CENTRAL OTAGO DISTRICT COUNCIL
S95A-F DECISION FOR RC240065
48 Ranfurly-Naseby Road

INTRODUCTION

The application seeks land use consent to construct, operate and maintain a solar farm power generation facility in the Rural Resource Area at 48 Ranfurly-Naseby Road. More specifically, the proposal is for a 300MWac photovoltaic solar farm, and associated infrastructure including battery energy storage, substation and transmission line infrastructure for renewable electricity generation. The power generation facility would consist of approximately 550,810 panels grouped in arrays with a maximum height of 2.8m above ground level, and spacings of between 6 and 8m between arrays, over an area of approximately 660 hectares. The panels are proposed to tilt, following the movement of the sun across the sky each day. Land under and around the panels is proposed to be retained for sheep grazing.

Seventy-three power inverters are proposed to be located throughout the site to convert the current produced by the panels into alternating current for transmission into the national grid. The applicant proposes that these would be prefabricated with a similar size to 20 foot shipping containers and would be in a light grey colour. A single 2,000m^2 power storage facility is also proposed, centrally located within the site and adjacent to a new 33/220kV substation to transform the voltage of generated electricity before it is transferred to the Naseby substation via an underground 220kV cable laid within the Fennessy Road reserve. All power connections within the site are proposed to be located underground.

Access to the site is proposed to be from both Ranfurly-Naseby Road and Ranfurly Back Road. Heavy vehicles associated with the construction of the facility are all proposed to be routed along Ranfurly-Naseby Road.

Screen plantings, including new plantings and the maintenance and enhancement of existing ones, are proposed along the easter, western and southern boundaries of the site. Plantings are proposed to use a mixture of native and exotic species. Further plantings and exotic pest vegetation removal are also proposed to supplement indigenous vegetation around water bodies and wetlands on the site.

SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification
Public notification has not been requested. (s95A(3)(a)).

There has been no failure or refusal to provide further information or the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b).

The application does not involve the exchange of recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c).

Step 2 – Public notification precluded
There are no rules or national environmental standards precluding public notification (s95A(5)(a)).

The proposal is not exclusively for controlled activities or boundary activities (s95A(5)(b)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

The application is not for a resource consent for one or more activities, where those activities are subject to a rule or national environmental standard that requires public notification (s95A(8)(a).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is therefore made below.

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

MANDATORY EXCLUSIONS FROM ASSESSMENT (S95D)

A: Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).

B: An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b) (the permitted baseline, refer to section below).

C: In the case of a restricted discretionary activity, any adverse effect that does not relate to a matter for which a rule or national environmental standard has restricted discretion (s95D(c)).

D: Trade competition and the effects of trade competition (s95D(d)).

E: Adverse effects on any parties who have provided written approval must be disregarded (s95D(e)).

PERMITTED BASELINE (S95D(B))

Under Section 95D(b) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing environment and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful. In this case, there are no permitted power generation facilities under the Central Otago District Plan and there is no permitted baseline to be applied.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

The application is supported by expert landscape assessment from Boffa Miskell. The applicant's expert considers that there will be low visual and landscape effects after the proposed landscape mitigation grows and fully established itself. In the interim, they consider that there will be short term moderate-high visual effects from the proposal. I note that temporary adverse effects are still adverse effects[1] and in making my assessment for the purposes of s95A-F, I am guided by relevant caselaw involving Trilane Industries Limited where the Court found that temporary effects that will be mitigated must still be considered effects where there will be a notable delay before they became effective. Regardless of whether mitigation timelines are acceptable in terms of whether to grant consent, they may still not mitigate more than minor effects that occur in the interim.[2] As such, I consider that the visual effects arising from the proposal will be more than minor this in the short term, reducing to minor, at most, in the long term.

[1] Resource Management Act 1991, s3(b).

[2] Trilane Industries Limited v Queenstown Lakes District Council and Nature Preservation Trustee Limited CIV-2020-425-000002 [2020] NZHC 1647 at [59]-[61]

The application is supported by glint and glare assessment from ITP. Glare is most likely in the early morning and evening, particularly during winter, where the angles of incidence between the sun and the solar panels are lower. This assessment recommends that the panels are kept at an angle of 10 degrees above horizontal overnight to minimise glare effects in the morning and evening by increasing angles of incidence while the panels are aligning themselves to the sun. Provided this was undertaken, they calculate that a stretch of Ranfurly Back Road alongside the site would be subject to glare for up to half an hour per day during the winter months. No other glare was identified from this model, although I note that glare would increase if the panels were kept at shallower angles. Similarly to the wider visual effects of the proposed structures, it is anticipated that the intensity and duration of glare will reduce over time as intervening landscaping vegetation grows.

