

14 May 2026

Environmental Protection Authority
Private Bag 63002
WELLINGTON 6140

By Email: info@fasttrack.govt.nz

Dear The Honourable Raynor Asher KC

Re: FTAA-2509-1100 Far North Solar Farm: Response to Invitation to Comment – [REDACTED]

Our clients, [REDACTED] and [REDACTED], thank the Panel for the opportunity to review and provide comment on:

- The updated information provided by Far North Solar Farm (the **Applicant**), contained in the 'Response to Request for Information 7' and associated appendices dated 06 May 2026 (**RFI-7 Response**); and
- The updated condition set filed 21 April 2026.

Please find set out below our client's response to the questions identified in the Panel's Request for Information – [REDACTED] dated 07 May 2026.

Clarification

In this letter, the 'Bendrose Farm Access' means the accessway from State Highway 8 to Bendrose Farm depicted in 'Figure 3.7: Proposed Site Access Plan from SH8', reproduced from the Draft Traffic Impact and Construction Traffic Management Plan dated 28 January 2026:



Figure 3.7: Proposed Site Access Plan from SH8

LKC-130058-8-225-V6-e

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BARRISTERS & SOLICITORS



Question 1 – Whether the updated access route information satisfies (in whole or in part) any concerns previously expressed by our clients

Our understanding of the updated access route information provided in the RFI-7 Response is as follows:

- Construction Phase: The proposed access route is via State Highway 8 / Bendrose Farm Access only.
- Operational Phase: The Applicant proposes that its primary operational access route would be via the right of way over our clients' property (Lot 1 DP470213) (**Lot 1**). The Applicant states "the alternative construction access via the Bendrose Farm corridor is not required for low-volume operational traffic."¹
- Decommissioning Phase: The proposed access route is via State Highway 8 / Bendrose Farm Access only.

The updated access route information partly satisfies the concerns previously expressed by our clients in that it confirms that no Construction or Decommissioning Phase traffic will use the easement over their land.

However, our clients remain strongly opposed to any use by the Applicant of the right of way over their land (Lot 1) for **any** purpose, including 'Operational Phase' traffic. Despite the volume of information now before the Panel, the Applicant has not explained **why** it seeks to use the right of way for Operational Phase traffic at all, and why this is necessary given the existence of the Bendrose Farm Access (which is to be upgraded for the purposes of this project). We consider that this is a glaring omission.

Our clients reiterate that the application (as originally proposed) stated² — and the Applicant previously assured them in writing³ — that **all** access to the solar farm site would be exclusively via an alternative route (now Bendrose Farm). Our clients are not aware of any reason that would preclude the Applicant from using the Bendrose Farm access during the Operational Phase. It is their understanding the Applicant will have use of the Bendrose Farm access for the full duration of the project.

Limited Access Road and Access onto the State Highway during the Operational Phase

We understand due to the change in land use of the Occupation Site, the Applicant is required to obtain approval for the Bendrose Farm Access to be an 'authorised crossing place'.⁴ In the information before the Panel, it seems the Applicant has undertaken the required assessments by New Zealand Transport Authority Waka Kotahi (**NZTA**) and is committed to completing the agreed upgrades to the Bendrose Farm access in accordance with section 91 of the Government Roadway Powers Act 1989, to allow NZTA to approve registration of a new crossing place notice on the relevant records of title. We have no concerns with this.

¹ RFI-7 Response at 2(a).

² At page 14 of the Substantive Application AEE (section 3.1), the access to the Site is described as follows: *The Site is accessed off State Highway 8, east of the Twizel River and via a 7 km gravel farm track through the Bendrose Farm.*"

³ Email from John Andrews dated 16 February 2024 (included as Annexure A to our client's comments before the Panel dated 19 February 2026).

⁴ Memorandum of the New Zealand Transport Agency Waka Kotahi on The Point Solar Farm Project, dated 19 February 2026.

However, we understand that such authorisation would also be necessary in order for Operational Phase traffic to use the right of way over our clients' land.

