

Addendum to the Application to Undertake Earthworks.

**Prepared for Andrew William Simpson and
Karen Frances Simpson.**

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Discharge of Stormwater

1.0 Description of the Proposal

It is proposed to discharge operational stormwater from panels, buildings and facilities that form a solar array on Braemar Road, Balmoral Station. Operational stormwater will be discharged to ground as there is no reticulated stormwater system in this area. Run-off from the access tracks and the site facilities will also drain to ground using swales or similar features. Swale drains along the proposed access roads will follow the natural contour of the Site, and any stormwater that may concentrate in these drains will flow downslope and be directed away from the natural water bodies located in the centre and southwest of the Site.

2.0 Statutory Assessment

2.1 Canterbury Land and Water Regional Plan

Discharge of Operational Stormwater

5.96 The discharge of stormwater, other than into or from a reticulated stormwater system, onto or into land where contaminants may enter groundwater is a permitted activity, provided the following conditions are met:

1. The discharge is not from, into or onto contaminated or potentially contaminated land; and
2. The discharge:
 - a. does not cause stormwater from up to and including a 24 hour duration 10% Annual Exceedance Probability rainfall event to enter any other property; and
 - b. does not result in the ponding of stormwater on the ground for more than 48 hours, unless the pond is part of the stormwater treatment system; and
 - c. is located at least 1m above the highest groundwater level at the time the discharge system is constructed; and
 - d. is only from land used for residential, educational, or rural activities; and
 - e. does not occur where there is an available reticulated stormwater system, except where incidental to a discharge to that system; and
 - f. is not from a system that collects and discharges stormwater from more than five sites.

5.97 The discharge of stormwater, other than from a reticulated stormwater system, into a river, lake, wetland or artificial watercourse or onto or into land in circumstances where a contaminant may enter water that does not meet one or more of the conditions of Rule 5.95 or Rule 5.96; and the discharge of stormwater or construction-phase stormwater into a reticulated stormwater system that does not meet the condition of Rule 5.93A; is a discretionary activity except that within the boundaries of Christchurch City it is a non-complying activity.

Assessment

1. The discharge will not be from, into or onto contaminated or potentially contaminated land.
- 2a. The discharge will not cause stormwater from up to and including a 24 hour duration 10% Annual Exceedance Probability rainfall event to enter any other property, given the size of the Site.
- 2b. The discharge will not result in the ponding of stormwater on the ground for more than 48 hours.
- 2c. No discharge system is proposed to be constructed.

2d. 'Rural activity' is not defined in the CLAWRP nor in the CRPS: outside of Greater Christchurch. However, ECan has confirmed that a solar farm is not a rural activity.

2e. The discharge will not occur where there is an available reticulated stormwater system.

2f. The discharge will not be from a system that collects and discharges stormwater from more than five sites.

Therefore, consent is required as a **Discretionary Activity** under Rule 5.97 as the activity cannot comply with Rule 5.96 2d.

2.2 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

45 Construction of specified infrastructure

- (1) Vegetation clearance within, or within a 10m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.
- (2) Earthworks or land disturbance within, or within a 10m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.
- (3) Earthworks or land disturbance outside a 10m, but within a 100m, setback from a natural wetland is a discretionary activity if it—
 - (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 wetland.
- (4) The taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural wetland is a discretionary activity if it is for the purpose of constructing specified infrastructure.

Assessment

It is not proposed to undertake vegetation clearance within 20m of a natural wetland.

It is proposed to undertake earthworks outside a 10m, but within a 100m, setback from a natural wetland, but the works are for the purpose of constructing specified infrastructure and will not result in the complete or partial drainage of all or part of the wetland.

No discharge of construction-phase stormwater will occur within, or within a 100m setback from, either natural wetland on the Site.

Therefore, consent for the construction of the solar array is not required under the NES-F.

Maintenance and operation of specified infrastructure and other infrastructure

46 Permitted activities

(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—

(a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and

(b) complies with the conditions.

Conditions

(4) The conditions are that—

(a) the activity must comply with the general conditions on natural wetland activities in regulation 55 (but regulation 55(2), (3)(b) to (d), and (5) do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure); and

(b) the activity must not be for the purpose of increasing the size of the specified infrastructure or other infrastructure; and

(c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and

(d) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500m² or 10% of the area of the natural wetland, whichever is smaller; and

Assessment

The activity is the discharge of stormwater to land within 100m of a natural wetland from solar panels, buildings and other facilities associated with the operation of a solar array.

