

Appendix P Rules Assessment

Fast Track Approvals Act Application

Foxton Solar Farm

Genesis Energy Limited

SLR Project No.: 810.V14848.00001

13 February 2026

Appendix P Rule Assessment

The following is an assessment of the proposal against the relevant district plan, regional plan and national environmental standards.

P.1 Operative Horowhenua District Plan 2015 (National Planning Standards Version)

District Plan provisions relevant to application site	
Zoning:	General Rural Zone
Overlays:	<ul style="list-style-type: none"> National Grid Corridor (High Voltage Transmission Corridor) running through site in irregular north to south direction Landscape Domain - Foxton Dunefields Precinct <p>Note: Application site is outside of ODP mapped areas of:</p> <ul style="list-style-type: none"> Flood hazard area Versatile land (LUC 1 and 2 soils) Coastal natural character and hazard area Notable trees Historic heritage building, structure or site Outstanding Natural Feature and Landscapes

The following analysis of rules has determined that the proposal is a **discretionary activity** overall under the Operative Horowhenua District Plan 2015. Note that only those rules/standards which are relevant to the assessment of this proposal have been addressed.

Rule	Compliance Comment
1.6 - Definitions	
<p>Building means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:</p> <p>(a) Any fence or wall which has a height of 2 metres or less.</p> <p>(b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.</p> <p>(c) Any vehicle, trailer, tent, caravan, or boat.</p> <p>(d) Any swimming pool or tank which has a height of less than 1 metre above ground.</p> <p>(e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.</p> <p>(f) Any electricity poles and towers.</p> <p>(g) Any pergola, crop structure or vertical crop protection structure.</p> <p>(h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.</p> <p>(i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached.</p>	<p>Applies to the substation, solar panel arrays, BESS and ancillary buildings.</p> <p>Electricity poles are excluded from the definition of a building.</p>
<p>Earthworks means any alteration to the existing natural ground level including re-shaping, re-contouring, excavation, backfilling, compaction, stripping of vegetation and top soil and depositing or removal of clean fill. In particular, earthworks does not include:</p> <p>(b) activities such as cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, where these activities do not reshape or recontour the land;</p> <p>(c) digging post holes;</p> <p>(d) drilling bores, digging offal pits, and burials of dead stock and plant waste and installation of services except for the application of Rules 18.6.32(b) and 19.6.14(b) National Grid Corridor.</p>	<p>The proposal includes earthworks.</p> <p>For the avoidance of doubt, the application treats the driving of piles as earthworks, due to the minor degree of compaction that occurs during that process. "Compaction" is considered earthworks under the district plan definition."</p>
<p>Hazardous Facility means any activity involving hazardous substances and the sites where hazardous substances are used, stored, handled or disposed of, and any installations or vehicles parked on site that contain hazardous substances.</p>	<p>The proposal will involve the storage, use and handling of hazardous substances, therefore the activity falls within the definition of a 'hazardous facility'.</p>
<p>Hazardous Substance means, unless expressly provided otherwise by regulations, any substance -</p> <p>(a) with one (1) or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> an explosive nature; flammability; an oxidising nature; a corrosive nature; acute or chronic toxicity; ecotoxicity, with or without bioaccumulation; or <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one (1) or more of the properties specified in paragraph (a).</p>	<p>The proposal will involve the storage and use of large volumes of oil in the transformers and the substation.</p>
<p>National Grid Corridor means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below.</p>	<p>The National Grid Corridor runs through the site in a generally north / south direction.</p>
<p>Network Utility includes any:</p>	<p>The substation, poles and electricity lines for</p>



Rule	Compliance Comment
<p>(a) aerial or mast or antennae or dish antennae; (b) tower or pole, including any wind turbine; (c) pole-mounted street light; (d) line for telecommunication, cable television, transmission, sub-transmission, or any distribution line for conveying electricity, including associated pole, or ground mounted switch gear; (e) transformer, substation, compressor station, or pumping station; (f) water supply or irrigation race, drain, or channel; (g) pipeline for the distribution or transmission of natural or manufactured gas and any necessary incidental equipment, including compressors and gate stations;</p>	<p>conveying electricity would meet the definition of 'network utility.'</p> <p>Electricity generation facilities are not covered by the definition. Therefore the solar panels and other structures (other than those referred to above) do not meet the definition of a 'network utility'.</p>
<p>Versatile Land means Rural zoned land identified on Planning Maps as containing LUC Class I or II soil.</p>	<p>The land is LUC 3, 4, 6 and 7 and therefore it does not meet the definition of 'versatile land'.</p>
<p>2.15 SUB - Subdivision</p>	
<p>SUB-R14 – Subdivision of land in the Rural Zone Activity Status: Controlled Where the following are complied with:</p> <ol style="list-style-type: none"> The relevant subdivision standards set out in SUB-S1 - SUB-S10 below. Building Area and Effluent Disposal Area: Any vacant lot (except for those lots to be used exclusively as a site for network utilities or public works including reserves or access) shall contain a Building Area and Effluent Disposal Area in compliance with the requirements below. These areas shall be shown on the Scheme Plan at the time of application. Any lot containing existing buildings and/or an existing effluent disposal system shall ensure that all new boundaries are sited to ensure that the existing buildings and/or effluent disposal system comply with the permitted activity conditions of the Rural Zone. The Building Area and Effluent Area shall comply with the following*: <p>Building Area</p> <ul style="list-style-type: none"> Shape factor of 18 metres by 18 metres; and Setback of 9 metres from any right of way boundary or road boundary of any road that is not a State Highway; and Setback of 15 metres from the road boundary of any road that is not a State Highway; and Setback of 9 metres from any side or rear boundary; and Setback of 15 metres from any bank or edge of a river, stream, wetland, or waterway; and Setback of 15 metres from any Significant Natural Area; and Setback of 20 metres from the inland toe of authorised stopbanks; and Setback of 32 metres from the centre line of High Voltage Transmission line; and Not located within any flooding or inundation hazard area identified on the Horowhenua Flooding and Ponding Maps. <p>Effluent Disposal Area</p> <ul style="list-style-type: none"> Minimum area of 400m²; Separate minimum reserve area of 200m² on the same lot for future use; Setback of 1.5 metres from any boundary; Setback of 20 metres from any river, lake, natural wetland or artificial water course or coastal marine area; No part of the area shall have a gradient over 18 degrees (3 horizontal – 1 vertical); <p>OR</p> <ul style="list-style-type: none"> Be a design for effluent fields based on soil type and other considerations as detailed in Horizons Regional Council Manual for On-Site Wastewater Design and Management which will include: A maximum discharge to land not to exceed 2000 Litres/day per disposal field, and Have suitable soils and groundwater conditions, and the loading rate shall not exceed 3 Litres/m² /day. <p>*Note: Once approved, the development of each lot does not necessarily need to be restricted to the Building Areas and Effluent Disposal Areas identified on the proposed Scheme Plan. It should be noted that where an area is to be used that is not within an area identified at the time of the subdivision, then the proposal will require a more stringent assessment prior to the granting of the Building Consent.</p> <p>Activity status where compliance with SUB-S1(i) is not achieved: Restricted Discretionary</p>	<p>Complies</p>
<p>SUB-R17 – Subdivision of land in the Rural Zone within 32 metres of the centre line of High Voltage Transmission Lines Activity Status: Restricted Discretionary Where the following are compliance with:</p> <ol style="list-style-type: none"> The relevant subdivision standards set out in SUB-S1 – SUB-S10 below. 	<p>Complies</p> <p>The substation is the nearest lot to the National Transmission lines and this is further than 32 metres from the centre of these lines.</p>
<p>SUB-25 Subdivision not otherwise provided for Activity Status: Discretionary</p>	<p>Discretionary Consent Required</p> <p>As the proposed subdivision does not comply with the maximum lot size for utility services and creates an additional rural-residential title in a manner not provided for by the rules in the plan,</p>