We also consider it unlikely (from its published guidance) that NZTA would allow a second access point onto a limited access road solely for Operational Phase traffic, when an approved crossing place (the Bendrose Farm accessway) is accessible and used for all other purposes associated with the proposed Solar Farm, is located a short distance away, and is an approved and newly upgraded Type E accessway.

Adequacy of Updated Access Route Information

At 2(a) of the RFI-7 Response, the Applicant states that “typical operational traffic will comprise light vehicles (utes & vans)”. However, the Applicant in the same and subsequent paragraphs also describes Operational Phase traffic as including:

- “service vehicles for specialist maintenance activities”; and
- “delivery vehicles for the replacement of any equipment”, including “heavy vehicle movements”.

The Applicant's characterisation of Operational Phase traffic as predominantly comprising light vehicles is therefore misleading. The Applicant's own documentation confirms that heavy vehicle movements will also occur during the Operational Phase.

Any use of the easement by solar farm traffic — including, in particular, heavy vehicle movements — will have a significant adverse effect on our clients and their property. Our client's concerns in this regard are set out in detail in their comments before the Panel dated 19 February 2026 and 12 March 2026, and are not repeated here but are relied upon. We also note the Applicant has provided conflicting information regarding the expected volume of Operational Phase traffic, which undermines the reliability of its assessments.

In its RFI-7 Response, the Applicant states that maximum vehicle numbers are expected to be “fewer than 2 – 3 vehicle movements per day”. (We note that a single vehicle movement constitutes one trip in one direction only — not a return journey. This is material, given the responses from the Applicant refer to ‘traffic movements’).

Despite this, the Proposed Condition for traffic volumes set out in Table 2.b of the RFI-7 Response specifies that traffic movements will be “5 vehicle movements per day” with the ability to exceed this number by giving notice to Mackenzie District Council.

Then, the Draft Operation and Maintenance Plan (dated 30 March 2026) provided as part of the suite of updated conditions (dated 21 April 2026) differs again, stating that “Operational traffic volumes are expected to be low (typically fewer than 5 – 10 vehicle movements per day)”.

The Applicant has provided three materially different figures across the documents, none of which are reconciled or explained. The Panel cannot be satisfied, on the basis of the Applicant's own inconsistent information, that the effects of Operational Phase traffic on our clients and their property have been adequately identified or assessed.

We note that the proposed condition in relation to “occasional delivery vehicles” set out in Table 2.b of the RFI-7 Response as drafted is ultra vires. Section 108 of the Resource Management Act 1991 (**RMA**) requires that consent conditions be clear, certain, and enforceable. A condition that sets a daily traffic limit of 5 vehicle movements “under normal operations” but then permits that limit to be

exceeded for equipment delivery vehicles by simply by giving notice to Council does not constitute a meaningful limit at all. It is, in effect, an unconstrained permission dressed up as a condition.

We further consider that such a condition is objectionable on the following specific grounds:

- **Lack of certainty:** A condition must be sufficiently certain that those bound by it, and those affected by it, can understand what is and is not permitted. A condition that permits unlimited exceedance on mere notification to Council provides no meaningful certainty to affected landowners. Our client would also be unable to object to exceedances, or verify compliance.
- **Unenforceability in practice:** Where a condition sets a limit that can be overridden by notification alone, without any independent assessment or approval, it cannot meaningfully be enforced. Council would have no basis to take enforcement action against exceedances that have been "notified," regardless of their frequency or impact.
- **Fettering of the consent authority's discretion:** A condition that pre-authorises unlimited future exceedances by notification effectively delegates to the consent holder the ability to set their own traffic limits, without any further consideration by the consent authority of effects on affected parties.

Any consent conditions imposed must specify a firm maximum daily limit on traffic volumes with no ability to exceed that limit without a formal variation to the consent under section 127 of the RMA, which would require notification to affected parties including our clients. This is particularly important given the variation in vehicle movements provided by the Applicant.