It is anticipated that stormwater will drain to land and not form overland flows or pools that will discharge to the natural wetlands as the panels will be spaced with 4.6m between each row, so there will be a sufficient area to absorb the stormwater discharging off each panel. Also, the land will be vegetated, thus minimising the risk of erosion and the development of run-off channels, with swale drains being created along the access tracks to further assist in ensuring stormwater is discharged to land.

The discharge does not relate to any other activity such as earthworks, construction activities or vegetation clearance.

55 *General conditions on natural wetland activities*

(1) This regulation applies if a regulation in this subpart refers to the compliance of an activity with the general conditions in this regulation.

General condition for permitted activities: prior notice of activity

- (2) If this regulation applies in relation to a permitted activity, the 1 or more persons responsible for undertaking the activity must, at least 10 working days before starting the activity, provide the relevant regional council with the following information in writing:
- (a) a description of the activity to be undertaken; and
 - (b) a description of, and map showing, where the activity will be undertaken; and
 - (c) a statement of when the activity will start and when it is expected to end; and
 - (d) a description of the extent of the activity; and
 - (e) their contact details.

Assessment

The Applicant will provide the required information to ECan at least 10 working days before the panels are established.

General conditions: water quality and movement

- (3) The general conditions relating to water quality and movement are as follows:
- (a) the activity must not result in the discharge of a contaminant if the receiving environment includes any natural wetland in which the contaminant, after reasonable mixing, causes, or may cause, 1 or more of the following effects:
 - (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - (ii) a conspicuous change in colour or visual clarity:
 - (iii) an emission of objectionable odour:
 - (iv) the contamination of freshwater to the extent that it is not suitable for farm animals to drink:
 - (v) adverse effects on aquatic life that are more than minor; and
 - (b) the activity must not increase the level of flood waters that would, in any flood event (regardless of probability), inundate all or any part of the 1% AEP floodplain (but see subclause (4)); and
 - (c) the activity must not alter the natural movement of water into, within, or from any natural wetland (but see subclause (5)); and
 - (d) the activity must not involve taking or discharging water to or from any natural wetland (but see subclause (5)); and
 - (e) debris and sediment must not—
 - (i) be placed within a setback of 10 m from any natural wetland; or

(ii) be allowed to enter any natural wetland.

Assessment

The discharge of operational stormwater will not contain any oil or grease films, scums or foams, or floatable or suspended materials, or result in a conspicuous change in the colour or visual clarity of the water in the wetlands or result in an emission of objectionable odour or contaminate the freshwater to the extent that it is not suitable for farm animals to drink or have adverse effects on aquatic life. However, it is proposed to undertake cultural and ecological monitoring of the wetlands to ensure that any adverse effects that do arise are addressed promptly. That said, the Site is currently grazed by cattle and the wetlands are unfenced. It is proposed to only graze sheep on the Site and fence the wetlands to ensure grazing does not occur in or within a 20m setback from the wetlands. This will be a significant improvement in terms of managing effects on water quality and wetland ecology.

The Applicant owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain, therefore Subclause (3)(b) does not apply.

There is also a low risk to human safety, given that the nearest residential property is 1.85km from the Site and the piles are slender with the panels being located at least 1m above ground level, so are unlikely to create a barrier to the flow or absorption of stormwater.

The discharge to land will not alter the natural movement of water into, within, or from the natural wetlands and will not involve taking or discharging water to or from the natural wetlands. No sediment will enter the natural wetlands given that the stormwater will discharge to land.

- (4) Subclause (3)(b) does not apply if the person undertaking the activity—
- (a) owns or controls the only land or structures that would be affected by a flood in all or any part of the 1% AEP floodplain; or
 - b) has—
 - (i) obtained written consent to undertaking the activity from each person who owns or controls the land or structures that would be affected by a flood in all or part of the 1% AEP floodplain, after informing them of the expected increase in the level of flood waters; and
 - (ii) satisfied the relevant regional council that they have complied with subparagraph (i).

Assessment

See above.