Rule											Compliance Comment
											and details of services are not provided for all lots, discretionary consent is required.
Subdivision Standards											
SUB-S1(a) Sites for Network Utilities – Controlled Activity Subdivision No minimum area or shape. In the Rural Zone, the maximum area of a site for exclusive use of network utilities shall not exceed a maximum lot area of 200m ² .											Consent Required A lot is proposed to contain the substation. The Lot is 0.9515 ha and exceeds the maximum lot size under this rule of 0.2ha
SUB-S1 Subdivision Standard 1 – Lot Size and Shape SUBS1(i) Rural Zone – Controlled Activity Subdivision											Discretionary Consent Required As some of the parent titles have been created after 10/01/2009 overall the standards cannot be met. It is noted however that the parent titles do exceed 10ha in size and all lots created will exceed 5,000m ² in size.
APPLIES IN	PRECINCT	NO. OF ADDITIONAL LOTS THAT CAN BE CREATED	MINIMUM PARENT TITLE SIZE	PARENT TITLE ISSUED DATE OR CONSENT ISSUED DATE	MIN. LOT SIZE	MAX. LOT SIZE	MIN. BALANCE LOT SIZE	MIN. AVERAGE LOT SIZE	MIN. ROAD FRONTAGE	MIN. SHAPE FACTOR	
Rural Zone	Foxton Dunefields	0 (boundary adjustment)	N/A	N/A	5000m ²	N/A	N/A	N/A	N/A	N/A	
Rural Zone	Foxton Dunefields	1	10ha	Before 10/01/09	5000m ²	N/A	N/A	N/A	N/A	N/A	
Rural Zone	Foxton Dunefields	2	20ha	Before 10/01/09	5000m ²	N/A	N/A	N/A	N/A	N/A	
SUB-S1(j) Rural Zone – Restricted Discretionary Activity Subdivision											Discretionary Consent Required New titles have been created from the lots after 10/01/2009 therefore this standard cannot be met. It is noted however that the parent titles do exceed 20ha in size, all lots created will exceed 5,000m ² and the effective balance lot (Lot 3 and Lot 7) will exceed 3ha in size.
APPLIES IN	PRECINCT	NO. OF ADDITIONAL LOTS THAT CAN BE CREATED	MINIMUM PARENT TITLE SIZE	PARENT TITLE ISSUED DATE OR CONSENT ISSUED DATE	MIN. LOT SIZE	MIN. BALANCE LOT SIZE	MIN. AVERAGE LOT SIZE	BALANCING LOT (NOTE 2)	MIN. ROAD FRONTAGE	MIN. SHAPE FACTOR	
Rural Zone	Foxton Dunefields	0 (boundary adjustment)	N/A	N/A	N/A	N/A	N/A	NA	N/A	N/A	
Rural Zone	Foxton Dunefields	1 or more	20ha	Before 10/01/09	5000m ²	N/A	N/A	3ha	N/A	N/A	
SUB-S2 General Standard of Compliance (a) Development and subdivision design and construction shall comply with the requirements of NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: July 2014). Council's Subdivision and Development Principles and Requirements (Version: July 2014) shall prevail where those provisions alter NZS 4404:2010 unless otherwise stated.											As no works required given the subdivision is either to give effect to the lease agreements for the solar farm or to subdivide around existing dwellings with existing on-site services and access this condition is not relevant. Details of Services are not shown to the balance solar farm lot.
SUB-S3 Water Supply All sites shall be supplied with sufficient water suitable for consumption by the people and by the livestock associated with the activity/activities in accordance with the following: (a) SUB-S2 (b) The developer shall pay the full and actual cost of providing a development with, or connecting it to a supply of potable water, where a Council approved water connection is available. (c) Where a development requires the upgrading of the existing reticulated water supply, the developer shall pay the full and actual costs of upgrading the existing reticulated water supply to meet the needs of the development. (d) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on water supply by way of pipes reticulated through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct water supply reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate supply to that other land*. (e) Any shared potable water supply provided for communal use and not part of a Council reticulated supply shall comply with the <i>Drinking Water Standards for New Zealand 2005 (revised 2008)</i> . *Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity water supply reticulation and associated infrastructure.											Complies All lots have existing dwellings and on-site water supply. The balance solar farm lot of 335.99 ha is a vacant lot without a dwelling.
SUB-S4 Waste Disposal Waste Water											Complies



Rule	Compliance Comment
<p>(a) SUB-S2</p> <p>(b) The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastewater that is reasonably expected to be generated by the development where a Council approved sewer connection is available.</p> <p>(c) Where a development requires the upgrading of the existing reticulated wastewater supply system, the developer shall pay the full and actual costs of upgrading the existing reticulated wastewater supply system to meet the needs of the development.</p> <p>(d) The developer shall pay the full and actual cost of providing for the collection, treatment, and disposal of all sewage wastes that are reasonably expected to be generated by the development or subdivision, where a Council approved sewer connection is available.</p> <p>(e) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on sewage disposal reticulation by way of pipes reticulated through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct sewage disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land*.</p> <p>*Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity sewage reticulation and associated infrastructure.</p> <p>Note: On-site domestic wastewater systems for residential dwelling units are to comply with the requirements in the Horizons Regional Council One Plan.</p>	<p>All lots have existing dwellings and on-site wastewater provision. The boundaries are located to include this area. The balance solar farm lot of 335.99 ha is a vacant lot however there is sufficient area for a future dwelling and wastewater area if the solar farm is decommissioned.</p>
<p>SUB-S5 Stormwater Disposal</p> <p>All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance in accordance with the following:</p> <p>(a) SUB-S2</p> <p>(b) The developer shall pay the full and actual cost of providing for a surface water disposal system sufficient for the on-site disposal of all surface water and containment of water borne contaminants that can be expected to be generated by the development.</p> <p>(c) The developer shall provide a satisfactory system for the collection and containment of contaminants and disposal of surface water on site. Such provision shall avoid creating or worsening any ponding or inundation to surrounding upstream and downstream properties. All designs shall take into account winter ground water levels and groundwater mounding. Overland flow paths shall be designed and protected by easements.</p> <p>(d) The surface water collection system shall provide for the collection and control of all surface water within the land being developed or subdivided together with drainage from the entire catchment upstream of the proposed development or subdivision.</p> <p>(e) Where the site of the proposed development or subdivision contains or adjoins other land which is expected to be subdivided or developed in the future; and where the future development or subdivision of that other land would rely on surface water disposal reticulation through the land which is the subject of the proposed development or subdivision, the developer or subdivider shall provide for and construct surface water disposal reticulation through the proposed development or subdivision to such a standard as is expected to be necessary to provide adequate reticulation to that other land*.</p> <p>*Where this requirement results in the developer or subdivider incurring design and construction costs in excess of those that would be required to serve the proposed development or subdivision, Council may reimburse the additional costs to the developer or subdivider. Costs shall be determined on the basis of the estimated or actual costs of design and construction incurred at the time of the proposed development or subdivision, and calculated based on the additional costs to install the larger capacity surface water reticulation and associated infrastructure.</p> <p>Note: Discharge of stormwater to land or drainage systems is also regulated by the One Plan and may require the approval of resource consent from Horizons Regional Council.</p>	<p>As above</p>
<p>SUB-S6 Utility Services</p> <p>Utility services shall be provided in accordance with Council's Subdivision and Development Principles and Requirements (Version: July 2014).</p>	<p>All lots have existing dwellings and on-site services except for the 335ha solar farm balance lot</p>
<p>SUB-S9 Roads and Access</p> <p>(a) All public road reserves shall be at least 20 metres wide and of sufficient width to provide for vehicle carriageway, footpaths and cycle lanes (as required), public utilities, street lighting, reticulated services, drainage, landscaping, and kerb-side vehicle parking.</p> <p>(b) For any road, lane or right of way serving up to 12 dwelling units and has no through traffic, road reserves shall be at least 10-12 metres wide.</p> <p>(c) All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 2.3 - Land Transport.</p> <p>(d) All activities shall provide vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with the permitted activity conditions in Chapter 2.3 - Land Transport.</p> <p>In the Rural Zone:</p> <p>(e) If there are two or more adjacent rear lots they shall share a single vehicle access and shall be designed in accordance with the requirement for accessways under this District Plan.</p> <p>Note: Chapter 2.3 - Land Transport does not specify a minimum number of onsite carparks required (except for mobility/accessible carparks). Instead, it specifies the formation and manner in which carparking should be provided, in the event that those carrying out land use or subdivision activities choose to provide on-site carparking.</p>	<p>Lot 1 and 2 are rear lots. These dwellings and accessways are existing. Easements are shown on the proposed subdivision plan in Appendix I.</p>
<p>2.4 EIT – UE – Utilities and Energy</p>	
<p>EIT-UE-R5</p> <p>The following network utilities and energy activities:</p> <p>(i) The construction, operation, maintenance and upgrading of network utilities.</p> <p>(ii) Wind monitoring masts.</p> <p>(iii) Domestic scale renewable energy devices.</p>	<p>Restricted Discretionary activity consent required for network utility components not captured by EIT-UE-R8.</p>



