

11 June 2025

Far North Solar Farm Ltd
c/- WWLA
10/1 Putaki Drive
Kumeu
AUCKLAND
Attention: Laila Alkamil

BY EMAIL: [REDACTED]

Dear Laila,

**‘THE POINT’ SOLAR PROPSAL BY FAR NORTH SOLAR FARM LTD
MDC REVIEW OF FAST TRACK SUBSTANTIVE DRAFT APPLICATION**

Thank you for providing an updated draft version of the substantive application to be considered under the Fast Track Approvals Act 2024 (FTA). The substantive application has been prepared by Williamson Water & Land Advisory Ltd (WWLA) in accordance with section 43 and Schedule 5 of the FTA.

Background

Far North Solar Farm Ltd (FNSFL) seeks to construct a solar farm on approximately 680ha of pastoral land within the 968ha property on State Highway 8, Lake Benmore. In addition to the main solar array, the proposal includes both temporary and permanent buildings, fencing, earthworks, formation of access, internal tracks, the laying of underground cables, and vegetation clearance.

Prior to the FTA process, a resource consent application (Council Reference RM230057) was lodged in June 2023 with Mackenzie District Council (MDC) under the Resource Management Act 1991 (RMA). That application proceeded through a joint public notification process (along with the consents required from Environment Canterbury (ECan)), with submissions received, before being placed on hold. Those applications were formally withdrawn on 12 February 2025 following the solar farm project being listed in Schedule 2 of the FTA (Application ref. FTA006).

The notification and submission process of the previous application enables some assessment of the matters of concern raised by the community in response to the proposal. The key matters raised by submissions being summarised as:

- a. Adverse effects on the outstanding landscape values of Te Manahuna/the Mackenzie Basin.
- b. Visibility from public spaces, nearby roads, tracks and higher points such as the Benmore Range.

- c. The potential loss of threatened bird breeding habitat for species such as kāki/black stilt, tarāpuka/blackbilled gull, pohowhera/banded dotterel and tarapirohe/ black fronted tern.
- d. Risk of bird strike, bird deterrence and bird disturbance.
- e. Site access via an existing easement and the adverse effects resulting from use of this easement by vehicles during the construction period in particular.
- f. Weed and pest control concerns and the management of on-going biosecurity risk.
- g. Potential adverse effects of the solar panels on native flora and fauna, due to shade and intensive reflected light.
- h. Fire risk.
- i. Adverse impacts on the safe and efficient functioning of State Highway 8 in terms of ensuring an integrated, safe, and sustainable transport system.
- j. Cumulative effects and precedent set by the construction and operation of this first large scale proposal in Te Manahuna/Mackenzie Basin.
- k. Adverse impact on the character of the ancestral landscapes in the takiwā of Te Rūnanga o Moeraki and Te Rūnanga o Waihao.
- l. Energy intensive nature of solar panel construction and sustainability concerns.
- m. Positive benefits of renewable energy generation.

Changes to Substantive Application

Various changes have been made from that proposal submitted as part of the previous resource consent application. In addition, the draft substantive application includes additional technical assessment to address some of the concerns raised in the submissions on the previous resource consent application as summarised above.

Key Changes to the application:

- Minor change to the overall solar farm output from 420MW to 450MW, mainly due to panels increasing from 595W to 625W (both being bi facial).
- Additional entrances for site access and to manage fire risk.
- Access being exclusively via Bendrose Farm (i.e., not over Lot 1 DP 470213).
- Slight reduction in ecological enhancement/reserve area from 89ha to 81.1ha.
- Reduction in the total number of restoration plantings from circa 500,000 to 100,000 over a 5-year period.
- Subdivision proposal to split the underlying property into four (4) separate land parcels; being the farming operation (289ha), Solar Farm (678ha), Switchyard (0.34ha) and Substation (0.63ha).
- Inclusion of a 2.6ha Department of Conservation (DOC) administered reserve for Robusta grasshopper.

