

Nick Pollard

From: Laila Alkamil <laila.alkamil@wwla.kiwi>
Sent: Thursday, 7 September 2023 4:34 pm
To: Nick Pollard
Cc: Kendyll Harper- Intermediate planner; Jon; Richard Homewood
Subject: Re: APPLICATION FOR RESOURCE CONSENT – SOLAR FARM IN RURAL ZONE, MOROA ROAD, GREYTOWN, PLANNING (APPLICATION NO 220103) - Further information request – following the close of submissions
Attachments: image001.png

Good afternoon Nick,

On the basis of our legal review and the acoustic advice we have obtained which indicates the District Plan noise limits will be complied with, we accept the proposed changes to Condition 1 in relation to removing the time-stamp.

I hope this enables you to complete the pre-hearing report as discussed and we look forward to having a decision on the direct referral request shortly.

Kind regards
Laila

Laila Alkamil | Planner
Williamson Water and Land Advisory

Phone | +64 27 266 8405
Email | Laila.Alkamil@wwla.kiwi
Web | <https://www.wwla.kiwi/>

10/1 Putaki Drive | Kumeu | Auckland | New Zealand

On Mon, 28 Aug 2023 at 20:09, Nick Pollard <Nick.Pollard@boffamiskell.co.nz> wrote:

Kia ora Laila

We have now received the review from Jon Styles of Styles Acoustics regarding the Marshall Day Acoustic assessment.

The key findings from Mr Styles review are as follows, and rather than paraphrase them I have included them below verbatim, including an additional condition that has been recommended by Styles in addition to those offered, along with an amendment:

1. We understand that the District Plan anticipates and provides for solar farms in rural zones. On this basis, we consider that mechanical plant noise from solar plant is a noise source that could be reasonably expected in the zone. We consider that the District Plan noise standards are appropriate to control the noise effects from the proposal.

2. We generally agree with the inputs and assumptions used by MDA to predict the noise levels from the solar farm. As the applicant has not confirmed the final plant that will be used, we have recommended a new condition to ensure that the noise emissions from the final plant arrangements are consistent with those considered in the MDA Report. That condition is as follows:

The consent holder shall provide the Council with an acoustic assessment from a suitably qualified and experienced acoustic expert that demonstrates the proposed plant and layout will achieve compliance with the noise limits in Condition 1. The report shall be provided to the Council a minimum of 6 weeks prior to construction of the solar farm.

3. The MDA Report confirms that the solar farm is able to comply with the noise limits at any physically existing notional boundary. The highest predicted noise level at an existing notional boundary is 39 dB LA10, and well below the permitted daytime and night time noise standards. The facility is expected to generate noise during evenings during the warmer months but is not expected to generate noise overnight.

4. We agree that the noise levels from the solar farm are likely to be audible at the closest receivers. The noise levels are likely to be clearly audible to the receivers when they are outdoors, during calm meteorological conditions and in periods when background noise levels are low. These periods may coincide with times when expectations for outdoor amenity are greatest.

5. The MDA Report does not include an assessment of noise effects across vacant land and have recommended that no noise limits apply at future dwellings established after consent is granted. We recommend that a vacant land assessment is undertaken to enable the potential implications of the proposed date-stamp condition to be more clearly understood. We are unable to determine whether the noise emissions across vacant land are likely to result in non-compliance with the noise standards at future notional boundaries. We recommend that noise contours are provided by the applicant, and the planners determine the likelihood of any notional boundaries being established inside the 55 dB LA10 and 45 dB LA10 noise contours. In any event, we recommend the date-stamp is removed from Condition 1 and that the District Plan noise limits apply to the proposal. Those amendments are as follows (additions underlined and deletions ~~strikethrough~~):

1. The noise level from operation of the solar farm shall meet the following noise limits at the notional boundary of dwellings ~~existing at the time of consent~~ on any other site (excluding ~~those~~ the sites at [insert addresses] where written approval has been obtained):

Daytime 7:00am to 7:00pm 55 dB LA10

Night-time 7:00pm to 7:00pm 45 dB LA10

9:00pm to 7:00pm 75 dB LA_{Fmax}

Noise levels shall be measured and assessed in accordance with NZS 6801:~~2008~~1999 Acoustics – Measurement of Environmental Sound and NZS 6802:~~2008~~1991 Acoustics – Environmental Noise.