Rule	Compliance Comment
<p>(iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility including an increase in floor area of up to 15% of the existing gross floor area.</p> <p>Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Table 2.4-1 below. All other relevant conditions specified in this part of the District Plan shall also apply to any network utility or associated structures. <p>Activity status where compliance not achieved: Restricted Discretionary</p>	<p>The substation, electricity lines, and support structures will not meet permitted activity standards EIT-UE-S2 and EIT-UE-S8, as assessed below.</p>
<p>EIT-UE-R8 – Discretionary activity</p> <p>The following network utilities and electricity generation activities:</p> <ol style="list-style-type: none"> Lines and support structures (including towers, masts and poles) for conveying electricity at a voltage exceeding 110kV. Wind energy facilities (except as modified by rule EIT-UE-R9 below). 	<p>Discretionary activity consent required for lines and support structures that convey electricity at a voltage exceeding 110kV. Some lines and structures (internal to the solar farm and substation) will convey electricity at a voltage exceeding 110kV.</p>
<p>EIT-UE-R6 – Earthworks in the National Grid Corridor</p> <p>Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> Earthworks around Poles shall be: <ul style="list-style-type: none"> No deeper than 300mm within 2.2 metres of a transmission pole support structure or stay wire; and No deeper than 750mm between 2.2 to 5 metres from a transmission pole support structure or stay wire. Except that vertical holes not exceeding 500mm diameter beyond 1.5 metres from the outer edge of a pole support structure or stay wire are exempt from the above. Earthworks around towers shall be: <ul style="list-style-type: none"> No deeper than 300mm within 6 metres of the outer visible edge of a transmission tower support structure; and No deeper than 3 metres between 6 to 12 metres from the outer visible edge of a transmission tower support structure. Earthworks 12 metres either side of a high voltage transmission line shall not: <ul style="list-style-type: none"> Create an unstable batter that will affect a transmission support structure; and/or Result in a reduction of the existing conductor clearance distances as required by NZECP34:2001. The following activities are exempt from EIT-UE-R6 above: <ul style="list-style-type: none"> Earthworks undertaken by a Network Utility operator; or Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath or driveway. For the purposes of clarification, this does not include drilling bores, digging of pits, and burials of dead stock and plant waste and installation of services. 	<p>Permitted activity</p> <p>Earthworks in the National Grid Corridor can be undertaken to meet these standards.</p>
<p>EIT-UE-R7 – Activities within the National Grid Corridor</p> <p>Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> No building or sensitive activity shall be closer than: <ul style="list-style-type: none"> 10 metres either side of the centreline of any high voltage (110kV) transmission line shown on the Planning Maps. 12 metres either side of the centreline of any high voltage (220kV or more) transmission line shown on the Planning Maps. 12 metres from the outer edge of any support structure of any high voltage transmission line shown on the Planning Maps. The following are exempt from the condition above. <ul style="list-style-type: none"> Fences up to 2.5 metres in height Mobile machinery and equipment Utilities within a road or rail corridor and electricity infrastructure Crop support structures and crop protection structures that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines. Crop support structures and crop protection structures (including any connected catenary or support cables or wires) that are at least 8 metres from the outer edge of a pole (not tower) support structure of high voltage transmission line and that: <ul style="list-style-type: none"> Meet the requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) for minimum distance beneath conductors; and Are no more than 2.5 metres high; and Are removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance purposes; and Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane. Non-habitable buildings associated with primary production activities (excluding milking sheds) that meet the requirements of New Zealand Electrical Code of Practice of Electrical Safety Distances (NZECP 34:2001) for minimum distance beneath conductors and are 12 metres from the support structure of high voltage transmission lines. Recreation activities and facilities. <p>Note: The requirements of New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) also need to be met and contact should be made with the line owner.</p> <p>Activity status where compliance not achieved: Non-complying</p>	<p>Permitted activity</p> <p>All activities proposed within the National Grid Corridor will comply with the standards.</p>
<p>Table 2.4-1 Permitted Activity Conditions</p> <p>The following conditions shall apply to all permitted activities:</p>	
<p>EIT-UE-S2 Electricity Voltage</p> <p>Any new electricity lines and associated transformers shall be limited to a voltage up to and including 110kV.</p>	<p>Does not comply. (Restricted)</p>



Rule	Compliance Comment
	<p>Discretionary consent required) The substation transformer will be greater than 110kV and associated lines will carry electricity at a voltage greater than 110kV.</p>
<p>EIT-UE-S8 Height of network utility masts, pylons, towers aerals and other structures</p> <p>a) All masts, pylons, towers, support structure, aerals, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:</p> <p>(v) 20 metres in the Rural Zone, other than Rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains</p>	<p>Does not comply. (Restricted Discretionary consent required) The substation gantry will be 22.3m high.</p>
<p>3.3 RURZ – GRZ – General Rural Zone</p>	
<p>RURZ-GRZ-R24 Any activity that is not a permitted, controlled, restricted discretionary, or noncomplying activity is a discretionary activity.</p>	<p>Discretionary activity for solar farm The Utilities and Energy rules of the District Plan do not explicitly provide for the development of a commercial scale solar farm. The proposed solar farm is also an activity not provided for as a permitted, controlled or restricted discretionary activity in the General Rural Zone. The proposal therefore defaults to being considered under RURZ-GRZ-R24.</p>
<p>Permitted Activity Conditions (RURZ-GRZ-R24)</p>	
<p><i>The District Plan states that the conditions specified for permitted activities, shall, where appropriate, be referred to as a guideline when determining whether or not any resource consents should be granted and any conditions of consent. These conditions are therefore relevant to the application and are summarised below.</i></p>	
<p>RURZ-S1 Number of Residential Dwellings Units and Family Flats</p> <p>a) One residential dwelling unit and one family flat per site on sites up to 40 hectares.</p> <p>b) Two residential dwelling units and one family flat per site on sites between 40 hectares up to 100 hectares.</p> <p>c) Three residential dwelling units and one family flat per site on sites 100 hectares and over.</p>	<p>No change proposed</p>
<p>RURZ-S2 Family flats maximum floor area</p> <p>a) A family flat shall have a maximum gross floor area up to 70m² plus a covered verandah up to 10m² per site. Except on sites of 5,000m² or less, where a family flat should have a maximum gross floor area up to 50m² plus a covered verandah up to 10m² per site.</p>	<p>No change proposed</p>
<p>RURZ-S3 Maximum Building Height</p> <p>a) – N/A</p> <p>b) No part of any other building shall exceed a height of 15 metres.</p>	<p>Complies All buildings (including the solar panel arrays) will be less than 15m in height.</p>
<p>RURZ-S5 Building Setbacks from Boundaries and Separation Distances All buildings shall comply with the following setbacks:</p> <p>a) 10 metres from any District road boundary;</p> <p>b) 15 metres from any State Highway boundary;</p> <p>c) 10 metres from any other site boundary;</p> <p>d) 15 metres from any bank or stream edge;</p> <p>e) 20 metres from the bed of any water body listed in Schedule 12 – Priority Water Bodies.</p>	<p>Infringes All buildings will comply with the setbacks from site boundaries. Solar panel arrays will be constructed within 15m of the drains that cross the site. While these drains have not been assessed as streams, this potential infringement is noted in the event any of the drains are considered streams,</p>
<p>RURZ-S14 Planting setbacks for Plantation Forestry and Shelterbelt Planting</p> <p>a) – N/A</p> <p>b) – N/A</p> <p>c) Vegetation planted to form a shelterbelt for more than 20 metres in length shall not exceed 6 metres in height from ground level within 10 metres horizontal distance from any boundary of a site under separate ownership or road.</p> <p>d) No plantation forest or shelterbelt shall be planted or allowed to grow in any position which could result in any icing of any public road carriageway as a result of shading of the road between 10.00am and 2.00pm on the shortest day.</p>	<p>Does not comply As detailed in the Proposed Mitigation and Enhancement Plan, there is screen planting proposed within 10m of the site boundaries which will have a height greater than 6m from ground level. While this planting is not for shelterbelt purposes a conservative</p>



Rule	Compliance Comment
	approach has been taken in respect to this standard.
<p>RURZ-S11 Surface water Disposal All activities shall make provision for the management of stormwater as means of dealing with water quantity and water quality to avoid significant adverse effects or nuisance. Note: Discharge of stormwater to land or drainage systems is also regulated by the One Plan and may require resource consent from Horizons Regional Council.</p>	Complies
2.18 EW - Earthworks	
<p>EW-R4 Earthworks (other than cut for a building platform) in the Foxton Dunefields Precinct of the Rural Zone Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> All relevant permitted activity conditions set out in the applicable zone are complied with. Chapter 2.3 - Land Transport, Chapter 2.4 - Utilities and Energy, Chapter 2.6 - Hazardous Substances, and Chapter 2.15 - Subdivision (contains standards for land development). Earthworks shall not exceed 3 metres (cut or fill) measured vertically. Where earthworks exceed 3 metres (cut or fill) measured vertically, those earthworks shall not exceed 5 metres (cut or fill) measured vertically and shall not exceed a distance of 50 metres in continuous horizontal length. Where earthworks are to be undertaken on a dune, the vertical height of the dune, or any part of that dune, prior to the earthworks shall be no greater at any point than 10 metres from toe to summit. All disturbed surfaces shall be revegetated within 6 months of the completion of the earthworks. Earthworks provisions shall not apply to production forestry harvesting on a dune 10 metres in height or lower. <p>Note: When used in this rule, the term earthworks does not include Aggregate Extraction, activities such as cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping where these activities do not reshape or recontour the land, digging post holes or drilling bores, digging of pits, burials of dead stock and plant waste and installation of services, notwithstanding anything in the definition of earthworks to the contrary. Activity status where compliance not achieved: Restricted Discretionary</p>	<p>Permitted activity Earthworks will not exceed a cut or fill depth of 3m and the site will be re-vegetated within 6 months of completion of works.</p>
2.20 NOISE - Noise	
<p>NOISE-R1 Emission of noise in all zones Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> Noise from any activity shall not exceed the following limits when measured at, or within, any point within any other site that is zoned General Residential, Large Lot Residential, or General Rural: <ul style="list-style-type: none"> 7.00am – 7.00pm: 55dB LAeq (15mins) 7.00pm – 10.00pm: 50B LAeq (15mins) 10.00pm – 7.00am: 40dB LAeq (15mins) 10.00pm – 7.00am: 65dB LAmax Sound levels shall be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics – Environmental noise. Construction, maintenance and demolition work shall be measured, assessed, managed and controlled in accordance with the provisions of NZS 6803:1999 Acoustics – Construction noise. The noise limits in this rule shall not apply to the following activities: <ul style="list-style-type: none"> ... Construction, maintenance and demolition work. Additionally, within the General Rural Zone only, the noise limits in this rule shall not apply to the following activities: <ul style="list-style-type: none"> Audible bird scaring devices (refer to NOISE-R2 instead). Mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting. <p>Activity status where compliance not achieved: Restricted Discretionary</p>	<p>Restricted Discretionary Consent Required See Acoustic Assessment Report attached in Appendices.</p>
<p>NOISE-R4 Vibration Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> No activity shall create any vibration which exceeds the limits in the following standards: <ol style="list-style-type: none"> AS 2670.1-2001 Evaluation of human exposure to whole-body vibration – General requirements. AS 2670.2-1990 Evaluation of human exposure to whole-body vibration - Continuous and shock-induced vibration in buildings (1 to 80 Hz). DIN 4150-3:1999 Effects of vibration on structures. NZS 4403:1976 – Code of Practice for Storage, Handling and Use of Explosives, and any subsequent amendments. <p>Activity status where compliance not achieved: Discretionary</p>	<p>Permitted activity See Acoustic Assessment Report attached in Appendices.</p>
2.3 EIT – Land Transport	
<p>EIT-LT-R1 Roads and Vehicle Access Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> All activities shall be provided with practicable vehicle access from a public road in accordance with the permitted activity conditions in Chapter 21. All relevant permitted activity conditions set out in the applicable zone are complied with. All relevant conditions in Chapters 2.4 - Utilities and Energy, 2.6 - Hazardous Substances and 2.15 - Subdivision (contains standards for land development). All activities shall comply with standards EIT-LT-S1 to EIT-LT-S11 <p>Activity status where compliance not achieved: Restricted Discretionary</p>	Permitted activity
<p>EIT-LT-R2 Vehicle Parking, Manoeuvring, and Loading</p>	Permitted activity