Glare experienced by road users is typically short term in duration for any individual instance, but carries a cumulative risk across time as more people use the road while glare is created, and has a high potential effect through causing distraction or disrupting driver vision, potentially resulting in accidents. ITP considers that this risk is at its highest in a cone 50 degrees each side of the centre of a road user's field of view. I also consider that the effects of glare could be exacerbated by flickering, for example while a vehicle is travelling along a road and entering areas of glare caused by different arrays. In this case, the ITP assessment indicates that glare would be close to, if not within 50 degrees from the centreline of the field of view of road users looking north along Ranfurly Back Road for a short distance. Ranfurly Back Road is a low traffic volume, gravelled road. In this context, ITP considers that the hazard presented by glare from the panels to individual road users would be low. However, over time, I consider that the cumulative effect on each individual road user would add up to a notable effect on the safe operation of the road, particularly given glare from the facility would be close to, if not within, the direct line of sight of road users.

Glare can only occur where there is line of sight between the panels and the observer. Therefore, as proposed landscaping establishes itself, more of the panels will be blocked from view and, hence, levels of glare will also fall over time. In this context, and applying a precautionary approach to effects of the proposal on the safe operation of Ranfurly Back Road, I consider that the likely glare effects of the proposal on the operation of the roading network will likely be more than minor in the short term, reducing further in the long term as landscaping is established.

In terms of noise effects, the application is supported by an acoustic assessment from Marshall Day Acoustics. Anticipated sources of noise from the operation of the facility include noise from power inverters located throughout the site, the tracker motors located on each array, and from the energy storage system. Marshall Day considers that the development will comply with permitted noise standards in the Rural Resource Area under Rule 4.7.6E, and typically be around or below current ambient noise levels. In this context, I consider it likely that the operation of the facility will have no more than minor noise effects on the wider rural environment.

The construction of the facility will also generate noise and vibration. The applicant, based on recommendations from Marshall Day Acoustics, has volunteered conditions requiring compliance with NZS 6803:1999 "Acoustics – Construction Noise" and German standard DIN 41503:2016 "Vibration in buildings – Part 3: Effects on structures". I consider this to be adequate to reduce temporary noise effects associated with construction works on wider rural character to a point where they are likely to be minor, at most.

In terms of construction traffic, access to and from the site has been modelled by transportation planners from Abley on behalf of the applicant. They indicate that, provided vehicle accesses were upgraded and traffic was managed to avoid heavy vehicles not using specific accesses or circulation patterns, the anticipated levels and types of vehicle traffic

attracted to the site during construction and operations would have a minor effect on the operation of the transport network, at most. I concur with this assessment.

The applicant notes that the land underneath the proposed solar farm is intended to remain grazed. Farm infrastructure, such as fencing and water sources are proposed to be retained, provided that some infrastructure may be relocated or redesigned around the operational requirements of the solar farm. In this context, I consider the adverse effects of the proposal on the productive capacity of the soil likely to be minor, at most.

The site is predominantly covered in exotic vegetation. However, the applicant does identify several areas where indigenous species are more prevalent. These are primarily located around waterways and wetlands on the site. The application is supported by an ecological assessment prepared by Boffa Miskell. This assessment proposes exclusion areas around two wetland areas, several offsetting planting areas elsewhere on the site and measures to minimise risks to nesting birds during construction as the primary mechanisms of managing the effects of the proposal on indigenous biodiversity, in particular. Provided these measures are undertaken, they consider that the ecological effects of the proposal will be minor, at most. I concur with this assessment.

DECISION: EFFECTS ON THE ENVIRONMENT (S95A(2))

Overall, the proposed activity is likely to have adverse effects on the wider environment that are more than minor. Therefore, public notification is required under Step 3.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A(5)(b)(i), public notification is required as identified in the assessment above.

EFFECTS ON PERSONS

While the application meets the threshold for public notification, the applicant had requested the application be notified to two parties. I consider it appropriate to notify these parties specifically, as a courtesy. They are as follows:

J R Crossan Ltd
512 Ranfurly-Naseby Road

G F Dowling Ltd
366 Ranfurly Back Road

OVERALL NOTIFICATION DETERMINATION

Given the conclusions made under s95A, the application to be processed on a publicly-notified basis. In addition, the parties listed in above should be served a courtesy notice of the proposal as it is likely to have effects on them, specifically. It is noted that the determination, as to whether an application should be notified or not, is separate from the issues to be considered in making a decision on the application itself.

Prepared by:

Adam Vincent
Planning Officer

Date: 27 May 2024

Reviewed by:

Oli Monthule-McIntosh
Planning Consultant

Date: 30 May 2024

Approved under Delegated Authority by:

Lee Webster
Planning and Regulatory Services Manager

Date: 31/5/2024