understand that my submission, including contact details, are considered public information, and will be made available and published as part of this process.

Notes to submitter

1. If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

2. You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
3. If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
4. If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you will be liable to meet the additional costs of the hearings commissioner or commissioners, compared to our hearing panel. Typically these costs range from \$3,000 - \$10,000.
5. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious;
 - it discloses no reasonable or relevant case;
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
 - it contains offensive language;

it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.