Rule	Compliance Comment
<p>Permitted activity where the following are complied with:</p> <ol style="list-style-type: none"> 1. All activities shall provide vehicle parking spaces, manoeuvring areas, and loading facilities in accordance with standards EIT-LT-S1 to EIT-LT-S11. 2. All relevant permitted activity conditions set out in the applicable zone are complied with. 3. All relevant conditions in Chapters 2.4 - Utilities and Energy, 2.6 - Hazardous Substances and 2.15 - Subdivision (contains standards for land development). <p>Note: The standards do not specify a minimum number of onsite carparks required (except for mobility/accessible carparks). Instead, it specifies the formation and manner in which carparking should be provided, in the event that those carrying out land use or subdivision activities choose to provide on-site carparking.</p>	
Land Transport Standards – Development Standards	
<p>EIT-LT-S1 Vehicular and Pedestrian Accessways Design Standards</p> <ol style="list-style-type: none"> d) Vehicle Access <ol style="list-style-type: none"> (i) Where an activity or subdivision involves the creation of a vehicle crossing the formation and its use shall comply with Council's Subdivision and Development Principles and Requirements (Version: July 2014) Appendix One - Vehicle Crossings. (ii) No vehicle crossing shall have a gradient in excess of a 1 in 8. (iii) The minimum sight distances for accessways set out in (iv) The minimum distances between intersections and vehicle crossing spacing set out in. e) Design Dimensions and Formation <ol style="list-style-type: none"> (i) All accessways shall be formed as prescribed in Table 21-3. (ii) Provision shall be made for the collection and disposal of all surface water run-off and containment of water-borne contaminants and the maintenance thereof. (iii) Any vehicle access which crosses a water way shall incorporate culvert crossings appropriate to the volume of water in the water way and the traffic load on the access. <p>Note: Horizons Regional Council may have additional requirements relating to the quality and quantity of surface water discharged to any waterway, and to the type of activities permitted in waterways (e.g. culvert crossings).</p>	<p>Complies</p> <p>All new vehicle accesses will be designed in accordance with Table 21-3.</p>
<p>EIT-LT-S5 Vehicle Crossings to all Arterial, Collector and Local Roads</p> <ol style="list-style-type: none"> a) N/A b) For sites in the General Residential, Commercial, Industrial, Large Lot Residential and Open Space Zones, which have frontage of more than 30 metres to an arterial, collector or local road, no more than two vehicle crossings shall be permitted, provided there is a minimum distance of 7.5 metres between those crossings unless Table 2.3-2 applies. c) For sites not provided for in EIT-LT-S5(a) or EIT-LT-S5(b) above, vehicle crossing spacing shall be permitted and comply with Table 2.3-2. 	<p>Complies</p> <p>All new vehicle accesses can meet the separation distances specified in Table 2.3-2.</p>
<p>EIT-LT-S8 Vehicle Parking Standards</p> <ol style="list-style-type: none"> a) Vehicle Parking Standards <ol style="list-style-type: none"> (i) All commercial, community, and/or industrial activities are required to provide the greater of one (1) onsite mobility carpark or the number of mobility carparks required by other legislation (notably the Disabled Persons Community Welfare Act 1975 and the Building Code), except if the activity is located in the Levin, Foxton and Shannon Pedestrian Precincts. b) Vehicle Access and Manoeuvring Space to be provided. Any vehicle parking spaces shall be provided with practical vehicular access from a public road. Sufficient manoeuvring space shall be provided to enable vehicles to enter and leave the parking area in a forward direction in the following situations: <ol style="list-style-type: none"> (i) Where the site gains access from a State Highway; or (ii) The vehicle parking area contains more than three (3) parking spaces; or (iii) Any of the parking spaces are located further than 30 metres from the road; or (iv) Where the site is a rear site with access by way of an access leg or driveway. c) Vehicle Parking Spaces and Access Aisles to Remain Clear <ol style="list-style-type: none"> (i) The space that is dedicated on any site for vehicle parking and access shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure. d) Design of Vehicle Parking Space <ol style="list-style-type: none"> (i) Any parking spaces shall be of usable shape and have a minimum dimension to accommodate a 90 percentile car tracking curve with manoeuvring space in accordance with AS/NZS 2890.1:2004 Parking facilities-Off street car parking and AS/NZS 2890.6:2009 for off street parking for people with disabilities. e) Standard of Formation for Vehicle Parking Spaces <ol style="list-style-type: none"> (i) In the General Residential, Commercial, Industrial, Large Lot Residential and Open Space Zones, all vehicle parking spaces and access aisles shall be formed, metalled, and surfaced to an all-weather hard surface standard and shall be provided with surface water drainage and containment of water borne contaminants which shall be regularly maintained by the owner in accordance with the requirements of SUB-S5. (ii) In the General Rural Zone, all vehicle parking spaces and access aisles shall be formed and metalled to an all-weather standard and shall be provided with surface water drainage and containment of water borne contaminants which shall be regularly maintained by the owner in accordance with the requirements of SUB-S5. (iii) All parking areas that are available to the public shall be provided with night lighting. (iv) Any parking area which comprises five (5) or more parking spaces and which adjoins a residential zone except where the parking area is associated with Council recreational areas or within road reserve shall be screened along the boundary adjoining that Residential Zone by planting or a solid screen fence not less than 1.5 metres in height. (v) All parking areas, short term stopping areas and access thereto shall have, adjacent to their boundary with any road and footpath, a permanent barrier or raised kerb to prevent vehicles entering or leaving the site at any point other than the approved vehicle access crossing point. "Trip" hazards are not to be created. 	<p>Complies</p> <p>Site parking will be designed to meet the relevant standards.</p>
<p>EIT-LT-S10 Vehicle Loading Conditions</p> <ol style="list-style-type: none"> a) Obligation to Provide Loading Facilities <ol style="list-style-type: none"> (i) Every activity shall make provision for the off-street loading and unloading of goods onto or from delivery vehicles associated with that activity. (ii) Where any activity is changed (and or upgraded) or any building erected or altered, provision for loading or unloading facilities within the site shall be sufficient to serve the operations or activities undertaken on the site. 	<p>Complies</p> <p>Site layout will be designed to meet the relevant standards.</p>