(5) Despite subclause (3)(c) and (d), the temporary taking, use, damming, or diversion of water around a work site, or discharges of water into the water around a work site, may be undertaken if the following conditions are complied with:

<p>Assessment</p> <p>It is not proposed to discharge water into water as the stormwater will be discharged to land.</p>
<p>(6) In subclauses (3) and (4), 1% AEP floodplain means the area that would be inundated in a flood event of a size that has a 1% or greater probability of occurring in any one year.</p>
<p>Assessment</p> <p>See above.</p>
<p><i>General condition: earth stability and drainage</i></p> <p>(7) The general condition relating to earth stability and drainage is that the activity must not create or contribute to—</p> <ul style="list-style-type: none"> (a) the instability or subsidence of a slope or another land surface; or (b) the erosion of the bed or bank of any natural wetland; or (c) a change in the points at which water flows into or out of any natural wetland; or (d) a constriction on the flow of water within, into, or out of any natural wetland; or (e) the flooding or overland flow of water within, or flowing into or out of, any natural wetland.
<p>Assessment</p> <p>The discharge of operational stormwater to land will not result in any instability or subsidence of a slope or another land surface that could result in sediment entering the natural wetlands. The Site is gently undulating but does not have steep slopes and the wetlands themselves, including the 20m setback, will be covered in established vegetation. Given that no discharge is proposed directly to the wetlands, there will be no erosion of the bed or bank of the natural wetlands. The alignment, width and flow of water will remain unchanged and unrestricted.</p>
<p><i>General conditions: earthworks, land disturbance, and vegetation clearance</i></p> <p>(8) The general conditions on earthworks, land disturbance, and vegetation clearance are as follows:</p>
<p>Assessment</p> <p>The discharge of stormwater to land does not require earthworks, land disturbance, and vegetation clearance.</p>
<p><i>General conditions: vegetation and bird and fish habitats</i></p> <p>(9) The general conditions relating to vegetation and bird and fish habitats are as follows:</p>

- (a) only indigenous species that are appropriate to a natural wetland (given the location and type of the natural wetland) may be planted in it; and
- (b) the activity must not result in the smothering of indigenous vegetation by debris and sediment; and
- (c) the activity must not disturb the roosting or nesting of indigenous birds during their breeding season; and
- (d) the activity must not disturb an area that is listed in a regional plan or water conservation order as a habitat for threatened indigenous fish; and
- (e) the activity must not, during a spawning season, disturb an area that is listed in a regional plan or water conservation order as a fish spawning area.

Assessment

It is proposed to plant indigenous tussock and sedge species along the edge of the central wetland to improve lizard habitat.

The discharge of operational stormwater will not result in the smothering of indigenous vegetation by debris and sediment, or the disturbance of roosting or nesting indigenous birds during their breeding season.

The wetlands are not listed in the CLAWRP as a habitat for threatened indigenous fish or a fish spawning area.

General condition: historic heritage

- (10) The general condition relating to historic heritage is that the activity must not destroy, damage, or modify a site that is protected by an enactment because of the site's historic heritage (including, to avoid doubt, because of its significance to Māori), except in accordance with that enactment.

Assessment

This matter is not relevant.

General conditions: machinery, vehicles, equipment, and construction materials

- (12) The general conditions on the use of vehicles, machinery, equipment, and materials are as follows:

Assessment

It is not proposed to use vehicles, machinery, equipment, and materials as part of discharging operational stormwater to land.

General conditions: miscellaneous

- (13) The other general conditions are as follows:

- (a) the activity must be undertaken only to the extent necessary to achieve its purpose; and
- (b) the activity must not involve the use of fire or explosives; and
- (c) if there is existing public access to a natural wetland, the activity must not prevent the public from continuing to access the natural wetland (unless that is required to protect the health and safety of the public or the persons undertaking the activity); and
- (d) no later than 5 days after the activity ends,—
 - (i) debris, materials, and equipment relating to the activity must be removed from the site; and
 - (ii) the site must be free from litter.

Assessment

The discharge of stormwater is necessary to operate the solar array, but it will not involve the use of fire or explosives. There is no existing public access to the natural wetlands and the Site will always be free of litter.

The discharge of operational stormwater for the purpose of operating specified infrastructure (a solar array) is a Permitted activity as it complies with the relevant conditions.

2.3 Summary

In summary, consent is required to discharge operational stormwater from a solar array as a Discretionary activity under the Canterbury Land and Water Regional Plan.