Additional Assessments Provided:

The key additional technical assessments included in the draft substantive application that did not form part of the previous resource consent application include:

- Solution Study Report - investigates the design of a new cut-in structure/grid injection point (GIP) proposed to be installed on the Benmore-Islington-A (BEN-ISL-A) line. Primarily a report for the consideration of Transpower NZ Ltd.
- Ecological Enhancement Plan – sets out a process restore and enhance habitat on the site to be representative of indigenous Te Manahuna/Mackenzie Basin ecosystems. Includes planting, establishing a reserve for the robust grasshopper, enhancing habitat for invertebrates, plants, and lizards, and establishing predator control.
- Glint and Glare Study – updated report from that provided previously. Uses the Solar Glare Hazard Analysis Tool (SGHAT) developed by Sandia National Laboratories to evaluate glare resulting from the proposed solar farm from different viewpoints.

- Bird Strike Reports – Assessment and peer review of the matters raised in the paper authored by Dr Colin O’Donnell, DOC Principal Science Advisor, on the potential impact of solar farms on birds generally, and ‘The Point’ proposal specifically.
- Fire Risk Assessment – discusses Emergency Response Plan (ERP) and a Construction Fire Risk Management Plan (CFRMP) development in consultation with FENZ to be implemented prior to construction commencing. These will inform fire fighters of site-specific risks and facilities, allow site familiarisation as well as enable FENZ to develop a pre-determined plan should a fire occur.

The substantive application also includes further detail regarding the further engagement and consultation undertaken with mana whenua and DOC; as well as an updated set of proposed conditions.

District Plan Framework and Assessment

The application site lies within Te Manahuna/Mackenzie Basin. Te Manahuna/Mackenzie Basin is the largest and most complex intermontane basin in New Zealand, and is home to a number of Threatened and At Risk species. Te Manahuna/Mackenzie Basin is an Outstanding Natural Landscape under the Mackenzie District Plan (MDP), and is within an area identified as being of high visual vulnerability. The site is adjacent to ecological Sites of Natural Significance and an Important Bird Area.

The MDC is in the process of reviewing the District Plan. Stage 3 of the Mackenzie District Plan Review, being Plan Changes 23 to 27, was notified on 4 November 2023, and the decisions on the plan changes were notified on 5 August 2024. This has resulted in changes to the planning framework applying to the proposed activity since the previous resource consent application was lodged and notified.

In particular, Plan Change 26: Renewable Electricity Generation and Infrastructure (PC26), inserts a new ‘Renewable Electricity Generation’ Chapter (REG) and ‘Infrastructure’ Chapter (INF), within a new ‘Energy, Infrastructure, and Transport’ section, in ‘Part 2 – District-Wide Matters’.

With the release of Council’s decision on submissions, all provisions in Plan Changes 23-27 now have legal effect, but it is only those not subject to appeal that are to be treated as Operative pursuant to section 86B of the RMA.

Various appeals have been lodged in relation to the REG and INF Chapters as part of PC26. Mediation has taken place and Mediation Agreements signed. However, at the date of writing no Consent Orders other than that relating to the appeal of Transpower NZ Ltd (ENV-2024-CHC-89) have been signed by the Environment Court.

On that basis the provisions of the MDP pre-PC26 are also relevant to the consideration of this application. These provisions have not been assessed in the draft substantive application, which largely refers only to those updated provisions sought to be included by way Plan Changes 23 to 27.

Plan Assessment (Pre PC23 to 27)

The MDP defines ‘utility’ as including any facilities, structures and works necessary for, incidental to and associated with providing for the generation and transmission of energy. The proposed solar array is therefore defined as a Utility. The proposed solar modules, roading, earthworks, permanent office, permanent switchgear containers and temporary shipping containers during construction are included in the definition as *“facilities, structures and works necessary for the generation and transmission of energy”*. Similarly, the new substation and various other GIP works and facilities required to connect to the existing 220kV BEN-IL-A line are also considered to fall under the definition of a Utility.

Section 16 of the MDP contains the utility rules, which *“take precedence over any other rules that may apply to utilities in the District Plan, unless specifically stated to the contrary”*. Therefore, the utility rules take precedence over the Rural Zone rules.

In terms of the Rules included in Section 16 of the MDP, the proposal is considered to be a Discretionary activity under Rules 1.5e as the solar array as a generation facility is not specifically provided for under the Utility Rules contained in the MDP.