The recommended changes to Condition 1 are designed to:

- a. Remove the date-stamp, for the reasons discussed earlier in this advice.
- b. Ensure that the site(s) where written approval have been provided are identified in the condition. This enables the condition to be administered efficiently and effectively.
- c. Ensure that the noise measurement metrics and standards align. The application is based on compliance with the Operative District Plan noise limits that refer to the L10 descriptor. While we support the use of up-to-date acoustical standards, the use of the L10 descriptor in the relevant plan rule will require measurement and assessment to be undertaken in accordance with the standards referenced in the District Plan as the L10 descriptor is not used in the 2008 versions of NZS6801 and NZS6802. There is no material change in the level of effect that would arise from this change.

Could your team please consider the matters raised, including the additional information and whether any changes to the offered conditions and the recommended changes to the Condition 1 are appropriate. To accompany these

findings and provide more explanation in relation to 'date-stamp' conditions Mr Styles has provided some recent decisions that are attached for reference. Mr Styles notes are as follows:

Dome Valley decision

This is a Council level decision. It has been appealed and there is no EC decision yet. However, the noise conditions were not appealed, so if a consent is granted it will not have the "date stamp" in it for the reasons set out in the decision. The relevant paragraphs begin at 347, with the most relevant being 355 and 356.

Nelson Vs Harvey

Environment Court decision. Paragraphs 104 and 105 suggest that pre-existing noise should not be subject to any lesser degree of control or mitigation than more recent noise.

Gisborne Pistol Club

Environment Court decision. Paragraph 199 and from paragraph 207 discuss people coming to a noise source and it expands on the comments of the previous decision.

Ngā mihi

Nick

Nick Pollard | Planner | Associate Partner | Full Member, New Zealand Planning Institute

E: nick.pollard@boffamiskell.co.nz | D: +64 9 359 5234 | M: +64 21 424 175 | LEVEL 3 | 82 WYNDHAM STREET | AUCKLAND 1010 | NEW ZEALAND

**BOFFA
MISKELL**

VISIT OUR > [Website](#) | [LinkedIn](#) | [Facebook](#) | [Instagram](#)

WHANGĀREI | AUCKLAND | HAMILTON | TAURANGA | WELLINGTON | NELSON |
CHRISTCHURCH | QUEENSTOWN | DUNEDIN

Boffa Miskell is proudly a Toitū net carbonzero® certified consultancy, [learn more>](#)

From: Laila Alkamil <laila.alkamil@wwla.kiwi>

Sent: Monday, 21 August 2023 9:28 am

To: Nick Pollard <Nick.Pollard@boffamiskell.co.nz>

Cc: Kendyll Harper- Intermediate planner <kendyll.hammond@swdc.govt.nz>; Emma McRae

<Emma.McRae@boffamiskell.co.nz>; Richard Homewood <Richard@fnsf.co.nz>

Subject: Re: APPLICATION FOR RESOURCE CONSENT – SOLAR FARM IN RURAL ZONE, MOROA ROAD, GREYTOWN, PLANNING (APPLICATION NO 220103) - Further information request – following the close of submissions

Kia ora Nick,

Thanks for your email.

Please see my response in red text below.

I will be in touch with updated landscape plans.

Kind regards

Laila

Laila Alkamil | Planner
Williamson Water and Land Advisory

Phone | +64 27 266 8405
Email | Laila.Alkamil@wwla.kiwi
Web | <https://www.wwla.kiwi/>

10/1 Putaki Drive | Kumeu | Auckland | New Zealand

On Fri, 18 Aug 2023 at 17:31, Nick Pollard <Nick.Pollard@boffamiskell.co.nz> wrote:

Dear Laila

We have now had an opportunity to review the information but are awaiting some feedback from Council's acoustic specialists. In the meantime we wanted to clarify the following:

1. Effects on Electricity Transmission Lines (Transpower assets) Assessment of Effects on the Environment

The effect of the conditions offered in respect of Transpowers assets will mean that some planting cannot be implemented in accordance with the proposed landscape plans. For clarity these plans should be updated.