Furthermore, we note that in Attachment 8 to the Applicant's Response to Comments Received, dated 26 February 2026 - NZTA Submission, the Applicant accepted NZTA's requirement that all delivery vehicles will enter and exit via the upgraded SH8 vehicle crossing (i.e., the Bendrose Farm Access).⁵ Therefore the Applicant's proposal that delivery vehicles which form part of the Operational Phase traffic use the right of way over our clients' property contradicts the Applicant's previous acceptance of NZTA's requirement [12.3].

Photograph provided by the Applicant its RFI Response

We are instructed that the photograph taken by the Applicant at the Panel's request (attached as Appendix A to the RFI-7 Response) was not taken from outside the front door of our clients' dwelling, as the Panel had requested. Instead, it was taken from ground level. This is significant because our clients' house is constructed on a 500mm concrete platform, with floor space above, meaning the dwelling sits approximately 800mm above ground level — as illustrated in the photograph provided by our clients below. We are instructed that when the photographer attended the Property, our clients did draw attention to this issue and suggested the photograph be taken from the decking outside the front door, consistent with the Panel's request.

The effect of this is that the Applicant's photograph understates the visual amenity effects as experienced by our clients. A photograph taken from the front door at the correct height would have captured a higher and more direct sightline toward the proposed access route, over and through the existing vegetation. The visual amenity effects as actually experienced by our clients from their dwelling are therefore materially worse than the Applicant's photograph depicts.

⁵ At point [12.3].



Notwithstanding the manner in which it was taken, the Applicant's photograph itself is instructive. It clearly illustrates the gaps in the existing vegetation along the proposed access route over Bendrose Farm, and confirms that the route would be clearly visible from our clients' Property. In that respect, the photograph supports rather than undermines our clients' position. It confirms that the mitigation measures sought by our clients in their comments dated 12 March 2026 — including the construction of a natural bund and associated plantings — are necessary to adequately mitigate the visual amenity and other adverse effects of the proposed access route on our clients and their property.

Question 2 - Whether our clients consider there are material deficiencies in relation to the use of the roads outside their property in the information now before the Panel

Dust Assessment

The Applicant's Dust Management Plan, prepared by Williamson Water and Land Advisory, was noted in our clients' original comments dated 19 February 2026 as being limited to the solar farm site itself, excluding the proposed access route over our clients' land. The RFI-7 Response does not clearly remedy this deficiency in relation to the Bendrose Farm access corridor.

While the RFI-7 Response refers to active dust suppression being applied to "unsealed sections of the Construction Access Road", it is not clear from the information provided that the Dust Management Plan adequately addresses dust generation along the full length of the Bendrose Farm access corridor — in particular, the section of the corridor in closest proximity to our clients' Property.

This matters because, as our clients have consistently noted, the Mackenzie Basin climate is characterised by strong and persistent winds. Our clients have direct experience of the dust effects generated by even low levels of traffic on the existing gravel track, as illustrated in the photograph included in their supplementary comments dated 12 March 2026. The proposed mitigation measures — water cart suppression and a 20 km/h speed limit — may be insufficient to prevent nuisance dust reaching our clients' dwelling, particularly during the dry and high-wind conditions that are common in this location.

Our clients therefore maintain that the Dust Management Plan must be extended to expressly cover the full length of the Bendrose Farm access corridor, and must include specific measures — developed by a suitably qualified air quality expert — to ensure that no nuisance dust reaches our clients' dwelling on Lot 1. The Plan should be submitted to and certified by Canterbury Regional Council prior to the commencement of any works, including any works on or use of the Bendrose



Farm access corridor. This is consistent with the relief sought by our clients in their comments dated 12 March 2026.

