

NOTICE OF DECISION – RESOURCE CONSENT

Application Details:

THE APPLICANT:	MERIDIAN ENERGY LIMITED C/- INCITE
LOCATION:	634 STONEY CREEK ROAD, BUNNYTHORPE
ZONING:	RURAL ZONE – UTILITIES SECTION
ACTIVITY STATUS:	RESTRICTED DISCRETIONARY ACTIVITY
PROPOSAL:	BATTERY ENERGY STORAGE SYSTEM
APPLICATION:	RC LU 13.2024.430.1

DECISION (RC LU 13.2024.430.1)

Pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991 ('the Act') the Palmerston North City Council ('the Council') **grants** resource consent for the battery energy storage system (BESS) for Meridian at 634 Stoney Creek Road, Palmerston North (Pt Lot 9 DP 236, Pt Lot 10 DP 236, Pt Lot 6 DP 1685, Sec 4 SO 36861, Pt Lot 7 DP 1685, Pt Lot 8 DP 1685, Sec 2 SO 36861, Sec 1 SO 36861, Lot 8 DP 236, Sec 3 SO 36861, Lot 2 DP 56711, Lot 1 DP 90766), subject to the following conditions:

CONDITIONS:

1. GENERAL ACCORDANCE

The consent holder must ensure that the development is constructed and operated in accordance with the plans, supporting information, further information request, and the following plans prepared by Incite, except where modified by conditions below:

- a. Application Form and Assessment of Environmental Effects prepared by Torrey McDonnell, Incite Limited, dated July 2024
- b. Bunnythorpe BESS Civil Engineering Concept Design Report dated July 2024 prepared by Tonkin + Taylor
- c. BESS Landscape and Visual Effects Assessment prepared by Alex Burton, Boffa Miskell, dated July 2024 and in particular;
 - the updated Landscape Mitigation Planting Plan and visual images dated 30/09/2024 – Figure 2 – Revision 4 by Boffa Miskell sent to Council on 9 October 2024. These include additional planting, relocated planting and the provision of a beige coloured shade cloth over the perimeter fencing. The shade cloth is to be in place as visual mitigation for at least 3 years until the landscaping matures and starts to achieve its intended visual mitigation purpose. The landscaping includes bunds, underplanting and specimen tree planting. The figure referred to above includes a Plant Schedule.

Note: In the event a battery supplier is able to provide battery units on the edge of the BESS site which are coloured green so that they blend into the background, the provision of shade cloth over the perimeter fencing will not be required.

d. BESS Assessment of Ecological Effects prepared by Antony Kusabs, Boffa Miskell dated July 2024.

2. **CONSTRUCTION MANAGEMENT PLAN**

Prior to the commencement of any works on site, the consent holder must submit a Construction Management Plan (CMP) for approval by the Council. The CMP must be given to Transpower NZ Ltd for its review at least 20 working days prior to the final version being submitted to the Council.

The CMP must include, but is not limited to, the following matters:

a. Be prepared by the principal contractor carrying out the works, certified builder or an engineer suitably qualified in relation to the nature of the works.

b. Include the name, experience and qualifications of the person/s nominated by the consent holder to supervise the implementation of, and adherence to, the CMP.

c. Demonstrate (using construction drawings/plans and descriptions of procedures, methods and measures) that all construction activities undertaken on the site will meet the safe distances within the New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZECP 34: 2001) or any subsequent revision of the code; including (but not limited to) those relating to:

i) Excavation and Construction near Towers (Section 2 NZECP34:2001);

ii) Building to conductor clearances (Section 3 NZECP34:2001);

iii) Ground to conductor clearances (Section 4 NZECP34:2001);

iv) Mobile Plant to conductor clearances (Section 5 NZECP34:2001); and

v) People to conductor clearances (Section 9 NZECP34:2001).

d. Include details of any areas that may be "out of bounds" during construction and/or areas within which additional management measures are required, such as fencing off, entry and exit hurdles, maximum height limits, or where a safety observer may be required (a safety observer will be at the consent holder's cost).

e. Demonstrate (using either construction drawings/plans and/or descriptions of procedures, methods and measures) how the existing transmission lines and support structures will remain accessible during and after construction activities;

f. Demonstrate how the effects of dust (including any other material potentially resulting from construction activities able to cause material damage beyond normal wear and tear) on the transmission lines will be managed;

g. Demonstrate how changes to the drainage patterns, runoff characteristics and stormwater will avoid adverse effects on the foundations of any support structure;

h. Demonstrate how construction activities that could result in ground vibrations and/or ground instability will be managed to avoid causing damage to the transmission lines, including support structures.

i. Provide details of proposed contractor training for those working near the transmission lines.

j. Details of how stormwater and surface water run-off will be controlled during site works to ensure they do not adversely affect adjoining properties;

k. Outline the process by which complaints will be managed, including contact details for the appropriate person to respond to such complaints.

Advice notes - Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development on must not preclude or obstruct this right of access. It is an offence under s163D of the Electricity Act 1992 to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act 1992.

All construction works (and associated activities such as earthworks) shall be undertaken in accordance with the approved CMP.

Earthworks and associated works, including the transport of excavated material from (or to) the site, must only occur within the following hours:

- Monday to Friday 7.00am to 7pm and Saturdays 7.00am to 5pm

- Quiet setting up of site and packing up (not including running of plant or machinery) for the first and last 30 minutes of each day may take place

- No work is to be carried out on Sundays or Public Holidays.

The consent holder must ensure that the operation of machinery on the site for construction is in accordance with NZS 6803:1999 Acoustics – Construction noise and should not generally exceed the numerical noise limits set out in Table 2 and Table 3 of this standard.

The consent holder must ensure that all vehicles and earthmoving machinery exiting the site do not track earthworked materials onto the surrounding roading network. In the event material is tracked onto the road, the consent holder must be responsible for cleaning and repairing the road back to its original condition.

3. **CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

No less than 15 working days prior to the commencement of any works on the site, the Consent Holder must submit a Construction Traffic Management Plan (CTMP) prepared by a suitably qualified and experienced practitioner to Council's Monitoring and Enforcement Officer for approval.

The purpose of the CTMP is to set out how the effects of construction traffic on the surrounding environment are to be minimised using reasonably practicable measures and the methods to be used to achieve this. The CTMP must include, but not be limited to, the following information, methods, measures and techniques to the achieve its purpose:

a. Purpose and scope of the plan;

b. Relationship with other management plans;

c. Hours of construction traffic activity;

d. Estimated numbers and sizes of construction vehicles;

e. Controlled internal and external access routes;

f. Parking locations for construction staff;

g. Access and delivery locations, including swept path analysis for largest vehicles;

h. Likely construction access routes to and from the site;

i. Management of oversize loads;

j. Wheel cleaning and covering of loads; and

k. Management of any complaints.