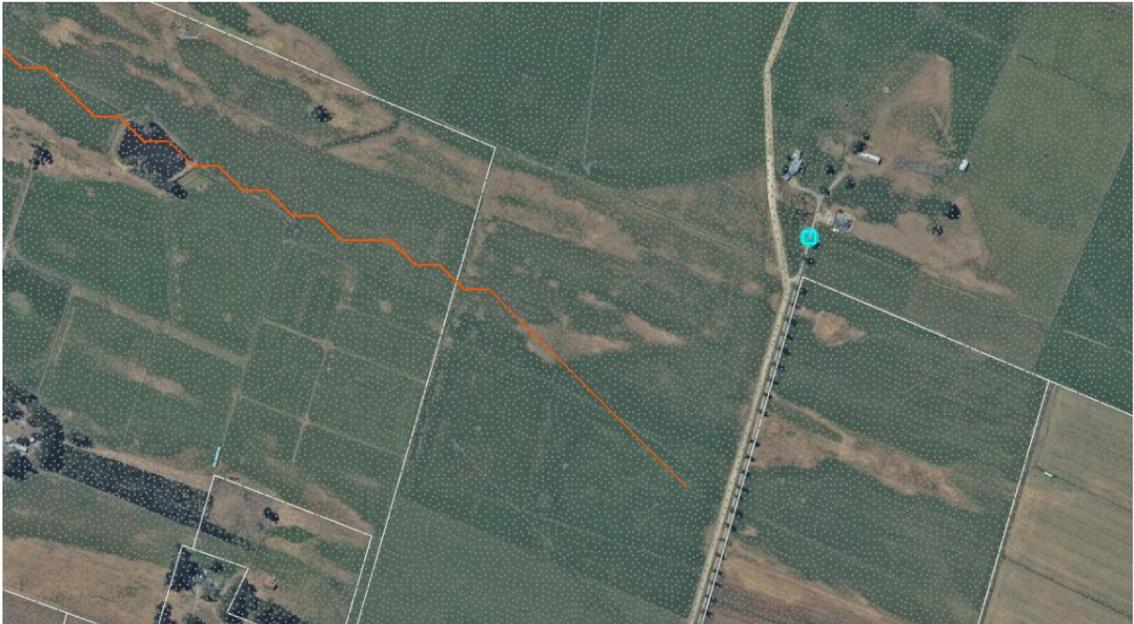


Rule	Compliance Comment
<p>b) Vehicle Access to be Provided Each required loading space shall be provided with practical vehicular access from a public road. Loading spaces and access aisles are to remain clear. The space that is dedicated on any site for loading and unloading of vehicles shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure. Sufficient manoeuvring space shall be provided to enable vehicles to enter and leave the site in a forward direction in the following situations:</p> <ul style="list-style-type: none"> (ii) Where the site gains access from a State Highway; or (iii) The vehicle parking area contains more than three (3) parking spaces; or (iv) Any of the parking spaces is located further than 30 metres from the road; or (v) Where the site is a rear site with access by way of an access leg or driveway onto an Arterial or Collector road. <p>c) Loading Spaces and Access Aisles to Remain Clear</p> <ul style="list-style-type: none"> (i) The space that is dedicated on any site for loading and unloading of vehicles shall remain unobstructed by other activities and shall not be diminished by the storage of goods or erection of any structure. <p>d) Design of Loading Spaces</p> <ul style="list-style-type: none"> (i) Each required loading space shall be of usable shape and have a minimum length of 8.5 metres, minimum width of 3.5 metres, and minimum clear height of 4.5 metres. Sufficient manoeuvring space shall be provided to accommodate an 8 metre rigid two-axle truck using a 12.5 metre radius tracking curve as per NZTA's RTS 18, New Zealand on-road tracking curves for heavy motor vehicles. Additional information regarding design can be obtained from AS 2890.2:2002 Parking Facilities-Off street commercial vehicle facilities. On industrial and commercial sites where articulated vehicles are likely to be used, the layout shall be designed to accommodate such vehicles. Note: If insufficient design causes conflict in traffic movements then restrictions may be placed on the type of heavy motor vehicle allowed to load or unload on the site. <p>e) Conditions of Construction of Loading Spaces</p> <ul style="list-style-type: none"> (ii) All required loading spaces and access aisles required by this District Plan shall be formed and surfaced to an all-weather hard surface standard and shall be provided with surface water drainage and containment of waterborne contaminants that shall be regularly maintained by the Lot owner in accordance with the requirements of SUB-S5, with the exception of rural loading spaces not imposing on road reserve which can be metalled to an all-weather hard surface standard. 	
2.6 HAZ – HS – Hazardous Substances	
<p><i>The following hazardous substances, facilities and activities are not subject to the provisions of this chapter:</i></p> <ul style="list-style-type: none"> (i) <i>Electricity zone substations, distribution substations and transformers containing up to 1,000 litres of oil.</i> <p><i>(Explanation and Reasons: The exemptions cover hazardous substances held or used in such a manner that control by this part of the District Plan is not warranted. This is either because of the small quantities of substances involved, or the impracticality of exercising control, or because industry codes of practice provide adequate levels of security, or because controls under other parts of the RMA and other legislation deal with the hazard.</i></p>	<p>The oil contained in the substation is exempt from assessment as it is listed as permitted. However, the 34 transformers within the solar farm will contain more than 1,000 litres of oil and therefore this chapter applies as oil is considered an eco-toxic substance.</p>
<p>HAZ-HS-R2 Any activity listed as a permitted activity in the relevant zone and involves the storage of hazardous substances in quantities not exceeding those specified in the permitted column in: Classification of Hazardous Substances Where the following are complied with:</p> <p>Storage Limits</p> <ol style="list-style-type: none"> 1. The quantities of hazardous substances stored shall not exceed the permitted column of: Quantity Limits for Hazardous Substances for the relevant zone. <p>Site Design</p> <ol style="list-style-type: none"> 2. Any part of a hazardous facility which is involved in the manufacture, mixing, packaging, storage, loading, unloading, transfer, use or handling of hazardous substances must be designed, constructed and operated in a manner which prevents: <ul style="list-style-type: none"> • The occurrence of any off-site adverse effects from the above listed activities on people, ecosystems, physical structures and/or other parts of the environment unless permitted by a resource consent; and • The contamination of air, land and/or water (including groundwater, potable water supplies and surface waters) in the event of a spill or other type of release of hazardous substances. <p>Site Layout</p> <ol style="list-style-type: none"> 3. The hazardous facility must be designed in a manner to ensure that separation between on-site facilities and the property boundary is sufficient for the adequate protection of neighbouring facilities, land uses and sensitive environments. <p>Storage of Hazardous Substances</p> <ol style="list-style-type: none"> 4. The storage of any hazardous substances must be carried out in a manner that prevents: <ul style="list-style-type: none"> • The unintentional release of the hazardous substance; and • The accumulation of any liquid or solid spills or fugitive vapours and gases in enclosed off-site areas. 5. There shall be no storage of hazardous substances within 20 metres of the landward edge of the beds Waipunahau (Lake Horowhenua) and the Hokio Stream. <p>Site Drainage Systems</p> <ol style="list-style-type: none"> 6. Site drainage systems for any hazardous facility must be designed, constructed and operated in a manner that prevents the entry or discharge of hazardous substances into the stormwater and/or wastewater systems unless permitted by the network utility operator. Note: Suitable means of compliance includes clearly identified stormwater grates and access holes, roofing, sloped pavements, interceptor drains, containment and diversion valves, oil- water separators, sumps and similar systems. 	<p>Discretionary activity</p> <p>The volume of oil stored on-site will exceed the Discretionary volume of oil listed in the Quantity Limits for Hazardous Substances for the Rural Zone. All other standards with regards to the site design, site layout, storage of hazardous substances, site drainage systems, spill containment systems, stormwater, washdown areas, and signage will be met.</p>



Rule	Compliance Comment
<p>Spill Containment Systems</p> <p>7. Any parts of the hazardous facility site where a hazardous substance spill may occur must be serviced by suitable spill containment systems that are:</p> <p>(i) constructed from impervious materials resistant to the hazardous substances used, stored, manufactured, mixed, packaged, loaded, unloaded or otherwise handled on the site and for liquid hazardous substances:</p> <ul style="list-style-type: none"> • able to contain the maximum volume of the largest tank present plus an allowance for stormwater or fire water; or • for drums or other smaller containers, able to contain 50 percent of the maximum volume of substances stored plus an allowance for stormwater or fire water; and • able to prevent the entry of any spill or other unintentional release of hazardous substances, or any contaminated stormwater and/or fire water into site drainage systems unless permitted by a network utility operator. <p>Note: Suitable means of compliance include graded floors and surfaces, bunding, roofing, sumps, fire water catchments, overflow protection and alarms, and similar systems.</p> <p>Stormwater</p> <p>8. All stormwater grates on the site of any hazardous facility shall be clearly labelled “stormwater only”.</p> <p>Washdown Areas</p> <p>9. Any part of the hazardous facility site where vehicles, equipment or containers that are or may have become contaminated with hazardous substances are washed, must be designed, constructed and managed to prevent any contaminated wash water from:</p> <p>(i) Entry or discharge into the stormwater drainage or the wastewater systems unless permitted by the relevant network utility operator; and</p> <p>(ii) Discharge into or onto land and/or water (including groundwater and potable water supplies) unless specifically provided for in a resource consent for the discharge of contaminants.</p> <p>Note: Suitable means of compliance include roofing, sloped pavements, interceptor drains, containment and diversion valves, oil-water separators, sumps and similar systems.</p> <p>Signage</p> <p>10. Any hazardous facility shall install signs and labels to communicate the nature of the substances stored, used or otherwise handled.</p> <p>Activity status where compliance is not achieved: Restricted Discretionary where the following are complied with:</p> <ul style="list-style-type: none"> • Storage Limits <ul style="list-style-type: none"> ○ The quantities of hazardous substances stored shall not exceed the discretionary column of :Quantity Limits for Hazardous Substances for the relevant zone. <p>Activity status where compliance with Restricted Discretionary standards not met: Discretionary</p>	

P.2 Manawatu-Whanganui Regional Council One Plan – Regional Plan

Regional Plan provisions relevant to application site	
Management zones:	<p>The site is within the following management zones;</p> <p>Surface Water Management Zone: Coastal Manawatu</p> <p>Surface Water Management Zone Code: Mana_13</p> <p>Surface Water Management Subzone Code: Mana_13a</p> <p>Groundwater Management Zone: Manawatu</p>
Management values:	<p>The site has the following defined values;</p> <p>Life Supporting Capacity – Lowland Mixed value which covers the entire site</p> <p>Flood control drainage which relates to a drain which traverses through part of the site in an east to west direction (see Figure below):</p> 



The following analysis of rules has determined that the proposal requires consent as a **Discretionary activity** overall. Note that only those rules/standards which are relevant to the assessment of this proposal have been addressed in the table below.