Question 3 – Further amendments our clients consider are required to the updated condition sets

Before addressing the specific deficiencies in Table 2.b, it is important to record our clients' overarching position. Our clients strongly oppose any use of the right of way over Lot 1 DP 470213 (granted by Easement Instrument 8634143.6) for any purpose associated with the Solar Farm, including during the operational phase. As set out in their comments dated 19 February 2026 and 12 March 2026, and as maintained in these further comments, our clients' position is that the easement over their property should not be used by the Applicant at all, and that a condition to that effect should be included in any consent granted by the Panel. We suggest the following:

Use of Right of Way — Lot 1 DP 470213

The right of way over Lot 1 DP 470213 granted by Easement Instrument 8634143.6 shall not be used by the consent holder, its contractors, subcontractors, agents, employees, or any other person acting on behalf of the consent holder, for any purpose connected with the construction, operation, maintenance, monitoring, or decommissioning of The Point Solar Farm. This prohibition applies for the duration of the consent, including during the Construction Period, the Operational Period, and the Decommissioning Period.

Site Access — Permitted Access Routes

All vehicular and pedestrian access to and from The Point Solar Farm site shall be limited exclusively to the access route or routes shown on the plan labelled [insert plan reference/date showing access being via the Bendrose Farm Access]. No access to or from the site shall be taken via any other route, including via the right of way over Lot 1 DP 470213 granted by Easement Instrument 8634143.6, for any purpose and at any time during the Construction Period, the Operational Period, and the Decommissioning Period.

The comments that follow on the proposed conditions in Table 2.b are made without prejudice to that primary position. They are provided in the alternative — that is, in the event that the Panel is minded to permit some use of the easement over Lot 1 during the operational phase despite our clients' objection — to identify the minimum conditions that would be required to provide our clients with any meaningful protection. Our clients do not accept that the conditions proposed in Table 2.b, even if improved in the ways described below, would adequately mitigate the adverse effects of operational traffic on their property and their amenity.

Deficiencies in Proposed Operational Phase Conditions — Table 2.b

Traffic Volumes

As noted above, any conditions imposed must place firm limits on vehicle types, frequency and the maximum daily volume of vehicles during all phases of the project, as well as the days and hours during which such traffic may occur. No provision should be made for those limits to be exceeded with advance notice to Mackenzie District Council.

Speed limits should also be able to be verified through GPS monitoring data with that information being provided to the Council on request.

Access Hours

The proposed condition limits planned maintenance visits and deliveries to Monday to Friday, 07:30–17:00 "where practicable". The "where practicable" qualification renders the hours restriction unenforceable in practice.

Furthermore, the emergency maintenance carve-out is unlimited in scope. There is no definition of what constitutes an emergency for maintenance purposes, no requirement that emergency maintenance visits be recorded or reported, and no limit on the frequency or duration of out-of-hours activity that could be characterised as emergency maintenance.

In the alternative to their primary position, our clients seek conditions that define "emergency maintenance" with precision, require that all out-of-hours access be recorded and reported to MDC, and impose a reasonable limit on the number of out-of-hours visits permitted in any 12-month period.

Road Maintenance

The proposed condition requires a pre-operations dilapidation survey, annual road condition inspections, and remediation of any damage attributable to operational traffic at the Applicant's cost. While these requirements are welcome in principle, the condition as drafted contains no independent verification mechanism. There is no requirement that inspections be carried out by an independent suitably qualified engineer, no requirement that inspection results be provided to our clients, and no dispute resolution process in the event that our clients and the Applicant disagree as to whether damage is attributable to operational traffic or as to the adequacy of remediation works.

In the alternative to their primary position, our clients seek conditions requiring that annual road condition inspections be carried out by an independent suitably qualified engineer, that inspection reports be provided to our clients and to MDC within 10 working days of completion, and that a dispute resolution mechanism be included in the consent conditions to resolve any disagreement between the parties regarding road condition or remediation.