10. The Consent Holder shall comply with the certified CTMP at all times.

4. ACCIDENTAL DISCOVERY PROTOCOL

All staff/contractors involved in drilling, earthmoving or mining operations will undertake cultural induction training provided by Te Ao Turoa Environmental Centre (TATEC) prior to those staff/contractors undertaking construction activities on site;

In the event that the activities authorised by these resource consents discover or disturb an archaeological site, kōiwi tāngata, wāhi tapu or wāhi taonga, the Consent Holder must immediately cease further work within 10 metres of the discovery or disturbance and inform:

a. Heritage New Zealand Pouhere Taonga;

b. Rangitāne o Manawatu;

c. the Councils (subject to the relevant territorial jurisdictions); and

d. New Zealand Police (only in the event of kōiwi being discovered).

The consent holder will implement the accidental discovery protocol issued by Rangitāne o Manawātū (See Appendix H of this application);

Further work within 10 metres of the discovery or disturbance must be suspended until:

a. Procedures for the recording and removal of the archaeological material are completed; and

b. Heritage New Zealand Pouhere Taonga, Rangitāne o Manawatu, the Councils (subject to the relevant territorial jurisdictions) have advised that the work can recommence.

c. Clauses (a) and (b) do not apply where the works are subject to an archaeological authority granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014.

5. EARTHWORKS, EROSION AND SEDIMENT CONTROL

The consent holder must, at least five (5) working days prior to commencing activities authorised by this resource consent, provide Council with a copy of the Erosion and Sediment Control Plan (ESCP) certified by Horizons Regional Council as per the conditions of resource consent that the consent holder has obtained from that entity.

The Consent Holder shall comply with the certified ESCP at all times.

The consent holder must ensure that all fill disposal is placed above 51.5m contour on the site to stay out of overland flow paths and flood extents.

6. NEW VEHICLE CROSSING and ROAD WIDENING

Prior to any works commencing on the site, the consent holder must construct a new vehicle crossing to Ashhurst Road in accordance with the information in the AEE and in particular in the Civil Engineering Report by Tonkin and Taylor.

The vehicle crossing must be constructed in accordance with Diagram D of the NZTA Planning Policy manual as detailed in the Civil Engineering Report by Tonkin and Taylor.

- Sight distance requirements are maintained through cutting back of the bank and regular cutting back of vegetation on the southern side of Ashhurst Road between the entrance and Raymond Street.
- A flag light is provided at the entrance. The applicant can refer to NZTA's *M30 Specification and Guidelines for Road Lighting Design* and *NZTA Technical Memorandum TM-2015* for flag lighting specifications.

At all times the consent holder must ensure debris and dust is not tracked onto Ashhurst Road.

Advice note – In the event that debris or dust are tracked onto Ashhurst Road the consent holder is responsible for its clean up/removal as soon as practicable and in accordance with an appropriate traffic management plan to ensure the safety of all road users.

7. CONSTRUCTION NOISE MANAGEMENT PLAN (CNMP)

Prior to the commencement of any works, the consent holder must provide a CNMP to Council's Monitoring and Enforcement Officer.

The CNMP must be prepared by an Acoustic Consultant and provide details about how all construction machinery and activities will comply with the standard below.

NZS 6803:1999

Table 2 – Recommended upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Duration of work					
		Typical duration (dBA)		Short-term duration (dBA)		Long-term duration (dBA)	
		L_{eq}	L_{max}	L_{eq}	L_{max}	L_{eq}	L_{max}
Weekdays	0630-0730	60	75	65	75	55	75
	0730-1800	75	90	80	95	70	85
	1800-2000	70	85	75	90	65	80
	2000-0630	45	75	45	75	45	75
Saturdays	0630-0730	45	75	45	75	45	75
	0730-1800	75	90	80	95	70	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75
Sundays and public holidays	0630-0730	45	75	45	75	45	75
	0730-1800	55	85	55	85	55	85
	1800-2000	45	75	45	75	45	75
	2000-0630	45	75	45	75	45	75

The CNMP must also detail:

- o who is the site manager responsible for managing construction noise on the site;
- o where a copy of the CNMP will be kept on site at all times;
- o who is responsible for educating machinery operators of the requirements of the CNMP and the need for compliance with the standard;
- o a 24 hour contact phone number for the site manager so that any noise complaints can be directed to the site manager.

The consent holder must comply with the CNMP at all times.

8. **LANDSCAPING**

Prior to the occupation of the building, the consent holder must in accordance with the Landscape Concept by Boffa Miskell submit a final fencing and landscaping plan(s) to Council's Monitoring and Enforcement Officer.

This must include the following changes to the Landscape Concept in the final fencing and landscaping plan(s):

The BESS Landscape and Visual Effects Assessment prepared by Alex Burton, Boffa Miskell, dated July 2024 and in particular;

- the updated Landscape Mitigation Planting Plan and visual images dated 30/09/2024 – Figure 2 – Revision 4 by Boffa Miskell sent to Council on 9 October 2024. These include additional planting, relocated planting and the provision of a beige coloured shade cloth over the perimeter fencing. The shade cloth is to be in place as visual mitigation for at least 3 years until the landscaping matures and starts to achieve its intended visual mitigation purpose. The landscaping includes bunds, underplanting and specimen tree planting. The figure referred to above includes a Plant Schedule.

Note: In the event a battery supplier is able to provide battery units on the edge of the BESS site which are coloured green so that they blend into the background, the provision of shade cloth over the perimeter fencing will not be required.

- a. The location of all plant species, specimen trees, shrubs, and groundcovers to be installed, including a full schedule of quantities indicating all botanical names, common names, PB size and quantities;
- b. A planting specification that must cover all method of site soil preparation, type and quality of all plant materials e.g. plants, soils, mulch, stakes, ties, method of physical planting installation, defects and maintenance period of 24 months;
- c. That all specimen trees and under plantings must maintain open and safe sightlines adjacent to the vehicle crossing into the site as shown on the site plan.
- d. Be prepared by a suitably qualified and experienced person in consultation with the contractor undertaking the works, and Rangitāne o Manawatū;
- e. Contain a planting plan that only uses plants sourced from the local ecological district.

TIMING FOR COMPLIANCE

Prior to occupation of the building, the consent holder must ensure that the landscaping and fencing plan requirements above are fully planted or constructed and completed in accordance with the approved plans and conditions. Where this is not seasonally practicable, it must be completed within the first planting season after the construction of the buildings.

The consent holder must contact Council's Monitoring and Enforcement Officer within 2 weeks of planting so that the initial monitoring visit can occur.

The plantings will be monitored by Council's Monitoring and Enforcement Officer on 2 occasions as follows:

- At the completion of the physical installation of the planting and associated works.
- 24 months after the planting is first installed and completed.

Any plants that fail must be immediately replaced at the expense of the consent holder. All plantings must continue to be maintained by the consent holder thereafter.

Within 2 weeks of the 24-month inspection timeframe, Council's Urban Designer will undertake a joint site inspection with Council's Monitoring and Enforcement Officer to determine if the landscaping is healthy and achieving its required mitigation purpose as described in Condition 2.

If the planting is not healthy and not achieving its required mitigation purpose, then the landscaping or part thereof may have to be re-done at the cost of the consent holder.

Notes: The Council's Senior Planner may agree to subsequent amendments to the Landscaping Plan at any time provided that any alternative landscaping design is consistent with the outcomes sought under conditions 3 and 4 above. It is noted that it is highly relevant that different species of plants grow differently and are better suited for different purposes or locations and that the landscape plan has been developed with this in mind.