Rule	Compliance Comment
Relevant RMA Definitions	
River means a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).	No river or stream exists on the site. There are a number of farm drains that are considered artificial watercourses; however, following pre-application engagement with Horizons, the two main drains on the site have been treated as streams for the purpose of this application on a conservative basis
Water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.	
Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.	Small, low quality pasture wetlands are located on the site
One Plan Definitions	
Artificial watercourse means a continually or intermittently flowing body of fresh water that does not meet the definition of river in s2 of the RMA. For the purposes of this Plan, it includes an irrigation canal, water [^] supply race, canal for the supply of water [^] for hydroelectricity power generation and farm drainage canal; but excludes a non-natural lake [^] .	All watercourses on the site are farm drainage canals which are explicitly listed as being an artificial water course.
Critical infrastructure means infrastructure [^] necessary to provide services which, if interrupted, would have a serious effect [^] on the people within the Region or a wider population, and which would require immediate reinstatement. Critical infrastructure* includes infrastructure [^] for: (a) electricity substations	The substation part of the proposal is Critical Infrastructure
Land disturbance (see Vegetation clearance*).	
Land use capability class (LUC) means a classification of a parcel of land [^] in terms of five characteristics or attributes (rock, soil, slope*, erosion, vegetation). The land use capability class can be derived either from the New Zealand Land Resource Inventory (NZLRI) or by a suitably qualified person specifically assessing and mapping the land use capability classes for a particular parcel of land [^] . Where the LUC is assessed by a suitably qualified person, that person may use the more favourable classification of the land [^] available applying the 3rd or 2nd edition of the Land Use Capability Survey Handbook.	
Rare habitat means an area determined to be a rare habitat in accordance with RP-SCHED6 and, for the avoidance of doubt, excludes any area in Table 47	There are no rare habitats on the site
Threatened habitat means an area determined to be a threatened habitat in accordance with RP-SCHED6 and, for the avoidance of doubt, excludes any area in Table 47.	There are no threatened habitats on the site
<p>Vegetation clearance means the cutting, crushing, spraying, burning, or other means of removal or destruction of vegetation, including indigenous and exotic plants (including trees).</p> <p>Land disturbance means the disturbance of the land[^] surface by any means including by blading, blasting, contouring, cutting of batters, filling, excavating, ripping, root raking, recontouring, or moving or removing soil or earth.</p> <p>Vegetation clearance* and land disturbance* excludes: (a) cultivation* (b) forestry* (c) clearance or disturbance by animals including grazing (d) activities undertaken for the sole purpose of establishing a fence line and not located within a rare habitat*, threatened habitat* or at-risk habitat* (e) the maintenance* or upgrade* of existing tracks*, structures[^] (including fences) or infrastructure[^] (f) maintaining shelterbelts (including cutting of shelterbelt roots) (g) activities associated with fruit tree or fruit vine plantations (h) activities undertaken for the purpose of protecting, maintaining or enhancing areas of rare habitat*, threatened habitat* or at-risk habitat* (i) clearance of vegetation that is fallen or dead and not located within a rare habitat*, threatened habitat* or at-risk habitat* that is forest* or scrub* in Schedule F (j) activities undertaken within the boundaries of any area of land[^] held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act (other than land[^] held for administrative purposes) that are consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 to that Act (k) activities undertaken within the boundaries of the New Zealand Defence Force Waiouru Military Training Area, provided that those activities are undertaken in accordance with a management plan that has the same or similar outcome as an Erosion and Sediment Control Plan* (l) clearance of thistles, ring ferns, carpet ferns, rushes, ink weed, briar rose, barberry, introduced pampas grass (other than toetoe), mingimingi, wilding pinus species, Japanese poplar, Japanese walnut and pest plants referred to in the Regional Council's Regional Pest Plant Management Strategy</p>	<p>The proposal involves the removal of pasture vegetation and some tall hedgerows on the site.</p> <p>The proposal involves land disturbance for a wide range of activities associated with establishing the activity including, for access tracks, trenching of cables and the establishment of equipment and buildings.</p>
RP – LF – Land and Freshwater	
<p>LF-LAND-R6 Large-scale land disturbance, including earthworks – controlled activity</p> <p>Except as regulated by Rules RP-LF-LAND-R7, RP-ECO-R1 and RP-ECO-R2, any land disturbance* pursuant to s9(2) RMA of a total area</p>	<p>Controlled activity</p> <p>Land disturbance will exceed an area of 2,500m²</p>



Rule	Compliance Comment
<p>greater than 2500 m² per property* per 12-month period and any ancillary:</p> <ol style="list-style-type: none"> 1. diversion of water[^] pursuant to s14(2) RMA on the land[^] where the land disturbance* is undertaken, or 2. discharge[^] of sediment into water[^] pursuant to s15(1) RMA resulting from the land disturbance*. <p>Controlled activity standards:</p> <ol style="list-style-type: none"> 1. The activity must not take place on land[^] that is within a coastal foredune*. 2. The activity must be undertaken in accordance with an Erosion and Sediment Control Plan*. 3. Any ancillary discharge[^] of sediment into water[^] must not, after reasonable mixing, cause the receiving water body[^] to breach the water quality standards for visual clarity set out in RP-SCHED5 for that water body[^]. 4. The activity must not occur on land[^] that is in, or within 5 m of: <ol style="list-style-type: none"> a. the bed[^] of a river[^] that is permanently flowing, b. the bed[^] of a river[^] that is not permanently flowing and has an active bed* width greater than 1 m, c. the bed[^] of a lake[^]. 5. The activity must not occur on land[^] that is in, or within 10 m of: <ol style="list-style-type: none"> a. A wetland[^] as identified in RP-SCHED6, b. Sites valued for Trout Spawning as identified in RP-SCHED2, c. Sites of Significance - Aquatic as identified in RP-SCHED2. 	<p>There are no wetlands or sites of value listed in any of the schedules of the Regional Plan</p>
<p>LF-LAND-R5 Vegetation clearance – permitted activity</p> <p>Except as regulated by Rules RP-LF-LAND-R7, RP-ECO-R1 and RP-ECO-R2, any vegetation clearance* pursuant to s9(2) RMA and any ancillary:</p> <ol style="list-style-type: none"> 1. diversion of water[^] pursuant to s14(2) RMA on the land[^] where the vegetation clearance* is undertaken, 2. discharge[^] of sediment into water[^] pursuant to s15(1) RMA resulting from the vegetation clearance. <p>Permitted activity standards:</p> <ol style="list-style-type: none"> 1. The activity must not take place on land[^] that is within a coastal foredune*. 2. Any ancillary discharge[^] of sediment into water[^] must not, after reasonable mixing, cause the receiving water body[^] to breach the water quality standards for visual clarity set out in RP-SCHED5 for that water body[^]. 3. The activity must not occur on land[^] that is in, or within 5 m of: <ol style="list-style-type: none"> a. the bed[^] of a river[^] that is permanently flowing b. the bed[^] of a river[^] that is not permanently flowing and has an active bed* width greater than 1 m c. the bed[^] of a lake[^]. 4. The activity must not occur on land[^] that is in, or within 10 m of: <ol style="list-style-type: none"> a. A wetland[^] as identified in RP-SCHED6 b. Sites valued for Trout Spawning as identified in RP-SCHED2 	<p>Permitted activity</p> <p>Appropriate sediment controls are proposed within the ESCP to avoid sedimentation and the site is not in any areas listed as having specific restrictions.</p>
<p>LF-LAND-R8 Vegetation clearance, land disturbance, cultivation or forestry that does not comply with Rules 13-1 to 13-6 – discretionary activity</p> <p>Except as regulated by RP-ECO-R1 and RPECO-R2, any vegetation clearance*, land disturbance*, cultivation* or forestry* pursuant to s9(2) RMA that does not meet the conditions[^], standards or terms of RP-LFLAND-R1, RP-LF-LAND-R2, RP-LF-LANDR3, RP-LF-LAND-R4, RP-LF-LAND-R5, RPLF-LAND-R6 or RP-LF-LAND-R7 and any ancillary:</p> <ol style="list-style-type: none"> 1. disturbance of the bed[^] of a river[^] or lake[^] by forestry* authorised by those rules[^] pursuant to s13(1) RMA 2. diversion of water[^] authorised by those rules[^] pursuant to s14(2) RMA, or <p>discharge[^] of sediment or slash*authorised by those rules[^] pursuant to s15(1) RMA.</p>	<p>On a precautionary basis discretionary consent has been applied for under this rule for the removal of grass or land disturbance up to the edge of some of the farm drains which may be considered streams. The site visits undertaken do not indicate that any of the stream/drains are permanently flowing but a precautionary approach has been taken. Appropriate sediment controls are proposed to avoid effects. None of the wetlands are identified in RP- SCHED6, none of the water bodies on the site are greater than 5m in width, the activity does not occur on land that is a coastal foredune, and the activity is undertaken in accordance with an erosion and sediment control plan (LF-LAND-R6).</p>
<p>LF-LW- Discharges to land and water</p>	
<p>Rules – Stormwater</p>	
<p>LF-LW-R26 Discharges[^] of stormwater to surface water and land – permitted activity</p> <p>The discharge[^] of stormwater into surface water[^] pursuant to s15(1) RMA or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA, and any ancillary takes or diversions of stormwater pursuant to s14(2) RMA forming part of the stormwater system.</p> <p>Permitted activity standards to be met:</p> <ol style="list-style-type: none"> 1. The discharge[^] must not include stormwater from any: <ol style="list-style-type: none"> a. industrial or trade premises[^] where hazardous substances* stored or used may be entrained by the stormwater 	<p>Permitted activity</p> <p>The activity will be undertaken in accordance with these standards.</p> <p>The activity does not meet the definition of an Industrial or trade premises (a substation is not included in the definition) and therefore consent is not required under this rule and the other permitted standards can be met.</p>