Plan Change 18

The Council is also in the process of reviewing the MDP provisions relating to the ongoing loss or potential loss of indigenous biodiversity, with a particular focus on meeting the requirements of the Canterbury Regional Policy Statement (CRPS). Plan Change 18 (PC18) introduces a new Section 19, along with a revised set of indigenous vegetation clearance rules, and inserts new definitions of the terms 'indigenous vegetation', 'vegetation clearance' and 'improved pasture'. PC18 was notified on 20 December 2017.

The Environment Court made a Declaration (Decision No. [2017] NZEnvC 202) that within the Mackenzie Basin Subzone Rules 1.1-1.3 in PC18 shall have immediate legal effect upon notification (pursuant to section 86B(3) and 86D(2) of the RMA). This is on the basis that these rules both protect areas of significant indigenous vegetation and control vegetation clearance of areas of indigenous vegetation or habitats of indigenous fauna that are significant under section 6(c) RMA. The Council's Decision on PC18 was appealed, and the matter is currently before the Court.

A note included in Section 19 makes it clear that the rules relating to indigenous vegetation clearance, including clearance undertaken as part of another activity, apply in addition to the provisions in other sections of the MDP. This note specifically references those rules found in Section 16 Utilities. On that basis there is no question as to whether the rules relating to indigenous vegetation clearance apply to the proposed activity.

The application site contains deliberately sown exotic pasture species and is managed for livestock grazing. An existing centre pivot irrigator is located in the northwest corner of the site, but does not form part of the proposal. The AEE states that the site is made up entirely of improved pasture. However, the ecological assessment prepared by Wildlands Consultants Ltd provided with the draft application (Appendix G) notes the sweet briar-matagouri shrubland supports matagouri (At Risk – Declining), and the stonefield drylands support populations of mat daisy and stout dwarf broom (both At Risk – Declining). Furthermore, the ecological assessment states that development of the solar farm could result in some individuals of these species being removed. This assessment also notes that each of the vegetation and habitat types identified within the site meet the CRPS criteria for being ecologically significant; and that two of those vegetation habitat types, being sweet briar-matagouri shrubland and stonefield drylands, meet the definition of indigenous vegetation in the MDP.

The Wildlands assessment refers to the possibility for the design of the solar farm to avoid areas with indigenous and ecologically significant vegetation and known locations of Threatened and At Risk plants, but acknowledges that *"more detailed vegetations surveys will be required to ensure that At Risk species are avoided wherever possible"*¹. On that basis it is considered that it is not certain that the rules included in PC18 of the MDP can be met. Any clearance of vegetation within an area of significant indigenous vegetation or significant habitat of indigenous fauna is a non-complying activity.

REG & INF Chapter Assessment

The introduction to each of the REG and INF Chapters introduced through PC26 sets out that in addition to the provisions in those chapters, the provisions listed in Table 1 therein also apply. The Introduction makes it clear that beyond the provisions listed in Table 1, no other plan provisions apply, except where specified within the provisions themselves.

¹ Section 12.2, page 36 of Appendix G submitted with the Draft Substantive Application.

The significance of that is that various General Rural Zone (GRUZ) and Earthworks (EW) provisions referred to in Table 6 of the AEE under the heading 'Mackenzie District Plan Assessment' included in the draft substantive application do not apply to the proposed activity.

The key provision is **REG-R7**, which sets out that 'Any renewable electricity generation activities not otherwise listed including associated clearance of indigenous vegetation and earthworks for roads and access tracks' located within an Outstanding Natural landscape shall be a discretionary activity.

The proposal also includes the installation of underground cable from Tower BEN-ISL-A0079 up to the proposed new Substation and a second cable back to the same tower. The utility provisions of the Operative MDP do not specifically provide for underground cables. However, PC26 includes a new rule, **INF-R7**, specifically addressing 'Below Ground Infrastructure'. This sets out this activity is permitted activity where it complies with INF-S1 (Sensitive Areas), INF-S5 (Indigenous Vegetation Clearance), and EW-S4 (Accidental Discovery Protocol). It is noted these provisions are not subject to Appeal so can be treated as operative. The draft substantive application AEE refers to **INF-R7** being subject to appeal, which is not the case.