Dust

Our clients seek that the sealed length of the accessway be increased to the stream crossing point and that a water cart shall be present on the Site Accessway and shall be in daily use during the Construction Phase and Decommissioning Phase of the project to suppress dust generated by traffic, or as otherwise directed by the Site Manager in response to dust generating activities or conditions as they arise. During the Operational Phase, a water cart shall be available for use on the Site Accessway and shall be required to be used to manage dust arising from Operational Phase traffic, including in response to any adverse weather or wind conditions that may give rise to dust effects beyond the Site Accessway boundary.

Our clients also request that dust monitoring is undertaken at their property with appropriate limits set in consent conditions and results being provided to them, and that they are provided with a copy of the Dust Management Plan for comment before it is provided to Council for certification.

Visual amenity

Our clients seek:

- That existing trees and vegetation along the access route shown on the plan labelled Figure 3.8 above shall not be trimmed to lower than their existing heights and shall not be removed,

to retain screening of the access way from our Property. Any dead or diseased vegetation shall be replaced with fast growing trees within the next growing season;

- The construction of a 2m high natural bund of adequate length and supplementary planting of fast growing trees and/or grasses (required to be of a suitable minimum height to provide screening of traffic on the access road from our Property at the time of planting) at the location shown in the following figure, to fill in gaps in existing vegetation that exists near the Bendrose Stream crossing.

Noise

The Applicant's proposed conditions in Table 2.b of the RFI-7 Response propose that operational maintenance activities generating noise above typical rural ambient levels are to be scheduled during standard hours and with advance notice to neighbouring landowners, with reference to NZS 6803:1999 construction noise principles being applied to operational activities.

This approach is misconceived. NZS 6803:1999 is a construction noise standard. It applies to temporary construction activities, not to the ongoing operational and maintenance activities associated with a consented solar farm. Operational maintenance activities — including vegetation management, inverter servicing, equipment deliveries, and other activities described by the Applicant in its RFI-7 Response — are not construction activities and cannot properly be assessed against, or managed by reference to, a construction noise standard.

The applicable noise standard for operational activities is that prescribed by the operative Mackenzie District Plan for the Rural Zone. Our clients are concerned that by proposing to apply a construction noise standard to operational activities, the Applicant is seeking to take advantage of the more permissive limits that standard allows, rather than the more stringent limits that would apply under the District Plan to ongoing operational noise in a rural environment.

Our clients therefore seek a condition requiring that all noise generated by operational and maintenance activities associated with the Solar Farm — including traffic on the access route — must comply with the relevant noise standards prescribed by the operative Mackenzie District Plan, and that compliance with those standards be demonstrated by a suitably qualified acoustic engineer prior to the commencement of operations.

Our clients also seek that a condition is imposed requiring regular noise monitoring to be undertaken at their property with results being provided to them and MDC.

Use of Management Plans

As outlined above, we consider it inappropriate for controls to sit within Management Plans (as proposed by the Applicant). Where a specific outcome or limit is required, the relevant control must sit within the conditions of the consent itself to ensure enforceability and effectiveness.

Complaints Process

Table 2.b contains no complaints process for the operational phase. This is a significant omission. The construction phase conditions include a detailed complaints register regime, with requirements for acknowledgement within 24 hours, investigation and response within five working days, and notification to MDC. No equivalent process is proposed for the operational phase, despite the fact that operational activities — including heavy vehicle movements, maintenance works, and equipment deliveries — have the potential to generate ongoing adverse effects on our clients and their property for the full duration of the consent.

In the alternative to their primary position, our clients seek conditions requiring that an equivalent complaint register and response process be maintained throughout the operational phase, with the same notification and response timeframes as proposed for the construction phase, and that the complaints register be made available to MDC and to our clients on request.

Limit on Phase Length

We also consider it appropriate to impose limits on the Construction, Operational, and Decommissioning Phase lengths to ensure the duration of the effects for those phases of the project is not extended past those identified in the Application.

Gaps in the Proposed Mackenzie District Council (MDC) Condition Set

Access Route and Easement

The proposed MDC conditions are entirely silent on the question of which access route is to be used for the Solar Farm. Neither the construction traffic conditions (Conditions 29–35) nor any other condition in the set expressly limits access to the Bendrose Farm corridor during construction or decommissioning periods.