In addition some planting will be altered in key viewing locations, in particular, the view west travelling along Bidwills Cuttings Road. Please provide comment in regards to the potential landscape and visual effects and confirm whether the assessment of effects for users of Bidwills Cuttings Road will see any change from the original assessment of a 'low' level of effect.

I have asked our landscape architect to provide updated landscape plans and provide comments on the overall level of effect on landscape values. I will be in touch with you once I hear back.

6. Noise Effects During Construction and Operational Phase

As noted above we are yet to receive comments from the acoustic specialist however for clarity please confirm whether all recommended conditions in section 9 of the acoustic assessment are offered as conditions of consent by the applicant.

Yes, confirming all recommended conditions for consent proffered in the acoustic assessment are accepted by the Applicant.

8. Highly Productive Land

Regarding the Soil assessment this states that: 'The land on which the proposed solar farm is to be located is classified as Land Use Capability (LUC) unit 4s 1 by the New Zealand Land Resource Inventory (NZLRI) and is therefore outside of the Highly Productive land (HPL) category.'

Has this been confirmed by on site soil testing? As our understanding based on our review of the NZLRI maps and also the LUC Soil Map appended to the application is that these appear to show a small area of the site to be LUC 2. We have approximately sketched part of the site area over the NZLRI to assist (see below):



We acknowledged that this is very much an estimation but seek confirmation. Please confirm.

No soil testing was undertaken for the soil assessment. We acknowledge that a small portion of the site is identified as being LUC 2. However, for the reasons contained in the soil assessment, there are no anticipated effects on productive soils.

Regards

Nick

Nick Pollard | Planner | Associate Partner | Full Member, New Zealand Planning Institute

E: nick.pollard@boffamiskell.co.nz | D: +64 9 359 5234 | M: +64 21 424 175 | LEVEL 3 | 82 WYNDHAM STREET | AUCKLAND 1010 | NEW ZEALAND

**BOFFA
MISKELL**

VISIT OUR > [Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

WHANGĀREI | AUCKLAND | HAMILTON | TAURANGA | WELLINGTON | NELSON |
CHRISTCHURCH | QUEENSTOWN | DUNEDIN

Boffa Miskell is proudly a Toitū net carbonzero® certified consultancy, [learn more>](#)

From: Laila Alkamil <laila.alkamil@wwla.kiwi>

Sent: Friday, 11 August 2023 3:26 pm

To: Nick Pollard <Nick.Pollard@boffamiskell.co.nz>

Cc: Kendyll Harper- Intermediate planner <kendyll.hammond@swdc.govt.nz>; Richard Homewood <Richard@fnsf.co.nz>; John Andrews <john@fnsf.co.nz>; John Telfer <johnt@fnsf.co.nz>; Aziz Elbayeh <aziz@fnsf.co.nz>

Subject: Re: APPLICATION FOR RESOURCE CONSENT – SOLAR FARM IN RURAL ZONE, MOROA ROAD, GREYTOWN, PLANNING (APPLICATION NO 220103) - Further information request – following the close of submissions

Good afternoon Nick,

Thank you for your patience while we prepared a response to your further information request. Please see our response and the supporting technical documents in the dropbox link below.

https://www.dropbox.com/scl/fi/8mre1ft6fr9gbrnq4cys6/Let_Information-Request-Response_Greytown-Solar-Farm_11-August-2023.pdf?rlkey=gds1ifzu1rrfaagmpfxcc0pkv&dl=0

I trust this will address your queries but please do not hesitate to reach out if you require any further clarification.

Kind regards

Laila

Laila Alkamil | Planner
Williamson Water and Land Advisory

Phone | +64 27 266 8405

Email | Laila.Alkamil@wwla.kiwi

Web | <https://www.wwla.kiwi/>

10/1 Putaki Drive | Kumeu | Auckland | New Zealand

On Tue, 27 Jun 2023 at 17:23, Nick Pollard <Nick.Pollard@boffamiskell.co.nz> wrote:

Dear Laila

Following notification of this application there has been a need to reassign the processing consultant for this application. I have been requested to assist South Wairarapa District Council with processing from here on.

I have reviewed the submissions and have identified some issues that would assist in preparing prehearing reports. Please find attached a request for further information following the close of submissions on this application.