9. STORMWATER ENGINEERING DESIGN

- (a) At the time that building consent plans are submitted for the BESS activity, the consent holder must provide verification and technical certification from an appropriately experienced and qualified stormwater engineer that:
- (i) The stormwater system described in the AEE and in particular the Civil Engineering Report by Tonkin and Taylor is fully functional for stormwater purposes and is fully constructed and operational. This must include:
- All stormwater network components described in the AEE and Civil Engineering Report by Tonkin and Taylor for the purposes listed below including but not limited to:
 - (i) the conveyance and control of overland flow paths;
 - (ii) stormwater runoff;
 - (iii) stormwater runoff and treatment devices from hardstand access and manoeuvring areas including catchpits;

- (iv) attenuation ponds and associated infrastructure that will achieve hydraulic neutrality;
 - (v) emergency spillway;
 - (vi) containment bladder;
 - (vii) planting of vegetated swales for the capture and conveyance of runoff and for runoff contaminant treatment of suspended solids and metals (both particulate and dissolved);
 - (viii) gully erosion control devices;
- (ii) The verification and certification must be supplied to Council's Enforcement and Monitoring Officer.

10. HOURS OF OPERATION - CONSTRUCTION

The consent holder must ensure that the operation of machinery on the site for construction is between the hours 6.30am and 8pm Monday – Friday and 7.30am to 6pm on Saturday only. No works are to be carried out on Sundays or Public Holidays.

11. DUST CONTROLS

The consent holder must ensure the land disturbed by earthworks is regularly wetted to ensure that dust nuisance is contained within the site.

12. NOISE

(a) Sound emissions from any activity when measured at or within the boundary of any land in the Rural or Residential Zone must not exceed the following:

7:00 am to 7:00 pm	50dB L Aeq(15mins) daytime;
7:00 pm to 7:00 am	40dB LAeq(15mins) nighttime;

(i) To demonstrate compliance with (a) above, within 1 month of the BESS activity commencing operation the consent holder must:

- (i) supply a noise compliance report from a suitably qualified and experienced practitioner in the field of noise insulation.
- (ii) The noise insulation compliance report must verify for the purposes of technical certification whether or not:
 - the BESS activity has been constructed and is operating in accordance with the Tonkin and Taylor noise assessment provided with this resource consent.

(iii) The noise insulation compliance report must be supplied to Council's Enforcement and Monitoring Officer.

13. MONITORING

The Consent Holder must pay a monitoring fee of \$418 (GST incl.) at the time the resource consent is granted for the monitoring associated with the development. Upon completion of the works required by these conditions, the consent holder must give written notice to the Council's Monitoring Officer that the conditions have been complied with. On receipt of this notice, Council's Monitoring Officer or nominee must carry out an inspection to ensure all conditions have been complied with.

The fees will be payable by the consent holder for any subsequent monitoring of the conditions of this consent. This fee is set in accordance with Section 36(1)(c) of the Resource Management Act 1991.

Note: The current fee for monitoring is set at \$209 per hour. This amount may alter in the future if fees are reviewed. The monitoring fee charged will be the fee applicable at the time of monitoring and will be charged on each additional inspection or hour of work undertaken until full compliance with consent conditions is achieved.

REASONS FOR DECISION:

The consent is granted for the following primary reasons:

1. Pursuant to section 95A of the Act, no circumstances require public notification and no parties in the wider environment are considered to be adversely affected.
2. Pursuant to section 95B of the Act, no circumstances require limited notification and no parties are considered to be adversely affected.
3. Pursuant to section 104 of the Act, the effects of the proposal on the environment will be acceptable.
4. The proposal is consistent with the relevant objectives, policies and assessment criteria of the Operative District Plan, and Part 2 of the Act.

Report prepared by Swastika Nadan

Dated this 21st day of November 2024



Jeff Baker
MANAGER PLANNING SERVICES
PALMERSTON NORTH CITY COUNCIL

Advice Notes:

1. Pursuant to Section 357 of the Resource Management Act 1991, if you disagree with this decision or any of the conditions of consent, you may lodge an objection in writing to the Head of Planning at the Palmerston North City Council. The objection must be received within 15 working days of the receipt of this written decision.
2. **This resource consent is not a consent to build. A building consent may be required under the Building Act 2004 prior to commencement of construction.**
3. It is possible that archaeological sites may be affected by the proposed work. Evidence of archaeological sites may include burnt and fire cracked stones, charcoal, rubbish

heaps including shell, bone and/or glass and crockery, ditches, banks, pits, old building foundations, artefacts of Maori and European origin or human burials. The applicant is advised to contact Heritage New Zealand if the presence of an archaeological site is suspected. Work affecting archaeological sites is subject to a consent process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as building modification or demolition, earthworks, fencing or landscaping, may modify, damage or destroy any archaeological site(s), an authority (consent) from Heritage New Zealand must be obtained for the work to proceed lawfully. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.