Rule	Compliance Comment
<p>b. contaminated land[^] where the contaminants[^] of concern may be entrained by the stormwater</p> <p>c. operating quarry or mineral[^] extraction site* unless there is an interceptor system* in place.</p> <p>2. The discharge[^] must not cause or exacerbate the flooding of any other property*.</p> <p>3. The activity must not cause erosion of any land[^] or the bed[^] of any water body[^] beyond the point of discharge[^] unless this is not practicably avoidable, in which case any erosion that occurs as a result of the discharge[^] must be remedied as soon as practicable.</p> <p>4. There must be no discharge[^] to any rare habitat*, threatened habitat*, at-risk habitat*, or reach of river[^] or its bed[^] with a RP-SCHED2 Value of Natural State.</p> <p>5. For discharges[^] of stormwater onto or into land[^]:</p> <p>a. the discharge[^] must be below a rate that would cause flooding outside the design discharge[^] soakage area, except in rain events equivalent to or greater than the 10% annual exceedance probability design storm. Any exceedance must go into designated overland flow paths</p> <p>b. there must not be any overland flow resulting in a discharge[^] to a natural surface water body[^], except in rain events equivalent to or greater than the 10% annual exceedance probability design storm</p> <p>c. the discharge[^] must not contain concentrations of hazardous substances* that are toxic to aquatic ecosystems, or accumulate in soil.</p> <p>6. For discharges[^] of stormwater into surface water bodies[^] the discharge[^] must not cause any permanent reduction of the ability of the receiving water body[^] or its bed[^] to convey flood flows.</p> <p>7. For discharges[^] of stormwater into surface water bodies[^] the discharge[^] must not cause, after reasonable mixing*, any of the following effects[^] in the receiving water body[^]:</p> <p>a. the production of conspicuous oil* or grease films, scums or foams, or floatable or suspended materials</p> <p>b. any conspicuous change in the colour or visual clarity of the receiving water[^]</p> <p>c. any emission of objectionable odour</p> <p>d. the rendering of fresh water[^] unsuitable for consumption by farm animals</p> <p>e. toxicity to aquatic ecosystems.</p> <p>8. The activity must not be to any historic heritage[^] identified in any district plan[^] or regional plan[^].</p>	
LF-TUD Takes, Uses and Diversion of Water and Bores	
Rules – Diversions of water including drainage	
<p>LF-TUD-R49 New drainage – permitted activity</p> <p>The take, diversion or discharge of drainage water, and any ancillary damming of water, or discharge of sediment or other contaminants in the drainage water into water or onto or into land pursuant to s14(2) and ss15(1) or 15(2A) RMA arising from the establishment and operation* of new land drainage.</p> <p>Permitted activity standards:</p> <ol style="list-style-type: none"> The diversion or discharge[^] must not cause or exacerbate the flooding of any property*, unless the flooding is in accordance with an approved Regional Council drainage scheme design. The diversion or discharge[^] must not cause any scouring or erosion of any land[^] or water body[^] beyond the point of discharge[^]. The diversion or discharge[^] must not alter the natural course of any natural water body[^]. There must be no diversion or discharge[^] to or from any natural lake[^], rare habitat*, threatened habitat* or at-risk habitat*, or reach of river[^] or its bed[^] with a Schedule B Value of Natural State. The activity must not result in the lowering of water[^] levels in any wetland[^] that is a rare habitat* or threatened habitat*. The diversion or discharge[^] must be to the same Water Management Zone* to which the drainage water[^] would naturally flow. The diversion or discharge[^] must not cause, after reasonable mixing*, any of the following effects[^] in the receiving water body[^]: <ol style="list-style-type: none"> the production of conspicuous oil* or grease films, scums or foams, or floatable or suspended materials any conspicuous change in the colour or visual clarity of the receiving water[^] any emission of objectionable odour 	<p>Permitted activity</p> <p>If Groundwater is encountered through any works associated with the proposal, this will meet the permitted activity standards.</p>



Rule	Compliance Comment
<p>d. the rendering of fresh water[^] unsuitable for consumption by farm animals</p> <p>e. the natural temperature of the receiving water[^] to change by more than 3°C (vi) toxicity to aquatic ecosystems.</p> <p>8. The diversion or discharge[^] must not, after reasonable mixing*, cause the dissolved oxygen of the receiving water body[^] to fall below 80% saturation concentration, unless the dissolved oxygen is already below this limit in which case the discharge[^] must not lower it further.</p> <p>9. The activity must not be to any historic heritage[^] identified in any district plan[^] or regional plan[^].</p>	
LF-AWBD Activities in artificial watercourses. Beds of rivers and lakes, and damming	
Other structures	
<p>LF-AWBD-R62 Lines, cables, pipelines and ropeways – permitted activity</p> <p>The erection, placement, or extension of a line, cable, pipeline or ropeway in, on, under or over the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA, and any ancillary:</p> <ol style="list-style-type: none"> 1. excavation, drilling, tunnelling or other disturbance of the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA 2. damming or diversion of water[^] pursuant to s14(2) RMA 3. discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA 4. deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1). <p>Permitted activity standards:</p> <ol style="list-style-type: none"> 1. The activity and any ancillary support structures[^] must either: <ol style="list-style-type: none"> a. be wholly located over or under the bed[^], or b. occupy no more than 20 m² of the bed[^]. 2. The activity must not take place in, on, under or over a reach of a river[^] with a RP-SCHED2 Value of Natural State except for lines, cables and ropeways that are suspended over the water[^] and do not require a support structure[^] in, on, over or under the bed[^] of the river[^]. 3. The activity must comply with the general conditions[^] listed in Table 15 4. The activity must not take place in any rare habitat* or threatened habitat* 	<p>Laying cables under the drains/modified water courses are permitted as the construction works will comply with these standards.</p>
<p>LF-AWBD-R63 Culverts – permitted activity</p> <p>The erection, placement, or extension of a culvert in, on, under or over the bed[^] of a river[^] or lake[^] pursuant to s13(1) RMA and any ancillary:</p> <ol style="list-style-type: none"> 1. excavation, drilling, tunnelling or other disturbance of the river[^] or lake[^] bed[^] pursuant to s13(1) RMA 2. damming or diversion of water[^] pursuant to s14(2) RMA 3. discharge[^] of water[^] or sediment into water[^] or onto or into land[^] pursuant to ss15(1) or 15(2A) RMA 4. deposition of substances in or on the bed[^] of the river[^] or lake[^] pursuant to s13(1). <p>Permitted activity standards:</p> <ol style="list-style-type: none"> 1. A new culvert must not be erected or placed in: <ol style="list-style-type: none"> a. a river[^] or lake[^] regulated under Rule RP-LF-AWBD-R56 b. a reach of a river[^] with a Schedule B Value of Flood Control and Drainage, unless the work is undertaken by or on behalf of the Regional Council. 2. Where multiple culverts are placed side by side, the total cross-sectional area of the multiple culverts must not be less than that of a single culvert which complies with this rule[^]. 3. The culvert, associated fill and culvert placement must comply with the following dimensions: <ol style="list-style-type: none"> a. a maximum culvert length of 20 m b. for circular culverts a culvert diameter of 0.3 m to 1.2 m (inclusive) c. for non-circular culverts a width and height of 0.3 m to 1.2 m each (inclusive) d. a maximum fill height of 2 m above the top of the culvert unless a spillway is constructed to enable the passage of a 200 year flood without the fill being overtopped e. a minimum culvert installation depth below the bed[^] of 20% of the width of the culvert. 4. The culvert must be positioned so that its alignment and gradient are the same as the river[^]. 5. The culvert must be constructed to allow: 	<p>Can be complied with. Any culverts proposed will comply with the standards.</p>