Subdivision

It is noted that **SUB-R3** refers specifically to 'Subdivision to Create Access, Reserve, or Infrastructure Sites' and this is a restricted discretionary activity. This provision would apply to the proposed creation of the smaller allotments for utility/infrastructure purposes. This provision is not referred to in the substantive application.

Otherwise, the subdivision proposed is a discretionary activity under **SUB-R8**, being within the Te Manahuna/Mackenzie Basin ONL, but outside of a Farm Base Area.

Activity Status/Summary

The MDP assessment included in the draft application refers to rules introduced through PC26 that are subject to appeal without assessing the former provisions included in the Operative Plan. Otherwise, in various instances GRUZ and EW provisions are assessed that do not apply to the proposal given the direction set out in the Introduction to the REG and INF chapters.

The rules included in PC18 are not assessed, even though comments included in the Ecological Assessment included in Appendix G to the draft AEE do not discount the possibility of significant indigenous vegetation being removed. This needs to be clarified, and would result in a non-complying status in terms of the District Plan if this was the case.

MDP Objectives and Policies

The draft application includes an assessment of the Objectives and policies included in the MDP relevant to the consideration of this solar farm proposal; including those in PC18, which contrasts with the lack of assessment of the PC18 rules as outline above.

The key comment is the lack of assessment of the objectives and policies contained in the GRUZ and NFL chapters introduced through PC23. The assessment relies only on those objectives and policies contained in the 'Operative' Plan (noting that those introduced via PC13 were effectively carried over into the NFL policy framework applying to the Te Manahuna/Mackenzie Basin in any case).

Other Relevant Planning Documents

The draft application assesses all other relevant planning documents in terms of the requirements that would typically be required of a resource consent application under section 104(1) of the RMA.

One notable exception being a lack of reference or assessment against the National Policy Statement on Indigenous Biodiversity (NPS-IB). As referenced above, the potential for removal of significant indigenous vegetation referred to in the supporting technical assessment does not appear to be recognised in the body of the AEE or planning assessment undertaken.

Assessment of Effects

The assessment of the actual and potential adverse effects, as well as positive effects of the proposal are well covered and supported by specialist technical assessment as appropriate.

As guided by the MDP policy, the key matters for assessment of an application within the Te Manahuna/Mackenzie Basin are potential loss of indigenous biodiversity and maintenance of landscape and cultural values.

The previous resource consent application was peer reviewed by a Landscape Architect on behalf of Council, although due to the stage in the process the application was withdrawn no formal report was prepared. In any case, concerns were raised regarding the scale of visual change represented by the proposed solar farm in those location, with the resultant impact on the landscape character of Te Manahuna/Mackenzie Basin ONL as a whole.

Concerns were also expressed regarding the impact on natural character values given the location at the confluence of the Twizel/Ohau and Takapō/Tekapo Rivers; and immediately adjacent to the Lake Benmore. It is also understood that this location adjacent to surface waterbodies is of concern to Te Rūnanga o Arowhenua and Te Rūnanga o Waihao. The Ngāi Tahu Claims Settlement Act included as cultural redress mechanisms to recognise and give practical effect to Ngāi Tahu mana over taoka resources and cultural landscapes. This includes the statutory acknowledgement of the association of Ngāi Tahu with Lake Benmore, Ōhau, Pūkaki and Takapō, and the provision of a nohoaka on the Haldon Arm of Lake Benmore.

Summary

The draft substantive application is a comprehensive body of work and provides additional detail of the proposal beyond that submitted in support of the previous resource consent applications to both the MDC and ECan.

Having reviewed the draft application, there appears to be some inconsistency in the Mackenzie District Planning requirements relating to the proposal. This is not unusual given the rather complex status of the planning provisions as various plan changes make their way through the process as a result on plan changes 18 and 23 to 27.

The status of the proposal with regard to the provisions relating to the removal of significant indigenous vegetation should be clarified, as there appears to be an inconsistency between the technical Ecological Assessment and the Mackenzie District Plan Assessment found in the AEE. This also flows through to the relevance of an assessment against the NPS-IB.

In terms of effects, the actual and potential landscape effects of a proposal of this scale in this location remain a concern to the Council; along with the potential impacts this has on the ancestral cultural values of the area to Te Rūnanga o Arowhenua and Te Rūnanga o Waihao (as expressed in their submission on the resource consent application).