DECISION REPORT

1. SITE DESCRIPTION:

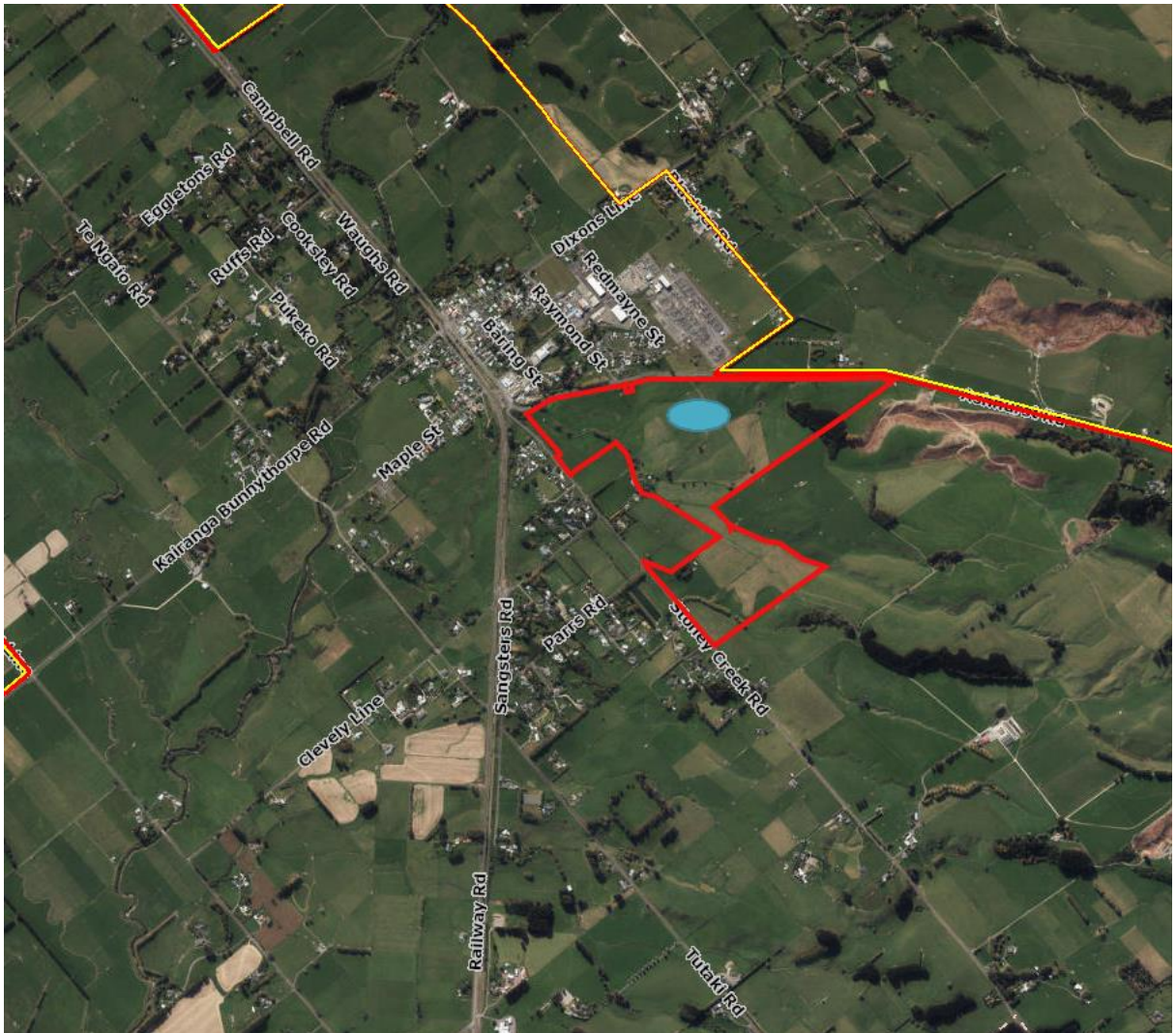


Figure 1: The site outline in red with the battery farm location in the general area of the blue oval. Bunnythorpe township and the existing substation is immediately above the site, on the opposite side of Bunnythorpe - Ashhurst Road.

The site has the following features:

- is legally described as Lot 2 DP 91129, Sec 1 SO 21863, Lot 173 DP 217, Pt Lot 172 DP 217, Sec 71 Sbdn C Manchester Dist, Sec 2 SO 37876, Sec 72 Sbdn C Manchester Dist, Sec 38 Sbdn O Manchester Dist;
- is just south of Bunnythorpe township, on the southern and opposite side of Ashhurst Bunnythorpe Road from Bunnythorpe;
- has an area of 52.6 hectares;
- is a mix of flat grass paddocks at different ground levels and undulations caused by some streams and gullies that intersect the site;
- contains areas of mature trees spread over the site;
- has an existing waterway that runs from east to west across the site that eventually discharges into the Mangaone Stream;

- is bounded by Ashhurst Bunnythorpe Road to the north and Stoney Creek Road to the south west;
- has an existing vehicle crossing onto Bunnythorpe Ashhurst Road;
- is bounded by post and wire fencing along the road frontages.

2. SITE CONTEXT AND SURROUNDINGS

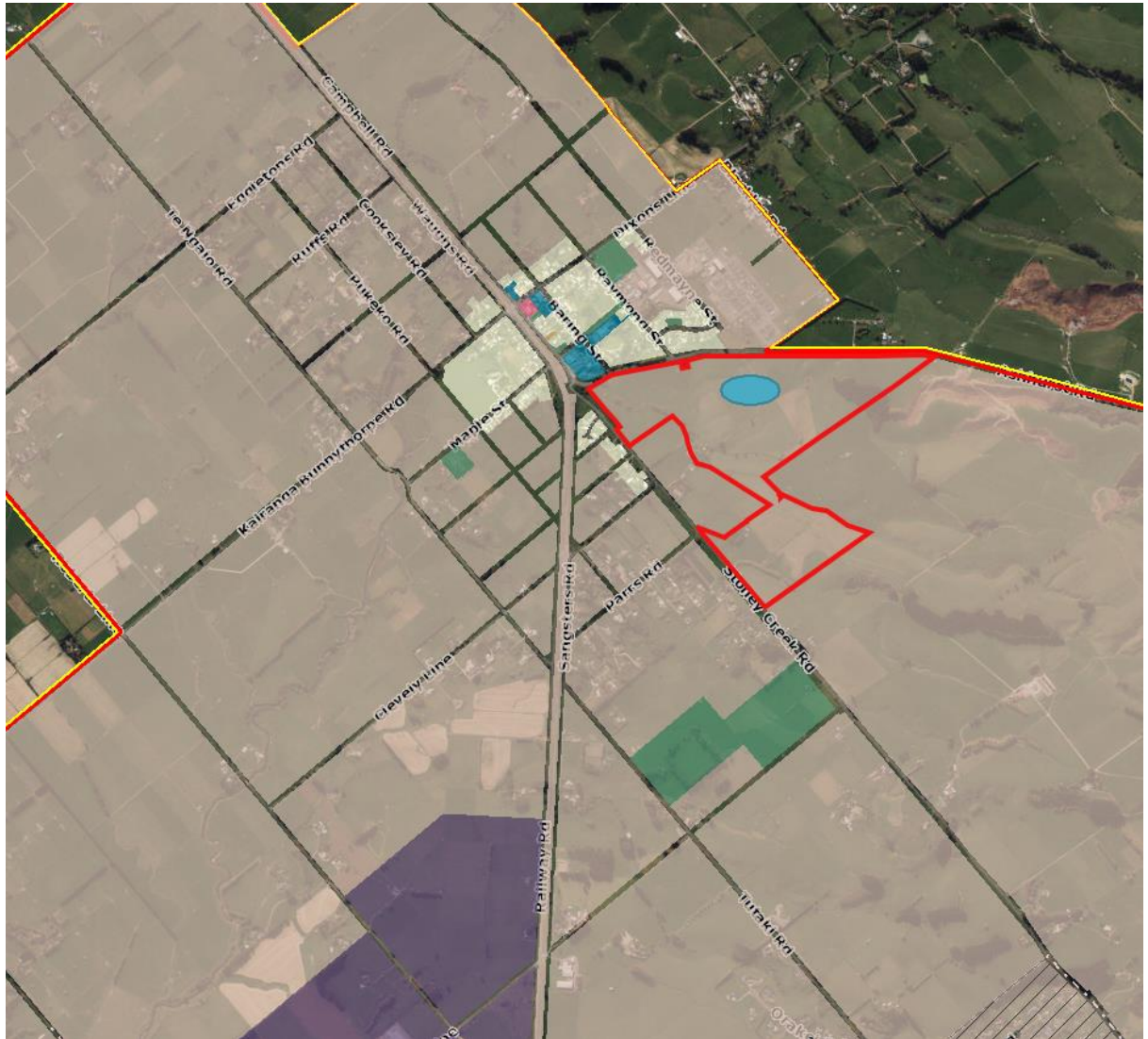


Figure 2: The site outline in red with the Rural Zone in brown, the residential zone land in white (Bunnythorpe). Manawatu District Council land is without a zone overlay. Palmerston North Airport is just below the purple, North East Industrial zoning at the bottom of the image.