3.0 Section 104(2) Permitted Baseline

Under the NES-F, the following are permitted activities:

- The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—
 - (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and
 - (b) complies with the conditions.

Under the CLAWP, the following are permitted activities:

- The discharge of stormwater, other than into or from a reticulated stormwater system, onto or into land where contaminants may enter groundwater is a permitted activity, provided the relevant conditions are met, including that the discharge is only from land used for residential, educational, or rural activities.

It is appropriate to apply the permitted baseline as the activities set out above are relevant to the proposal and could be carried out as of right. They are not fanciful and clearly illustrate the nature and extent of activities and associated adverse effects that are considered appropriate at the Site.

4.0 Assessment of Effects

Tonkin and Taylor were engaged by Boffa Miskell to prepare a Stormwater Impact Assessment, which is provided with this application. The assessment concludes that the Site is suitable for the proposed solar farm development and that:

- the volume of stormwater discharged from pre to post development will remain unchanged.
- the potential for any increased erosion by stormwater is very low, if the recommended measures are adopted.
- the potential for any increased concentration of stormwater flow is low, if the recommended measures are adopted.
- changes to the existing landforms will be minimal, and there will be no significant compaction of the ground, therefore there will be no decrease in the rate of infiltration to ground.
- with the measures proposed by Boffa Miskell in the Ecological Impact Assessment and recommended in the Stormwater Assessment, the effects of this development on erosion, and on the natural water bodies on the Site will be very low.

The stormwater assessment recommends that the following matters are addressed in the erosion and sediment control plan:

- Consider installing flow control structures on swale drains with grades greater than 5% for distances over 20m to avoid the potential for erosion of the swale drains.
- Inspection and maintenance of swale drains for erosion and repair as necessary.
- Maintenance of pasture or other vegetation cover where possible.
- Periodic inspection of the drip line of solar panels (particularly after a period of wet weather or in the event of a significant snow melt), to check for signs of soil erosion and where necessary repair or install a protection layer.

The Applicant is accepting of these mitigation measures.

Overall, it is considered that the proposed discharge of operational stormwater from the solar array and associated buildings and facilities will result in less than minor adverse effects. The adoption of the recommended mitigation measures will further minimise any risk of adverse effects.

5.0 Objectives and Policies

Document	Objectives and Policies
NPS-FM	<p>2.1 Objective</p> <p>(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</p> <p>(a) first, the health and well-being of water bodies and freshwater ecosystems</p> <p>(b) second, the health needs of people (such as drinking water)</p> <p>(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</p> <p>Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.</p> <p>Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.</p> <p>Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</p> <p>Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.</p> <p>Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.</p> <p>Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</p> <p>Policy 7: The loss of river extent and values is avoided to the extent practicable.</p> <p>Policy 8: The significant values of outstanding water bodies are protected.</p> <p>Policy 9: The habitats of indigenous freshwater species are protected.</p> <p>Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.</p> <p>Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.</p>

	<p>Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.</p> <p>Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.</p> <p>Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.</p> <p>Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.</p>
CRPS	<p>Objective 7.2.3 Protection of intrinsic value of waterbodies and their riparian zones</p> <p>The overall quality of freshwater in the region is maintained or improved, and the life supporting capacity, ecosystem processes and indigenous species and their associated fresh water ecosystems are safeguarded.</p> <p>7.3.3 Enhancing fresh water environments and biodiversity</p> <p>To promote, and where appropriate require the protection, restoration and improvement of lakes, rivers, wetlands and their riparian zones and associated Ngāi Tahu values, and to:</p> <ol style="list-style-type: none"> 1. identify and protect areas of significant indigenous vegetation and significant habitats, sites of significant cultural value, wetlands, lakes and lagoons/Hapūa, and other outstanding water bodies; and 2. require the maintenance and promote the enhancement of indigenous biodiversity, inland basin ecosystems and riparian zones; and 3. promote, facilitate or undertake pest control. <p>7.3.7 Water quality and land uses</p> <p>To avoid, remedy or mitigate adverse effects of changes in land uses on the quality of fresh water (surface or ground) by:</p> <ol style="list-style-type: none"> 1. 2. controlling changes in land uses to ensure water quality standards are maintained or where water quality is already below the minimum standard for the water body, it is improved to the minimum standard within an appropriate timeframe.

