

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-FM.

Canterbury Land and Water Regional Plan

5.167 The use of land for vegetation clearance outside the bed of a river or lake or adjacent to a wetland boundary but within:

- (a) 10m of the bed of a lake or river or a wetland boundary in Hill and High-Country land or land shown as High Soil Erosion Risk on the Planning Maps; or
- (b) 5m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country on the Planning Maps; and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:
 1. Except in relation to recovery activities, the area of bare ground resulting from vegetation clearance:
 - (a) does not exceed 10% of the area within the relevant riparian margin at any time; or
 - (b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or
 - (c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007; and
 2. Except in relation to recovery activities, the vegetation clearance is not on land above 900 m above sea level; and
 3. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:
 - (a) 50g/m³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or
 - (b) 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case the Schedule 5 visual clarity standards shall apply; and
 4. The felling of trees, or any part of a tree, is away from any lake, river or wetland, except where it is not practicable to do so to ensure human safety, and no logs or tree trunks are dragged through or across the bed of a lake or a permanently flowing river, or a wetland; and

5. The vegetation clearance does not occur adjacent to a salmon spawning site listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and
6. The vegetation is not flood or erosion control vegetation; and
7. From 5 September 2015, and in the riparian margins of the Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and the Waitaki rivers, vegetation clearance or cultivation does not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 6 above are also met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.

Assessment

Vegetation clearance is not proposed to be undertaken within 20m of the boundary of the wetland in the southwest corner of the Site. Therefore, this rule is not applicable.

5.168 The use of land for earthworks outside the bed of a river or lake or adjacent to a wetland boundary but within:

- (a) 10m of the bed of a lake or river or a wetland boundary in Hill and High-Country land or land shown as High Soil Erosion Risk on the Planning Maps; or
- (b) 5m of the bed of a lake or river or a wetland boundary in all other land not shown as High Soil Erosion Risk on the Planning Maps or defined as Hill and High Country.

and any associated discharge of sediment or sediment-laden water in circumstances where sediment may enter surface water is a permitted activity, provided the following conditions are met:

1. Except in relation to recovery activities, or the establishment, maintenance or repair of network utilities and fencing, the extent of earthworks within the riparian margin:
 - (a) does not at any time exceed:
 - (i) an area of 500m², or 10% of the area, whichever is the lesser; or
 - (ii) a volume of 10m³ on land shown as High Soil Erosion Risk on the Planning Maps; or
 - (b) is undertaken in accordance with a Farm Environment Plan that has been prepared in accordance with Schedule 7 Part A; or
 - (c) for plantation forestry activities is undertaken in accordance with the Environmental Code of Practice for Plantation Forestry (ECOP) 2007 and the NZ Forest Road Engineering Manual (2012); and

2. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, the concentration of total suspended solids in the discharge does not exceed:
 - (a) 50g/m³ where the discharge is to any Spring-fed river, Banks Peninsula River, or to a lake, except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or
 - (b) 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case the Schedule 5 visual clarity standards shall apply; and
3. The activity does not occur adjacent to a salmon spawning area listed in Schedule 17, or in any inanga spawning habitat during the period of 1 January to 1 June inclusive, or in any Critical Habitat; and
4. Except in relation to recovery activities or the establishment, maintenance or repair of network utilities and fencing, any earthworks or cultivation is not within 5 m of any flood control structure; and
5. From 5 September 2015, and in the riparian margins of Clarence, Waiau, Hurunui, Waimakariri, Rakaia, Rangitata, and Waitaki rivers, earthworks or cultivation do not result in a reduction in the area or diversity of existing riparian vegetation, unless the works have been authorised by a land use consent granted by the relevant territorial authority and conditions 1 to 4 above are met, or the activity is for the purpose of the installation, operation, maintenance, upgrade or repair of infrastructure.

Assessment

Earthworks not proposed to be undertaken within 20m of the boundary of the wetland in the southwest corner of the Site. Therefore, this rule is not applicable.

5.175 The use of land to excavate material is a permitted activity, provided the following conditions are met:

2. Over an unconfined or semi-confined aquifer:
 - (a) the volume of material excavated is less than 100m³; or
 - (b) the volume of material excavated is more than 100m³ and:
 - (i) there is more than 1m of undisturbed material between the deepest part of the excavation and the highest groundwater level; and
 - (ii) the excavation does not occur within 50m of any surface waterbody.

5.176 The use of land to excavate material that does not comply with one or more of the conditions of Rule 5.175 is a restricted discretionary activity.