The site is within the Rural Zone as shown in Figure 2 above.

It is located close to the Bunnythorpe township, which is a small satellite community of 750 people. Bunnythorpe is approximately 4 kilometres north of the Palmerston North airport and approximately 10 kilometres from the Square in central Palmerston North.

Bunnythorpe used to be part of Manawatu District Council (MDC) but came into the PNCC area several years ago as part of the boundary location change.

A unique feature of Bunnythorpe is the location of the electricity substation which is a key nexus in the national electricity transmission network and the main electricity switching point for the lower North Island. The substation was established in 1924 and is on the eastern outskirts of Bunnythorpe as shown in Figure 3 below. National grid power lines and local power lines transverse the application site from the substation. This tends to bring an industrial backdrop to some views of or near Bunnythorpe because of the size and scale of the substation. Views in and around the subject site typically involve the substation to some degree.

Figure 2 above shows the location of nearby residential zone land that contains residential dwellings.

Apart from Bunnythorpe, the predominant land use is pastoral.

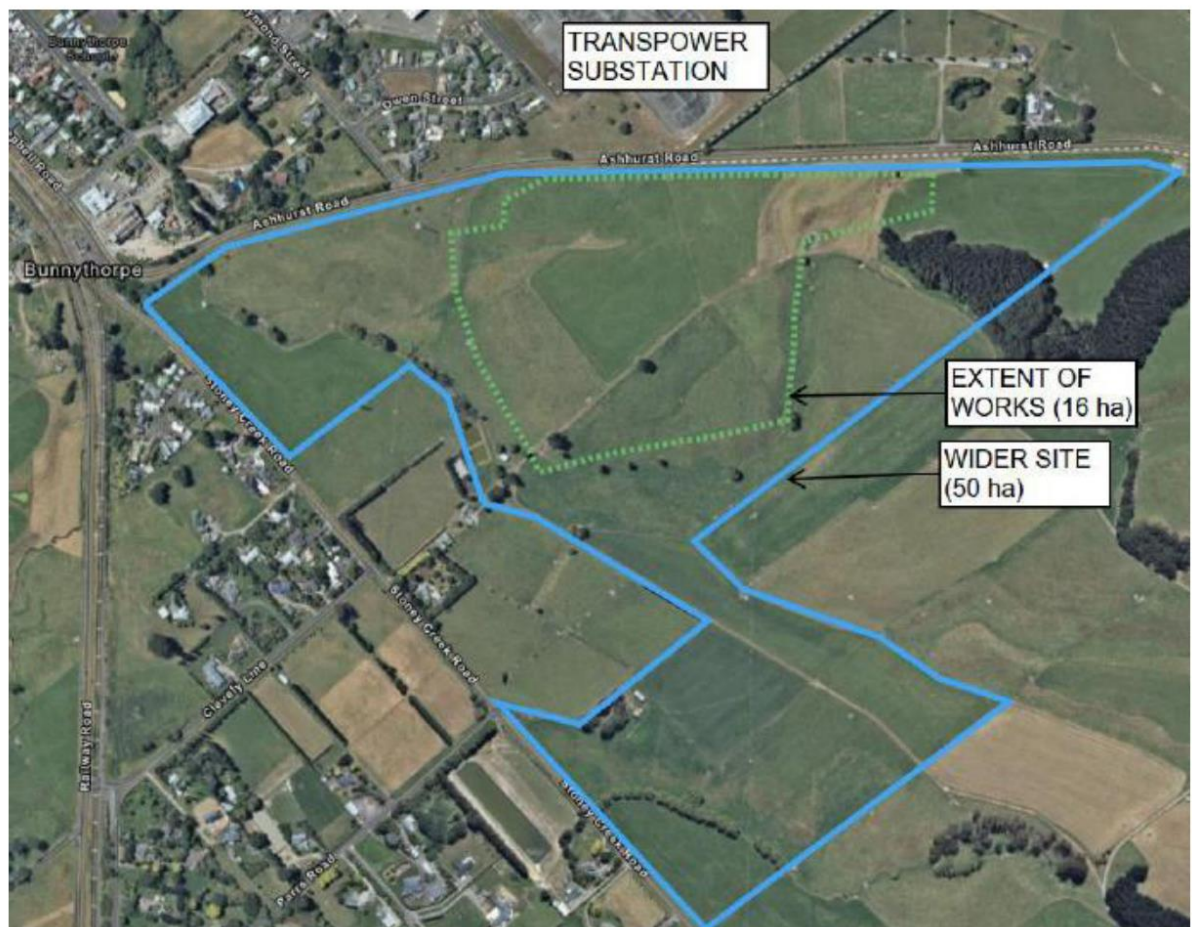


Figure 3: The property boundary outlined in blue and the development site outlined in green. Bunnythorpe township is to the left of the 'Transpower Substation'. Stoney Creek Road runs from the top left of the image near the 'Bunnythorpe' notation to the middle bottom of the image. The intention is to continue to farm the balance of the property outside of the green area.

To the west of the site is the main trunk railway line. Immediately to the southwest is a rural residential area that is a product of the former MDC nodal subdivision rules. Further to the west and southwest of the railway line, Kiwirail have gained approval to designate land for a Railhub. Indications are that earthworks will commence in 2027, but this will be a significant change to the wider location.

The Ashhurst to Bunnythorpe road is a major arterial road, taking a lot of traffic and particularly trucks as a link between Hawkes Bay and the wider Manawatu area.

Stoney Creek Road is minor arterial road and sometimes used as a commuter road between Palmerston North and Feilding.

3. APPLICATION & PROPOSAL:

Incite, on behalf of Meridian Energy Ltd, has applied for resource consent to construct a Battery Energy Storage System (BESS). The BESS is essentially an energy storage system consisting of many batteries that is connected to the national grid and stores excess electricity.