CLAWRP	<p>The objectives and policies that deal with stormwater are summarised and assessed below.</p> <p>3.1 Land and water are managed as integrated natural resources to recognise and enable Ngāi Tahu culture, traditions, customary uses and relationships with land and water.</p> <p>3.2 Water management applies the ethic of ki uta ki tai – from the mountains to the sea – and land and water are managed as integrated natural resources recognising the connectivity between surface water and groundwater, and between fresh water, land and the coast.</p> <p>3.8 The quality and quantity of water in fresh water bodies and their catchments is managed to safeguard the life-supporting capacity of ecosystems and ecosystem processes, including ensuring sufficient flow and quality of water to support the habitat and feeding, breeding, migratory and other behavioural requirements of indigenous species, nesting birds and, where appropriate, trout and salmon.</p> <p>3.8A High quality fresh water is available to meet actual and reasonably foreseeable needs for community drinking water supplies.</p> <p>4.17 Stormwater run-off volumes and peak flows are managed so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.</p>
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5.1 NPS-FM

Objective 1 and Policy 1: It is not proposed to take or use water but to discharge operational stormwater within 100m of wetlands. The stormwater assessment prepared by Tonkin and Taylor and the Ecological Impact Assessment prepared by Boffa Miskell have determined that adverse effects on the health and well-being of the wetlands will be low, and with the adoption of the recommended mitigation measures, potential adverse effects will be very low.

Overall, it is considered freshwater will be managed in a way that gives effect to Te Mana o te Wai.

Policy 2: The proposed application has been assessed against the relevant iwi management plan and is consistent with the objectives and policies of that plan as set out below.

Policies 3, 4 and 5 relate to integration, whole of catchment management, NZ's integrated climate change response and the National Objectives Framework. These policies are pitched at a higher level than is relevant to this proposal and are given effect through the CLAWRP and ECan management. Again, the proposal is consistent with these policies by ensuring protection of freshwater values. As stated above, the discharge of operational stormwater in proximity to the wetlands will not adversely affect their health and well-being or the ability to provide for the health needs of people.

Policy 6: Whilst it is proposed to discharge operational stormwater in proximity to wetlands, there will be no drainage of the wetlands resulting in loss of extent. Furthermore, the health of the wetlands will be protected by maintaining vegetation along the wetland to minimise the risk of sediment entering the wetlands.

Policy 7 seeks to avoid the loss of river extent and values. This policy is not relevant as no river will be affected by this proposal.

Policy 8: There are no outstanding water bodies within or adjacent to the Site, so this policy is not relevant.

Policies 9 and 10 relate to indigenous freshwater species, trout and salmon. It is considered that the wetlands are likely to be habitats of indigenous freshwater species. However, they will be protected by the mitigation measures that will be adopted and on-going monitoring of their health. They are unlikely to be habitats for trout and salmon.

Policy 11 is not relevant as it is not proposed to take any freshwater.

Policy 12 relates to national targets for water quality improvements and is not relevant to this proposal as it affects wetlands. Although it is noted that the proposal will result in the land being grazed by sheep and not cattle, which may result in benefits for water quality in the wetlands.

Policies 13 and 14: it is proposed to undertake ecological and cultural health monitoring in the wetlands, and measures will be enacted if water quality in the wetlands deteriorates. Any reports produced will be provided to AECL.

Policy 15: The proposal will enable the operation of a solar array that will provide renewable electricity to the local network. This activity will provide for the economic wellbeing of the Applicant as well as supporting economic activity that will benefit the local, regional and national economy. The proposal will also enable people to provide for their social and cultural wellbeing by providing a reliable source of renewable electricity.

The objective and policies in Part 2 of the NPS-FM have been assessed, and overall, it is considered that the proposal is not contrary to the objective and relevant policies of the NPS-FM and is therefore generally consistent with the concept of Te Mana o te Wai.

However, Part 3 is not considered relevant as it relates to implementation of the NPS-FM by the regional council rather than whether an individual application gives effect to or is aligned with, the intent of the NPS-FM.

5.2 CRPS and CLAWRP

Operational stormwater will be discharged to land from the roofs of buildings on the Site including the enclosed inverters that are located in weatherproof casings, the panels/modules, the accessways and laydown areas. It will essentially be 'clean' and the stormwater assessment prepared by Tonkin and Taylor concludes that the potential for the concentration of stormwater flow or erosion from the solar array, site facilities or access tracks is low. However, as the

recommended mitigation measures will be adopted, adverse effects of this development on erosion, and on natural water bodies on the Site will reduce to very low.