The exercise of discretion is restricted to the following matters:

1. The actual and potential adverse environmental effects on the quality of water in aquifers, rivers, lakes, wetlands; and
2. Any need for remediation or long-term treatment of the excavation; and
3. The protection of the confining layer and maintaining levels and groundwater pressure in any confined aquifer, including any alternative methods or locations for the excavation; and
4. The management of any exposed groundwater, and
5. Any adverse effects on Ngāi Tahu values or on sites of significance to Ngāi Tahu, including wāhi tapu and wāhi taonga.

Assessment

It is proposed to undertake approximately 13,074m³ of earthworks (cut and fill). However, whilst there will likely be more than 1m of undisturbed material between the deepest part of the excavation and the highest recorded groundwater level, this cannot be confirmed given the lack of water monitoring data in this location. The excavations will also occur within 50m of the wetlands (surface waterbody).

Therefore, consent is required as a **Restricted Discretionary Activity** under Rule 5.176.

Discharge of Stormwater

Discharge of Construction-phase Stormwater

5.93A The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, to a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, is a permitted activity, provided the following conditions are met:

1. The area of disturbed land from which the discharge is generated is less than:
 - a. 1000m² for any construction-phase stormwater generated as a result of work carried out in an area shown as High Soil Erosion Risk on the Planning Maps; or
 - b. two hectares in any other location; and
2. The concentration of total suspended solids in the discharge shall not exceed:
 - a. 50g/m³ where the discharge is to any spring-fed river, Banks Peninsula river, or to a lake except when the background total suspended solids in the waterbody is greater than 50g/m³ in which case the Schedule 5 visual clarity standards shall apply; or

- b. 100g/m³ where the discharge is to any other river or to an artificial watercourse except when the background total suspended solids in the waterbody is greater than 100g/m³ in which case Schedule 5 visual clarity standards shall apply; and
3. The discharge does not result in an increase in the flow in the receiving waterbody at the point of discharge of more than 1% of a flood event with an Annual Exceedance Probability of 20% (one in five-year event); and
4. The discharge is not from, into or onto contaminated or potentially contaminated land; and
5. The discharge does not contain any hazardous substance; and
6. The discharge does not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.

5.94B The discharge of construction-phase stormwater, other than into or from a reticulated stormwater system, into a surface waterbody, or onto or into land in circumstances where a contaminant may enter groundwater or surface water, that does not meet one or more of the conditions of Rule 5.94A is a restricted discretionary activity.

Assessment

The total area of disturbance is approximately 2.74ha.

The area of land that will be disturbed during Phase 1 will be approximately 0.6ha and for Phase 2 will be approximately 2.1 hectares. However, this will be split into three blocks and works within each block will be completed prior to commencing the next:

Block 1: 7,961.65m²

Block 2: 6,046.05m²

Block 3: 7,066.30m².

Therefore, stormwater will not be discharged from more than 0.79 ha of disturbed land at any one time.

There will be no discharge to any spring-fed river, Banks Peninsula river, to any other river, to a lake or to an artificial watercourse. This means that the discharge will not result in an increase in the flow in a receiving waterbody. Furthermore, the discharge will not be from, into or onto contaminated or potentially contaminated land, will not contain any hazardous substance and will not occur within a Community Drinking-water Protection Zone as set out in Schedule 1.

Therefore, the discharge of construction-phase stormwater is a **Permitted Activity** under Rule 5.93A.

Canterbury Air Regional Plan

Dust Generating Activities

Rule 7.32

The discharge of dust to air beyond the boundary of the property of origin from the construction of buildings, land development activities, unsealed surfaces or unconsolidated land, is a permitted activity provided the following conditions, where applicable, are met:

1. The building to be constructed is less than 3 stories in height, or where the building is greater than 3 stories in height, a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and
2. The area of unsealed surface or unconsolidated land is less than 1000m², or where the area of unsealed surface or unconsolidated land is greater than 1000m² a dust management plan is prepared in accordance with Schedule 2 and implemented by the person responsible for the discharge into air; and
3. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin, when assessed in accordance with Schedule 2.

Assessment

The proposal will comply with the conditions of this rule because no buildings over 2 stories high will be constructed on the site.

A Dust Management Plan will be prepared as part of the Erosion and Sediment Control Plan.

This will ensure that no dust will be discharged beyond the site boundaries.

Therefore, the proposal is a **Permitted Activity** under the Canterbury Regional Air Plan.