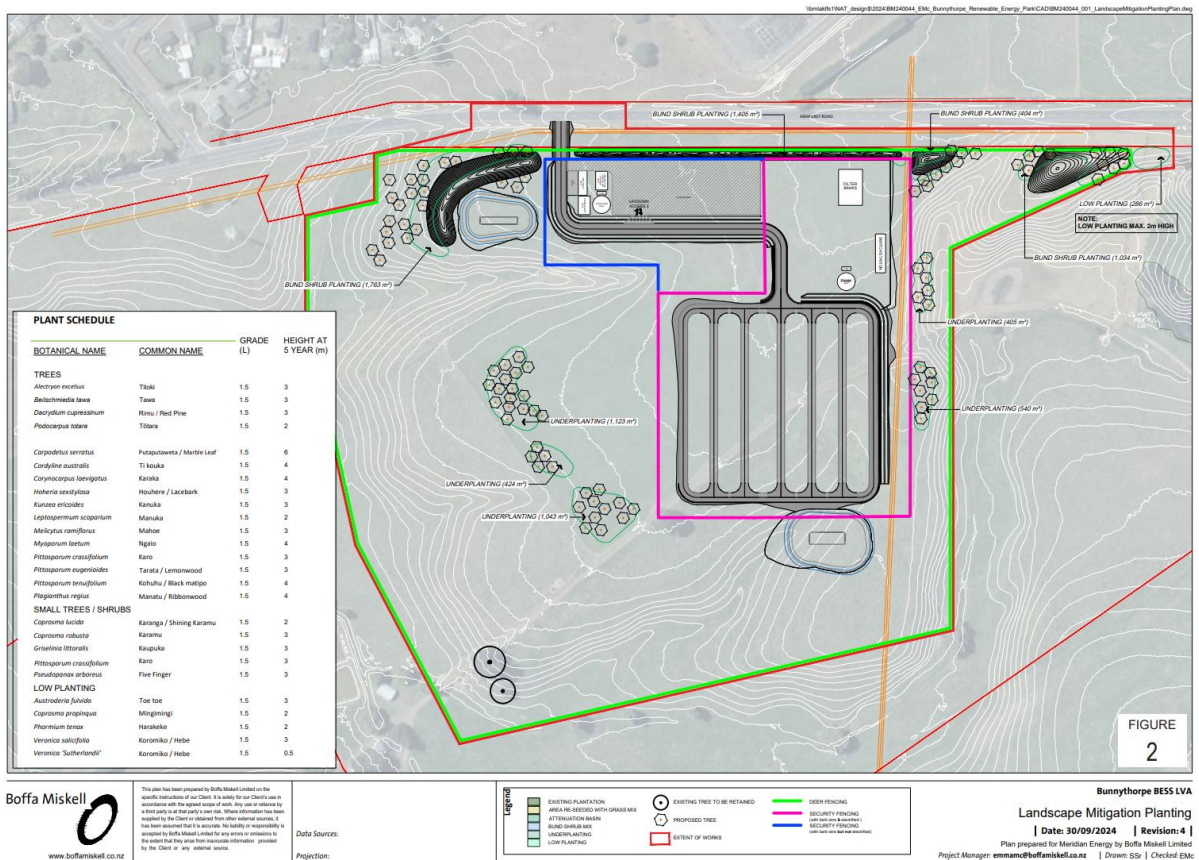


Figure 4: The updated site plan for the development. The batteries will be located in the six vertical rows in the middle right of the image. The clusters of landscaping are shown across the site.

New Zealand (NZ) currently relies on hydroelectricity for much of its energy demands but during dry periods when lakes and rivers are low, uses gas, coal and diesel to supplement energy demands. NZ has a national goal of using 100% renewable energy systems and therefore a greater reliance on electricity. Therefore, systems like the BESS are required to store excess energy from electricity generators such as wind and solar farms as a back up for energy demand. Therefore less reliance on gas, coal and diesel. Electricity generation is intermittent, such as wind and solar, and is not always available when it is needed, so it needs to be stored for later use. Figure 6 below shows an existing BESS at Ruakaka in Northland.

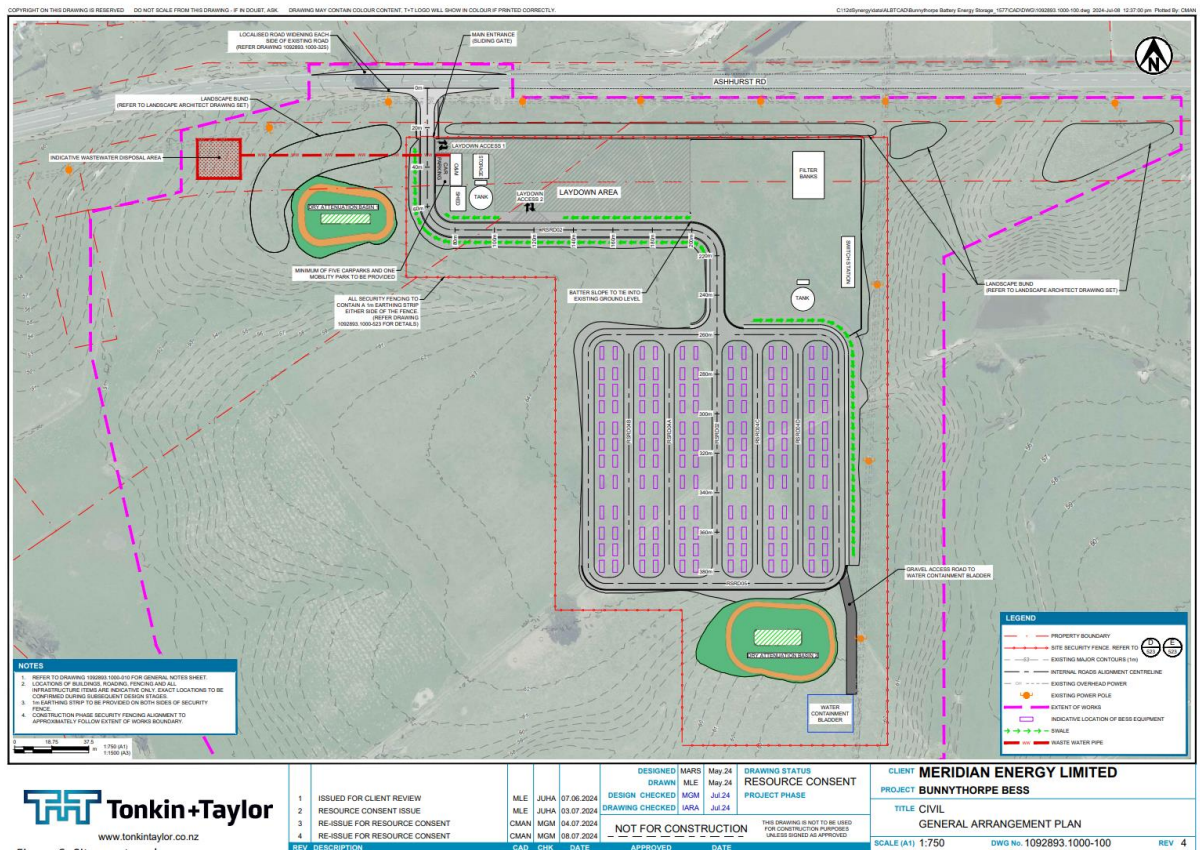


Figure 5: The site master plan showing the location of the wastewater disposal area (red square top left), dry attenuation basins (green oval shapes), laydown area and building locations (top middle) and water containment bladder (bottom right middle).