The stormwater will not be contaminated by hazardous substances and therefore groundwater and surface water quality will be maintained. Furthermore, there are no potable supply bores in the vicinity of the Site, the closest being 3km to the east.

The arrays will be spaced 4.6m apart, so stormwater is unlikely to pool as there will be sufficient land to absorb the stormwater discharging off each panel. Also, the land will be vegetated, thus minimising the risk of erosion and the development of rills, with swale drains being created along the access tracks to further assist in ensuring stormwater is discharged to land.

There is also a low risk to human safety, given that the nearest residential property is 1.85km from the Site and the piles are slender with the panels being located 1m above ground level, so are unlikely to create a barrier to the flow or absorption of operational stormwater.

It is also proposed to monitor the ecological and cultural health of the wetlands as an integral part of constructing and operating the solar array to minimise any risks on water quality and ecological values, as well as identify opportunities for enhancement.

Overall, it is considered that the proposal will be in accordance with the objectives and policies in the CRPS and CLAWRP in relation to operational stormwater.

5.3 Waitaki Iwi Management Plan

The Waitaki Iwi Management Plan (WIMP) was developed by Te Rūnanga o Arowhenua, Te Rūnanga o Waihao and Te Rūnanga o Moeraki as an expression of rakatirataka and in fulfilment of their kaikiaki responsibilities.

The WIMP has a focus on improving water quality. As discussed above, the stormwater assessment prepared by Tonkin and Taylor and the Ecological Impact Assessment prepared by Boffa Miskell have determined that adverse effects on the health and well-being of the wetlands will be low, and with the adoption of the recommended mitigation measures, potential adverse effects will be very low.

As such, it is considered that the proposal accords with the outcomes sought by the WIMP.

5.4 Part II of the RMA

The CRPS was made operative in 2013 and the CLAWRP was made operative in 2016. Both of these documents were competently prepared through a hearing and decision-making process in a manner that appropriately reflects the provisions of sections 5-8 of the Act.

Accordingly, it is concluded that no further assessment against Part 2 is considered necessary.

5.5 Conclusion on Statutory Considerations

It is concluded that the proposal accords with the intent of the objectives and policies across the relevant statutory documents and will not be contrary to the outcomes sought by the Waitaki Iwi Management Plan.

6.0 Notification

6.1 Public Notification

The application has been assessed against each of the steps under section 95A to determine whether public notification is required.

Section 95A provides a step-by-step guide in determining whether public notification is required:

Step 1	<p>Mandatory public notification in certain circumstances.</p> <p>An application must be publicly notified if:</p> <ul style="list-style-type: none">• the applicant requests public notification• public notification is required under section 95C• the application is made jointly with an application to exchange recreation reserve land.
Step 2	<p>If not required by step 1, public notification is precluded in certain circumstances.</p> <p>An application cannot be publicly notified if:</p> <ul style="list-style-type: none">• a rule or national environmental standard (NES) precludes notification.• the application is for one or more of the following, but no other, activities:<ul style="list-style-type: none">- a controlled activity;- a restricted discretionary, discretionary or non-complying activity, but only if the activity is a boundary activity.
Step 3	<p>If not precluded by step 2, public notification is required in certain circumstances.</p> <p>Other than for those activities in step 2, public notification is required if:</p> <ul style="list-style-type: none">• a rule or NES requires public notification.• the assessment under section 95D determines that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.
Step 4	<p>Public notification in special circumstances</p> <p>If notification is precluded under step 2, or isn't required under step 3, consideration must be given to whether special circumstances exist that warrant public notification of the application.</p>

In assessing the proposal under section 95A it is noted that:

- None of the circumstances of Step 1 (section 95A(3)) apply because the Applicant has not requested public notification and the application is not made jointly with an application to exchange recreation reserve land.
- Public notification is not precluded under Step 2 as a rule or national environmental standard (NES) does not preclude notification, and the application is not for a controlled activity, or a boundary activity.
- The circumstances in Step 3 are particularly relevant. There is no NES requiring public notification. The assessment under section 95D determines that the activity will not have, or is not likely to have, adverse effects on the environment that are more than minor.
- Step 4 does not apply as there are no special circumstances which could warrant public notification under s95A(9).