Operational Phase Traffic

The proposed conditions address construction traffic in considerable detail (Conditions 29–35) and make brief reference to decommissioning traffic (Condition 146(e)), but contain no equivalent condition managing operational phase vehicle movements. There is no condition specifying the number, type, or frequency of vehicles permitted to use the access route during the operational phase, no restriction on heavy vehicle movements, no access hours condition, and no requirement for an Operational Traffic Management Plan.

Our clients seek the inclusion of conditions that:

- a) specify a maximum number of vehicle movements per day and per year during the operational phase, distinguishing between light and heavy vehicles;
- b) restrict heavy vehicle movements to a defined maximum;
- c) limit planned operational access to Monday to Friday, 07:30–17:00, with a precisely defined emergency maintenance exception that requires all out-of-hours visits to be recorded and reported to MDC; and
- d) require preparation and certification of an Operational Traffic Management Plan by a suitably qualified and experienced practitioner prior to the commencement of Solar Farm operations.

Construction Traffic Management Plan — Notification of Neighbouring Landowners

Condition 31 requires the Construction Traffic Management Plan to include measures to manage dust from unsealed roads and to plan for stock movement safety. However, there is no requirement in the conditions for the certified Construction Traffic Management Plan, or any amendment to it, to be provided to neighbouring landowners — including our clients.

Our clients seek an amendment to Condition 32 to require that a copy of the draft Construction Traffic Management Plan be provided to our clients at the same time as it is provided to NZTA, with an invitation to provide feedback within 10 working days, and that any feedback received from our clients



be provided to MDC when the plan is submitted for certification, together with a clear explanation of how each comment has been addressed.

Noise — Operational Phase

Condition 113 sets operational noise limits, but those limits apply only within the notional boundary of noise sensitive activities within the site. Our clients' dwelling is outside the site boundary. There is no condition setting operational noise limits at neighbouring properties, including our clients' Property.

Furthermore, as set out elsewhere in these comments, the application of NZS 6803:1999 construction noise standards to operational maintenance activities — as proposed in Table 2.b of the RFI-7 Response — is misconceived. The proposed MDC conditions do not include any noise condition that adequately addresses the effects of operational maintenance activities on neighbouring properties.

Our clients seek the inclusion of a condition requiring that all noise generated by operational and maintenance activities associated with the Solar Farm — including traffic noise on the access route — must not exceed the noise limits prescribed by the operative Mackenzie District Plan for the Rural Zone at the notional boundary of our clients' dwelling, and that compliance with those limits be demonstrated by a suitably qualified acoustic engineer prior to the commencement of Solar Farm operations.

Dust — Neighbouring Dwellings

Condition 122 requires the Consent Holder to adopt reasonable and practicable measures to prevent dust from causing effects beyond the site boundary, but this condition is expressly limited to preventing material damage to the Transpower National Grid transmission lines. There is no equivalent condition protecting neighbouring dwellings, including our clients' Property, from dust generated by traffic on the access route.

Our clients seek the inclusion of a condition requiring that the Dust Management Plan expressly cover the full length of the Bendrose Farm access corridor, include specific measures developed by a suitably qualified air quality expert to ensure that no nuisance dust reaches our clients' dwelling on Lot 1, and be submitted to and certified by Canterbury Regional Council prior to the commencement of any works on or use of the access corridor. Equivalent gaps in the ECan condition set in relation to dust are addressed separately in the section below headed "Gaps in the Proposed ECan Condition Set".

Pre-Construction Site Meeting — Notification of Neighbouring Landowners

Condition 24 requires the Consent Holder to arrange a pre-construction site meeting. Neighbouring landowners — including our clients, whose property directly adjoins the proposed construction access route — should be included in the invitation list.