Please do not hesitate to contact me if you have any questions regarding the above comments on the draft substantive application.

Kind Regards,



Julie Shanks
MDC Planning Manager

The Point – Fast-track Approvals - Substantive Application Comments

Consent Requirements

The application does not identify the requirement for an ongoing operational stormwater discharge consent from the general solar farm area – Section 5.3, Table 7.

A Section 15 discharge permit is required under Canterbury Land and Water Regional Plan Rule 5.97, as the discharge of stormwater from the impermeable solar panels at the site cannot meet Condition 2(d) of Rule 5.96, as a utility-scale solar farm is not a residential, educational, or rural activity.

The AEE does not consider that dust discharges will be significant, though Bendrose Farm, the neighbour through whose land the site access road runs, submitted on the application concerned about dust from the significant increase in heavy traffic.

Section 6.7.2 dismisses any concerns around dust.

Section 5.6.1 notes that the applicant has reached agreement for easements with Bendrose Station. If those agreements cover those dust concerns, that would cover off any concerns over dust, given that Bendrose are the only apparent receptor at risk for dust effects, but a full FIDOL assessment (per Schedule 2 of the Canterbury Air Regional Plan) would be best to properly identify potential dust effects, as this would include full assessment of wind directions, dust generation, potential receptors etc.

Dust issues could be covered under either Rule 7.32 or 7.3 of the Canterbury Air Regional Plan.

Groundwater effects

Advice from the CRC Groundwater section on the RMA application recommended intermittent, 1, 2, or 5-yearly, groundwater testing for potential contaminants of concern from leaching, e.g. heavy metals. Given that the contaminants of concern may increase over time as the infrastructure ages, this testing should continue over the life of the solar farm, and final testing of the soil at decommissioning should also be undertaken, with conditions requiring remediation of any contaminated areas.

Soil Effects

The application (Section 6.4) states that there will be no effects on soils as the site is classed as LUC 6 (land use capability classification as good hill country).

Advice from CRC Soil Resources section was that soils at the site are already degraded, and there may be increased risks of erosion and soil quality/health, especially noting that the concentration of water by the solar panels may alter the erosion caused by rainfall, and that the panels may induce microclimates where there may be a permanent rain-shadow, and areas where rain-drip is concentrated by the panels, though they acknowledged these effects are uncertain.

Soil Resources recommended that vegetation cover across the site be improved and maintained across the site, and recommended a monitoring programme to evaluate any impacts on soil quality within the micro-climates generated by the PV panels, noting that this could be adaptive with bi-annual monitoring that could cease after 10 years if review indicated no significant changes.

Conditions

Acknowledging that the proposed conditions are a draft, they do not currently address all issues to manage the operational risks identified during processing of the CRC applications.

The conditions should include comprehensive operational stormwater management requirements for both the general solar farm site, to manage both the panel and inverter unit discharges, as well as the substation discharges.

As above, the general solar farm site conditions should include ongoing monitoring for heavy metals, which should continue for the life of the solar farm as leaching may increase over time as the panels age, as well as monitoring of soil conditions which could be adaptively managed if no significant effects are observed.

The substation stormwater discharges would require conditions to ensure that an oil separator system is included in the treatment train, e.g. CRC190845, or CRC250133. The application does propose such a system (Section 4.7.3), though this should also be included in conditions. Further conditions around the checking/cleaning of these systems after any spill are also appropriate.

Also, as a general note, the conditions use “shall”, “must”, and “should”. The use of “should” is inappropriate as it is not as directive as “shall” or “must”.

Policy Assessments

I generally agree with the assessments against the Canterbury Regional Policy Statement given in Section 7.7.

I would however note that there is no objective/policy assessment against the Canterbury Land and Water Regional Plan, which would be appropriate for a proposal of this scale and significance.

Conclusion

The effects are all assessed in the application, the key thing missing is the operational stormwater discharge consent for the solar farm area, as well as more comprehensive conditions.

These are initial comments, and we’re happy to meet and discuss any of the above if wanted.

Best regards,
Reuben Herz-Edinger
Consents Planner