The BESS farm consists of:

- 144 white, shipping container sized structures for batteries and inverters on an earth worked and sealed surface on raised concrete plinths; (see Fig 6)
- A 5,200m² laydown area, initially for construction operations and long term as a working area for future operations and maintenance;
- A 100m² operations and maintenance building;
- A 100m² temperature controlled storage building;
- A 100m² storage shed;
- A 175m² switching station with a hardstand area of 7,500m²;
- 8000m² of roading/access tracks;
- Overhead and underground power lines and supporting poles to support 33kv lines. The BESS will be connected to the Transpower substation with 33kV lines via a switching station area;

- Security fencing and gates;
- 5 carparks and 5 staff on-site during normal daily operations;
- A water tank and water bladder for fire fighting purposes;
- Lighting from the main entrance to the operations and maintenance building;
- Low level ambient lighting on the BESS platform;
- Site access via a single vehicle crossing onto Ashhurst Bunnythorpe Road, including shoulder widening and tapers;

Landscaping consisting of:

- Planted landscape bunds along the northern part of the site next to Bunnythorpe Ashhurst Road that serve a double purpose as visual and noise mitigation;
- Clusters of visual mitigation planting consisting of underplanting and specimen trees:
 - (a) between the site and Stoney Creek Road,
 - (b) along the northern edge of the site and
 - (c) along the eastern edge of the site;

Earthworks consisting of:

- 35,000m³ of earthworks volume;
- A maximum fill depth of 3.4 metres and a maximum cut depth of 3 metres;
- An area of ground disturbance of 67,000m²;
- Erosion and sediment control structures;

Stormwater systems consisting of:

- 2 stormwater attenuation areas to the west and south that discharge into catchpits;
- Vegetated swales to reduce contaminants;
- An area of ground disturbance of 67,000m²;
- Erosion and sediment control structures;

A construction phase:

- To take approximately 14 months including;
- Earthworks within the first 7 months for platforms, laydown areas, internal roads, stormwater measures, ponds and bunding;
- Landscape and visual mitigation bunds over 4 months;
- Battery foundations, ducting, cabling and trenching over months 3 to 8;
- Construction of the switching station and operations and maintenance building over months 4 to 9;
- Installation of the BESS units over months 9 to 14.

4. ACTIVITY STATUS:

The property is in the Rural Zone. However the District Plan has a separate section for Network Utility Operations called the Utilities Section. This section applies no matter what the underlying zone is provided the applicant is a Network Utility Operator in accordance with the Resource Management Act (RMA). The applicant has explained and provided details to show that Meridian is a network utility operator and therefore the Utilities section applies in this case.

4.1. Palmerston North City District Plan:

(a) Utilities Section provisions

Section 4 of the District Plan defines Network Utilities as those works undertaken by a network utility operator as defined by s166 of the RMA.

The AEE explains in Section 3 how Meridian is an electricity operator or electricity distributor and therefore has been declared a network utility operator in accordance with s166 RMA.

Therefore section 23 – Network Utilities of the District Plan is applicable.

Rule 23.6.2 (i) provides for transformers and lines (including supporting structures) and ancillary equipment for conveying electricity at a voltage up to and including 110kV subject to compliance with performance standards.

The application does not comply with the Building Size performance standard because the associated buildings will exceed 10m².

Rule 23.8.1 provides for the construction, alteration or addition to a Network Utility, Building or Structure housing a Network Utility which does not comply with permitted activity performance standards including building size... as a **Restricted Discretionary Activity** in regard to the listed matters of discretion.

- Height and design;
- Amenity and Visual effects;
- Landscaping;
- Siting;
- Cultural, historical and archaeological effects;
- Compliance with all accepted best engineering and design practice or codes in design, location, construction and operation activity.

(b) Earthworks provisions

R6.3.6.1(a)(i) provides for 1000m³ of land disturbance in the rural zone in any 12 month period.

The volume of earthworks to be undertaken is 35000m³.

R6.3.6.1(a)(iii) says that earthworks must not be closer than 3 metres to a site boundary.

The application does not address this rule but Figure 11 of the AEE appears to show earthworks within 3 metres of the northern boundary at the access point.

R6.3.7.1 provides for earthworks that do not comply with the permitted activity performance standards as a **Restricted Discretionary Activity** with regard to:

- Landscape and visual impacts
- Effects on adjoining properties including amenity values
- Impact on flood plains and flood flows
- Increase in hazard risk and effects on land stability

- Effects on erosion and sedimentation
- Effects on overland flow paths

4.2 Activity Status:

Overall, the proposal is assessed a **Restricted Discretionary Activity** under the Operative District Plan.

5. SECTION 95 ANALYSIS:

The Council must follow the steps outlined under Section 95A, in order, to determine whether to publicly notify an application for resource consent.

Step 1: Mandatory Public Notification in certain circumstances:	YES	NO
Has the applicant requested public notification?		x
Is Public Notification required under s95C?		x
Is the application made jointly with an application to exchange recreation reserve land under s15AA of the Reserves Act 1977?		x

Step 2: Public Notification precluded in certain circumstances:	YES	NO
Does a rule or NES preclude public notification of the application?		x
Is the application for 1 or more of the following but no other activities?		
- A controlled activity; and/or		x
- Restricted-discretionary or discretionary activities for:		
- i. A boundary activity		x

The proposal is not for a controlled activity or a restricted discretionary/discretionary boundary activity therefore public notification of the application is not precluded.

Step 3: Public Notification required in certain circumstances:	YES	NO
Does a rule or NES require public notification of the application?		x
Are adverse effects on the environment more than minor?		x

Earthworks effects

The earthworks required are associated with:

- The development of the BESS platform;
- Associated roading;
- Landscape bunding;
- Attenuation basins;
- Fill disposal areas;
- Erosion and sediment control works.

These require 35,000m³ in volume with a maximum cut/fill depth of 3.4 metres and the extent is shown in Figure 11 of the AEE.

The applicant has forwarded a resource consent from Horizons Regional Council for these earthworks that includes conditions to control the effects of the earthworks.

Earthworks are a common occurrence for any development to establish a base on which construction can occur.

The AEE includes an Erosion and Sediment Control plan and a Civil Engineering Report that establish a methodology for the earthworks and ensure the effects of the works are controlled.

Council's Development Manager has assessed the proposal and is satisfied that the methodology and controls proposed will ensure that flood plans and flood flows, increase in hazard risk and effects on land stability, erosion and sedimentation and overland flow paths will be appropriately managed such that any potential adverse effects will be less than minor.

With respect to the effects of earthworks on the landscape, visual impacts and effects on adjoining properties including amenity values, the earthworks are required to establish the items bullet pointed above.

The earthworks construction will involve stripping of soil and stockpiling for reuse. Topsoil will be placed on batter slopes and swales to re-establish vegetation growth. The vegetation re-growth will ensure that all areas will either be in grass, landscape vegetation or built form development. Undeveloped, but earth worked areas of the site will be re-established as rural paddocks as they currently are.

Therefore I consider that the potential adverse effects of the earthworks will be less than minor.

Natural Hazards effects

In relation to liquefaction the site is shown on District Plan Map 22.6.2 as being in the 'negligible' area. The AEE states that there are no known fault lines in the area.