Given the material nature of these requests and the clarity necessary to prepare a report for a decision maker we request, as outlined in the letter, that the applicant consider placing the application on hold under section 91A RMA until these matters have been addressed.

Please let me know should you wish to discuss any matter above or in the attached.

Regards

Nick

Nick Pollard | Planner | Associate Partner | Full Member, New Zealand Planning Institute

E: nick.pollard@boffamiskell.co.nz | D: +64 9 359 5234 | M: +64 21 424 175 | LEVEL 3 | 82 WYNDHAM STREET | AUCKLAND 1010 | NEW ZEALAND

**BOFFA
MISKELL**

VISIT OUR > [Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#)

WHANGĀREI | AUCKLAND | HAMILTON | TAURANGA | WELLINGTON | NELSON |
CHRISTCHURCH | QUEENSTOWN | DUNEDIN

Boffa Miskell is proudly a Toitū net carbonzero® certified consultancy, [learn more](#)>

This electronic message together with any attachments is confidential. If you receive it in error: (i) you must not use, disclose, copy or retain it; (ii) please contact the sender immediately by reply email and then delete the emails. Views expressed in this email may not be those of Boffa Miskell Limited. **Electronic Data.** By accepting or using electronic data files provided by Boffa Miskell Limited, you acknowledge and agree that (i) The purpose for which the files were prepared may differ from the purpose that you intend to use the files, and Boffa Miskell makes no representation that the files are suitable for your intended use; (ii) Boffa Miskell gives no representation as to the accuracy, completeness or correctness of the information in the files. You acknowledge that it is your responsibility to confirm all measurements and data in the files; (iii) The provision of the files does not transfer any copyright or other intellectual property rights in the files or any information contained therein. All references to Boffa Miskell shall be removed if any information in the files is copied or altered in any way; and (iv) To the full extent permitted by law, Boffa Miskell accepts and shall have no liability whatsoever (including in negligence) for any loss, damage or liability arising from the receipt or use of the files. This e-mail message has been scanned for Viruses and Content.

This electronic message together with any attachments is confidential. If you receive it in error: (i) you must not use, disclose, copy or retain it; (ii) please contact the sender immediately by reply email and then delete the emails. Views expressed in this email may not be those of Boffa Miskell Limited. **Electronic Data.** By accepting or using electronic data files provided by Boffa Miskell Limited, you acknowledge and agree that (i) The purpose for which the files were prepared may differ from the purpose that you intend to use the files, and Boffa Miskell makes no representation that the files are suitable for your intended use; (ii) Boffa Miskell gives no representation as to the accuracy, completeness or correctness of the information in the files. You acknowledge that it is your responsibility to confirm all measurements and data in the files; (iii) The provision of the files does not transfer any copyright or other intellectual property rights in the files or any information contained therein. All references to Boffa Miskell shall be removed if any information in the files is copied or altered in any way; and (iv) To the full extent permitted by law, Boffa Miskell accepts and shall have no liability whatsoever (including in negligence) for any loss, damage or liability arising from the receipt or use of the files. This e-mail message has been scanned for Viruses and Content.

This electronic message together with any attachments is confidential. If you receive it in error: (i) you must not use, disclose, copy or retain it; (ii) please contact the sender immediately by reply email and then delete the emails. Views expressed in this email may not be those of Boffa Miskell Limited. **Electronic Data.** By accepting or using electronic data files provided by Boffa Miskell Limited, you acknowledge and agree that (i) The purpose for which the files were prepared may differ from the purpose that you intend to use the files, and Boffa Miskell makes no representation that the files are suitable for your intended use; (ii) Boffa Miskell gives no representation as to the accuracy, completeness or correctness of the information in the files. You acknowledge that it is your responsibility to confirm all measurements and data in the files; (iii) The provision of the files does not transfer any copyright or other intellectual property rights in the files or any information contained therein. All references to Boffa Miskell shall be removed if any information in the files is copied or altered in any way; and (iv) To the full extent permitted by law, Boffa Miskell accepts and shall have no liability whatsoever (including in negligence) for any loss, damage or liability arising from the receipt or use of the files. This e-mail message has been scanned for Viruses and Content.