Rule	Compliance Comment
<ul style="list-style-type: none"> a. the flow from a 5% annual exceedance probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway b. the flow from a 2 year return period flood event without any flow impediment. 6. The culvert inlet and outlet must be protected against erosion. 7. All practicable steps must be used to minimise the release of sediment during construction. 8. The culvert must be constructed and maintained to avoid any aggradation or erosion of the bed*. 9. The culvert must be kept clear of accumulated debris. 10. The activity must comply with the general conditions^ listed in Table 15. 11. The activity must not take place in any rare habitat*, threatened habitat* or at-risk habitat*. 	
<p>LF-AWBD-R68 Activities affecting RP-SCHED2 Value of Flood Control and Drainage - Discretionary</p> <p>Except as regulated by RP-LF-AWBD-R58, the following activities pursuant to ss 9(2) and 13(1) RMA in, on or under an artificial watercourse* or a reach of a river* with a RP-SCHED2 Value of Flood Control and Drainage or adjacent land^ as defined in (10) to (13):</p> <ul style="list-style-type: none"> 1. the planting of a tree or shrub 2. the erection, placement or extension of any building or other structure* (including accessways) 3. the erection, placement or extension of a fence perpendicular to a river* or artificial watercourse* 4. the erection, placement or extension of a fence greater than 1.2 m high parallel to a river* or artificial watercourse* 5. the deposition of any rock, shingle, earth, debris or other cleanfill material* and other inert materials such as concrete or brick, or material that would otherwise be cleanfill material* but containing up to 5% by weight putrescible matter 6. any excavation, drilling, tunnelling or other disturbance likely to undermine the functional integrity of a stopbank or river* control structure* 7. any land disturbance* that impedes access required for maintenance* of a river* or drainage scheme 8. the upgrade*, reconstruction, alteration, extension, removal or demolition of any structure* that is maintained by the Regional Council for the purposes of flood control or erosion protection or drainage and, as an ancillary activity*, any: <ul style="list-style-type: none"> a. excavation, drilling, tunnelling or other disturbance of the river* or lake* bed* pursuant to s13(1) RMA b. damming or diversion of water* pursuant to s14(2) RMA c. discharge* of water* or sediment into water* or onto or into land* pursuant to ss15(1) or 15(2A) RMA d. deposition of substances in or on the bed* of the river* or lake* pursuant to s13(1) e. land disturbance* pursuant to s9(2) RMA where the activities listed in (1) to (8) are undertaken in any of the following areas: 9. within the bed* of a river* or within an artificial watercourse* 10. on a stopbank 11. on any strip of land* between an artificial watercourse* or bed* of a river* and 8 m inland of the landward toe of a stopbank 12. for areas without stopbanks, anywhere within 10 m of an artificial watercourse* or the bed* of a river* 13. Only land* use activities described under (6) and (7) are controlled under this rule^ on land* described under (10) and (11) on and adjacent to the Manawatū River secondary stopbank located between Ruahine Street at Fitzroy Bend and Ruamahanga Crescent. The other listed land* use activities are not controlled in that area. <p>This rule^ does not apply to activities undertaken by or on behalf of the Regional Council.</p>	<p>Discretionary Activity</p> <p>Consent is required under this rule as an open wire fence will be constructed near the drain and cables will be thrust beneath the drain (a cable has been considered to be a structure on a precautionary basis for the purpose of this rule).</p>



P.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

The following analysis of rules has determined that the proposal requires consent as a **Discretionary activity** overall. Note that only those rules/standards which are relevant to the assessment of this proposal have been addressed in the table below.

Regulation	Comment
Relevant NPS-FW definitions	
<p>Natural inland wetland means a wetland (as defined in the Act) that is not:</p> <ul style="list-style-type: none"> a) in the coastal marine area; or b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or d) a geothermal wetland; or e) a wetland that: <ul style="list-style-type: none"> i. is within an area of pasture used for grazing; and ii. has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8)); unless iii. the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply 	<p>The site contains a number of small pasture wetlands that meet the definition of natural inland wetlands under this Regulation.</p> <p>The location of wetlands meeting this definition is shown in the collection of plans for the proposal and described in the ecology report.</p>
<p>Specified infrastructure means any of the following:</p> <ul style="list-style-type: none"> (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002) (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan (c) any water storage infrastructure (d) any public flood control, flood protection, or drainage works carried out: <ul style="list-style-type: none"> (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908 (e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990 (f) ski area infrastructure 	<p>The solar farm is recognised as regionally significant infrastructure under the Horizons Regional Plan under Policy EIT-P1 as:</p> <p>“A facility for the generation of more than 1MW of electricity and its supporting infrastructure^ where the electricity generated is supplied to the electricity distribution and transmission networks”.</p>
<p>Functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.</p>	<p>The solar farm has a functional need to be located in the particular environment.</p>
S45 construction of specified infrastructure	
<p>Regulation 45(1) Vegetation clearance – discretionary activity Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</p>	<p>Consent required. The construction works will involve the clearance of pasture vegetation within 10m of a wetland.</p>
<p>Regulation 45(2) Earthworks or land disturbance within 10m of natural inland wetland – discretionary activity Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.</p>	<p>Consent required. The proposal involves earthworks within 10m of a wetland for the construction of panels, cabling and access tracks. Panels and cabling are also constructed in wetlands.</p>
<p>Regulation 45(3) Earthworks or land disturbance between 10m – 100m of natural inland wetland – discretionary activity Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if—</p> <ul style="list-style-type: none"> a) is for the purpose of constructing specified infrastructure; and b) results, or is likely to result, in the complete or partial drainage of all or part of the natural inland wetland. 	<p>Consent not required. Earthworks (including trenching of cabling) between 10 and 100m of wetlands is being carried out, however construction methodology and proposed conditions of consent, results in these works occurring in a manner that will not result in complete or partial drainage of wetlands.</p>
<p>Regulation 45(4) Taking, use, damming or diversion of water within or within 100m radius of natural inland wetland – discretionary activity The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—</p> <ul style="list-style-type: none"> a) the activity is for the purpose of constructing or upgrading specified infrastructure; and b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland 	<p>Consent not required While earthworks may result in minor changes to overland flow paths, these are not expected to result in changes to the water level range or hydrological function of the wetlands (note however that there will be a change as a result of removing the existing irrigation).</p>
<p>Regulation 45(5) The discharge of water into water within or within 100m radius of natural inland wetland – discretionary activity The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—</p>	<p>Consent not required Stormwater discharges from impermeable areas (substation and BESS) will be designed to avoid discharging to the identified wetlands. Runoff from the solar panel arrays will not change the water level range or hydrological</p>



Regulation	Comment
<p>a) <i>the discharge is for the purpose of constructing or upgrading specified infrastructure; and</i></p> <p>b) <i>there is a hydrological connection between the discharge and the wetland; and</i></p> <p>c) <i>the discharge will enter the wetland; and</i></p> <p>d) <i>the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.</i></p>	<p>function of the wetlands (note however that there will be a change as a result of removing the existing irrigation).</p>
<p><i>Note: Regulation 45. A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—</i></p> <p>a) <i>satisfied itself that the specified infrastructure will provide significant national or regional benefits; and</i></p> <p>b) <i>satisfied itself that there is a functional need for the specified infrastructure in that location; and</i></p> <p>c) <i>applied the effects management hierarchy.</i></p>	<p>Relevant and must be considered:</p> <ul style="list-style-type: none"> • The specified infrastructure will provide significant regional or national benefits • There is a functional need for the proposal to be located on the site and for parts of the proposal to be located in the wetlands. • The effects Management Hierarchy has been applied to the assessment of the works in or near the wetlands (see section 6.3.3 of AEE).



P.4 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The following analysis of rules has determined that the proposal is a **Permitted activity** overall. Note that only those rules/standards which are relevant to the assessment of this proposal have been addressed.

Rule	Compliance Comment
8 Permitted Activities	
<p>Disturbing soil</p> <p>(3) <i>Disturbing the soil of the piece of land is a permitted activity while the following requirements are met:</i></p> <p>(a) <i>controls to minimise the exposure of humans to mobilised contaminants must—</i></p> <p>(i) <i>be in place when the activity begins:</i></p> <p>(ii) <i>be effective while the activity is done:</i></p> <p>(iii) <i>be effective until the soil is reinstated to an erosion-resistant state:</i></p> <p>(b) <i>the soil must be reinstated to an erosion-resistant state within 1 month after the serving of the purpose for which the activity was done:</i></p> <p>(c) <i>the volume of the disturbance of the soil of the piece of land must be no more than 25 m³ per 500 m²:</i></p> <p>(d) <i>soil must not be taken away in the course of the activity, except that,—</i></p> <p>(i) <i>for the purpose of laboratory analysis, any amount of soil may be taken away as samples:</i></p> <p>(ii) <i>for all other purposes combined, a maximum of 5 m³ per 500 m² of soil may be taken away per year:</i></p> <p>(e) <i>soil taken away in the course of the activity must be disposed of at a facility authorised to receive soil of that kind:</i></p> <p>(f) <i>the duration of the activity must be no longer than 2 months:</i></p> <p>(g) <i>the integrity of a structure designed to contain contaminated soil or other contaminated materials must not be compromised.</i></p>	<p>Permitted activity</p> <p>The appended PSI report assesses that there are three potential “pieces of land” within the solar farm site. Those “pieces of land associated with Homestead 1 and 2 are within the land area to be retained by the existing landowners. The “piece of land” associated with Homestead 3 is within the solar farm development area and contains the potential old sheep dip.</p> <p>The proposed soil disturbance associated with solar panel piling within this area complies with the permitted activity limit of 279m³ soil disturbance and 55m³ removal in any 12 month period can be met (based on the “piece of land” applying to the former sheep dip being 5,577m²).</p>
<p>Subdividing or changing use</p> <p>(4) <i>Subdividing land or changing the use of the piece of land is a permitted activity while the following requirements are met:</i></p> <p>(a) <i>a preliminary site investigation of the land or piece of land must exist:</i></p> <p>(b) <i>the report on the preliminary site investigation must state that it is highly unlikely that there will be a risk to human health if the activity is done to the piece of land:</i></p> <p>(c) <i>the report must be accompanied by a relevant site plan to which the report is referenced:</i></p> <p>(d) <i>the consent authority must have the report and the plan.</i></p>	<p>Permitted activity</p> <p>The Preliminary Site Investigation concludes that the use of the site for a proposed solar farm within the former sheep dip ‘piece of land’ is highly unlikely to be a risk to human health. The proposal does not therefore require consent under this clause as it complies with the requirements for permitted activities.</p>