Accordingly, the consent authority is requested not to publicly notify this application.

6.2 Limited Notification

Where the consent authority accepts that public notification is not required (see Part 11.1 above), the consent authority must then determine if limited notification is required under section 95B:

Step 1	<p>Certain affected groups and affected persons must be notified.</p> <p>If the consent authority determines that certain people or groups are affected, these persons/groups must be given limited notification:</p> <ul style="list-style-type: none"> • affected protected customary rights groups • affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity) • an affected person under section 95E to whom a statutory acknowledgement is made (if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement)
Step 2	<p>If not required by step 1, limited notification is precluded in certain circumstances. An application cannot be limited notified if:</p> <ul style="list-style-type: none"> • a rule or NES precludes limited notification of the application • it is for either or both of the following, but no other, activities: <ul style="list-style-type: none"> - a controlled land use activity under a district plan - an activity prescribed through regulations.

Step 3	<p>If not precluded by step 2, certain other affected persons must be notified.</p> <p>Determine whether, in accordance with section 95E, the following persons are affected persons:</p> <ul style="list-style-type: none"> • in the case of a boundary activity, an owner of an allotment with an infringed boundary; and • in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity. <p>In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.</p>
Step 4	<p>Further notification in special circumstances.</p> <p>If the consent authority determines special circumstances exist that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons), the council must give limited notification to those persons.</p>

Limited Notification under section 95B is precluded because:

- None of the circumstances of Step 1 (section 95B(2) or (3)) apply as there are no affected protected customary rights groups, customary marine title groups or an affected person under section 95E to whom a statutory acknowledgement is made.
- None of the circumstances of Step 2 apply as a rule or NES does not preclude limited notification of the application, and the application is not for a controlled land use activity under a district plan, or an activity prescribed through regulations.
- Step 3 does not apply, as there are no adversely affected persons in accordance with section 95E (as assessed below).
- Step 4 does not apply as there are no special circumstances which would warrant limited notification under Section 95B(10) to persons other than those considered as affected persons under section 95E.

With regard to affected persons, Section 95E states:

95E Consent authority decides if person is affected person

- (1) *For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*

- (2) *The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section—*
- (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) *must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) *A person is not an affected person in relation to an application for a resource consent for an activity if—*
- (a) *the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) *the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) *Subsection (3) prevails over subsection (1).*

With regard to the above, no persons are considered to be adversely affected by the proposal because the adverse effects of the proposal have been assessed as less than minor and are able to be appropriately managed through an ESCP.

Accordingly, it is considered that the consent authority need not give notice of this proposal to any person.

6.3 Conclusion of Notification Assessment

Pursuant to Sections 95 to 95G of the RMA, this application must be processed without public notification and without limited notification to any person because:

- None of the steps under section 95A require the consent authority to publicly notify the application; and
- None of the steps under section 95B require the consent authority to limited notify the application; and
- There are no persons identified as being adversely affected under s95E.

7.0 Conclusion

It is proposed to discharge operational stormwater from panels, buildings and facilities that form a solar array on Braemar Road, Balmoral Station. Operational stormwater will be discharged to ground as there is no reticulated stormwater system in this area.

Consent is required as a Discretionary activity under the Canterbury Land and Water Regional Plan.

An assessment of the effects of the proposal has been undertaken and adverse effects have been assessed as less than minor. It is also proposed to adopt the mitigation measures recommended by Tonkin and Taylor further reducing the risk of adverse environmental effects.

The proposal has been assessed against the relevant objectives and policies of the:

- National Policy Statement for Freshwater Management 2020 (NPS-FM).
- Canterbury Regional Policy Statement 2013 (CRPS).
- Canterbury Land and Water Regional Plan (CLAWRP).
- Waitaki Iwi Management Plan (WIMP).

and found not to be contrary to these.

The application can be processed on a non-notified basis without notice to any person pursuant to Section 95 of the RMA because effects on the environment will be less than minor and no persons have been identified as being adversely affected. It is also considered that no special circumstances exist.

In conclusion, it is considered that Canterbury Regional Council has the authority to grant consent to the proposed development on a non-notified basis in terms of Sections 104 and 104B of the RMA for the reasons stated above.