Operational Management Plan — Traffic and Neighbouring Properties

Condition 124 sets out the required contents of the Operational Management Plan. The only reference to access in the plan is "access track maintenance" at Condition 124(d). There is no requirement for the Operational Management Plan to address operational traffic volumes, vehicle types, frequency of heavy vehicle movements, or effects on neighbouring properties.

Our clients seek an amendment to Condition 124 to require that the Operational Management Plan include:

- a) details of operational traffic volumes and vehicle;
- b) the hours during which operational access is permitted, including a definition of emergency maintenance and the requirements for recording and reporting out-of-hours access;
- c) measures to manage the effects of operational traffic on neighbouring properties, including dust suppression, speed limits on unsealed sections of the access route, and advance notification to neighbouring landowners of planned maintenance visits and equipment deliveries; and
- d) a complaints process for operational phase activities equivalent to that required for the construction phase under Conditions 4–6, including complaints register, response timeframes, and notification requirements for affected neighbouring landowners.

Gaps in the Proposed ECan Condition Set

Dust — Construction Phase (s15 Construction Discharge Consent)

The ECan construction discharge consent (s15) requires a Dust Management Plan under Conditions 14–16, prepared by a suitably qualified air quality practitioner in accordance with Schedule 2 of the Canterbury Air Regional Plan, to be certified by ECan at least 20 working days before works commence. However, the scope of that plan is limited to dust generated within the site boundary. The Bendrose Farm access corridor is off-site and falls outside the coverage of the plan as currently framed.

Our clients seek a condition requiring the Dust Management Plan to expressly cover the full length of the access corridor used to reach the site, including any unsealed sections of the Bendrose Farm access route, with specific measures to ensure that no noxious, dangerous, offensive or objectionable dust reaches our clients' dwelling on Lot 1.

Dust — Earthworks Phase (s9 Earthworks Consent)

The ECan earthworks consent (s9) contains no dust conditions whatsoever. Dust generated by earthworks activity — including excavation, soil disturbance, tracking, and stockpiling — is authorised under this consent, yet neither a Dust Management Plan nor any boundary limit condition is imposed. The prohibition on noxious, dangerous, offensive or objectionable dust at or beyond the site boundary imposed by Condition 20 of the construction discharge consent applies only to activities authorised under that consent. It does not extend to earthworks activities authorised under the separate s9 consent. This creates an enforcement gap: if dust from earthworks activity reaches our clients' dwelling, there is no condition in the earthworks consent against which a compliance action could be taken. Our clients seek the inclusion in the ECan earthworks consent of a condition imposing, at minimum, a boundary limit standard equivalent to construction discharge Condition 20, applicable to all dust generated by earthworks activities on and in connection with the site.

Dust — Operational Phase (s15 Operational Discharge Consent)

The ECan operational discharge consent (s15) contains no dust conditions. Once construction is complete, neither the ECan operational consent nor the MDC land use consent (as addressed above) imposes any enforceable dust standard applicable to neighbouring dwellings. Operational

activities that generate dust — including vehicle movements on the access corridor, panel cleaning, and routine maintenance — are entirely unregulated in this respect.

Our clients seek the inclusion of a condition in the ECan operational discharge consent requiring that no dust from the operation of the Solar Farm, including from associated traffic on the access corridor, cause a noxious, dangerous, offensive or objectionable effect at or beyond the notional boundary of our clients' dwelling. This is consistent with the standard already imposed for the construction phase under ECan construction discharge Condition 20 and should apply for the full duration of the operational consent.

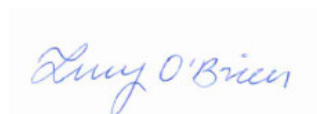
Our clients reserve the right to provide further comment on the conditions if the Panel is minded to grant consent, consistent with their rights under section 53 of the Fast-track Approvals Act 2024.

Conclusion

Our clients have asked us to express their gratefulness to the Panel for allowing them to provide comment on the proposed activity and explain their concerns.

Yours faithfully

GRESSON DORMAN & CO



Lucy O'Brien / Monique Thomas

On behalf of [REDACTED]

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