Council's Development Manager, Ms. Tyler da Silva has assessed the proposal in relation to stormwater effects and flood modelling. She has noted the following:

- *"Stormwater runoff from the laydown area, switching station and BESS will be collected by attenuation basins, that will discharge to catchpits;*
- *Ponds include a dry attenuation basin with a rock line emergency spillway and a low level discharge to a riprap apron in the base of the natural overland flow path. The ponds are designed with a low flow channel and to attenuate all events up to the 250 year event with freeboard in the pond above top water levels. Flow are controlled to less than pre development.*
- *The project site is on a local topographical high point with no contributing upstream catchments or culverts/pipes draining into the site;*
- *Flood modelling work carried out as part of this project found the Bunnythorpe township, which is downstream of the site, is at risk of flooding during a range of return events. This is confirmed by Horizons which shows the downstream area is at risk of flooding in a 200 year ARI event. Discussions with PNCC and Horizons confirmed attenuation of runoff is required on site to mitigate potential exacerbation of flood impacts downstream. PNCC confirmed their*

requirement to attenuate flows from the 100 year ARI RCP 6.0 2081-2100 design event 22 which was agreed with Horizons. Regarding the duration of this event the 72 hour event was selected. All buildings are designed with a floor level with a freeboard above the 1 in 250 year event;

- Dry attenuation basins are the proposed attenuation devices to be used on site. These are designed to temporarily store runoff, and slowly release water via an orifice at a rate equal to or less than pre development peak flow rate to help alleviate peak flow volumes and flood risk in the downstream environment. These basins are designed to dry fully between rainfall events (depending on the time interval between events.)
- The drainage and attenuation proposed will ensure that there is no flooding caused or exacerbated by the proposal. The outfalls will be designed so that there is no erosion, and the ability of the receiving waterbody or its bed to convey flood flows will not be reduced.

I accept the advice of Ms de Silva and consequently I consider that any potential adverse effects of natural hazards are less than minor.

Stormwater quality

The stormwater engineering design will include planting within the swales that will help to filter contaminants to ensure a suitable standard of water quality leaving the site.

I accept the advice of Ms. da Silva that the mitigation measures proposed by the applicant will ensure that the adverse effects with respect to the quality of runoff of stormwater will be less than minor.

Wastewater disposal

Council's infrastructure team have assessed the application and said that they are satisfied that there is sufficient site area to locate a suitable disposal area. Consequently, any potential adverse effects of wastewater disposal are less than minor.

Height and design

Council's Consultant Landscape Architect, Josh Hunt from Narrative Landscape has provided comments in relation to the height and design of the BESS development. He has said,

"The overall height and design of the proposal is considered to be an appropriate balance between the functional requirements of the BESS and the specific site design response (eg setbacks and mitigation)."

The batteries and support buildings are single storey so do not dominate the landscape in the same way a two storey building would. The battery storage units and supporting structures are white in colour, but their impact will be moderated initially by the cloth on the fence. In the short term of two to three years the undergrowth planting of relatively fast growing pittosporums will provide visual mitigation in addition to the bunds. Over the long term of five to ten years, the specimen tree planting will combine with the undergrowth planting and bunds to provide visual mitigation.

I accept the advice of Mr Hunt and consider that any potential adverse effects of height and design will be less than minor.

Amenity and visual effects

Council's Consultant Landscape Architect, Josh Hunt from Narrative Landscape has provided comments in relation to the amenity and visual effects of the BESS development. He has said,

"The proposal is considered to maintain the overall rural amenity and visual character of the area, noting that the proffered mitigation plan adequately 'softens' the potential appearance of the BESS facility. The intention is not to completely hide an activity that is anticipated in the District Plan, but instead to provide a level of mitigation which assists with anchoring the proposal into the existing setting. In almost all locations that can observe the BESS in the nearby vicinity, the existing Bunnythorpe Substation (across Ashhurst Road to the north) also forms part of the receiving environments context."

There is no doubt that the BESS will result in a change to what is currently an area of grass paddocks.

Mr Hunt notes that the Bunnythorpe Substation on the other side of Ashhurst Road is a dominating feature of the surrounding landscape and I agree with him.

In comparison, the BESS will be much lower level and will have landscape mitigation, although much of this landscape mitigation will not be immediate and will take several years to achieve its full effect.

I do note that the District Plan has existing landscaping provisions and that the effect of these provisions is not required to be immediate, for example, specimen trees are required to reach five metres of height within ten years of planting.

I accept the advice of Mr Hunt and consider that any potential adverse effects of amenity and visual effects will be less than minor.

Landscaping

Council's consultant landscape architect, Josh Hunt from Narrative Landscape has provided comments in relation to landscaping and the effects of the BESS development. He has said,

"The landscape mitigation plan has been provided to address potential visual amenity effects around the perimeter of the project site, while also offering a degree of ecological enhancement through the selection of native plant species. The proposed bunding is considered to assist with visually buffering views toward the BESS from the nearest public access (Ashhurst Road)."

Mr Hunt has also noted that landscaping is not used to completely hide an activity that is anticipated in the District Plan, but instead to provide a level of mitigation which assists with anchoring the proposal into the existing setting.

I have also noted above that the effect of landscaping is not immediate but achieves its purpose over three to ten years.

There will be views into the BESS from all directions, however the landscaping will soften the impact of the BESS.

I agree with Mr Hunt that the landscape mitigation plan will address potential visual amenity effects around the perimeter of the site.

I accept the advice of Mr Hunt and consider that the landscaping will ensure that any potential adverse visual effects will be less than minor.

Siting

The District Plan recognises the benefits of co-locating significant utility infrastructure such as in this case with the BESS being located close to the Bunnythorpe substation.

This has heavily influenced the location of the BESS.

Council's consultant landscape architect, Josh Hunt from Narrative Landscape has provided comments in relation to the siting of the BESS development and potential adverse visual effects. He has said,

"In relation to siting, this proposal demonstrates an appropriate co-location of energy infrastructure and has setback the battery array (totalling 144 units) over 120 metres from Ashhurst Road. The facility also avoids being the primary focus of any nearby views from dwellings (despite being visible from some locations)."

In relation to groups of dwellings that will have views of the BESS development, Mr Hunt has noted the following distances.

- North east cluster – 250 metres away.
- North west cluster – 300 metres away.
- West cluster – 500 metres away.
- South cluster – 680 to 900 metres away.

Mr Hunt notes that the clusters of dwellings with views of the BESS, in addition to being reasonably distant from the site, will have views of the BESS softened by the mitigation landscaping.

I accept the advice of Mr Hunt and consider that any potential adverse effects of the siting of the development on the amenity and visual effects of the wider environment will be less than minor.

Cultural and Archaeological effects

The applicant has undertaken and is continuing to undertake consultation with Rangitāne o Manawatu and has submitted a Cultural Memorandum as an appendix to the AEE.

The application has been discussed with Rangitāne o Manawatu and proposed conditions have been prepared in partnership with them. This includes a landscaping condition and an accidental archaeological discovery protocol.

No cultural or archaeological sites of significance have been identified on the property.

Consequently any potential adverse cultural and archaeological effects are less than minor.

Safe and Efficient operation of the roading network.

Council's consultant Traffic Engineer, Maf Cipriano of Beca has reviewed the application.

In relation to vehicle access, Ms Cipriano has noted:

- A new vehicle crossing is proposed on Ashhurst Road and the existing crossing is to be decommissioned.
 - The vehicle crossing is modified and the eastbound shoulder of Ashhurst Road is widened to allow through traffic to pass vehicles turning right to enter the site.
 - In relation to sight distance, there are no crashes recorded within 500 metres from the proposed access from 2018-2024.
 - Sight distance requirements are maintained through cutting back of the bank and regular cutting back of vegetation on the southern side of Ashhurst Road between the entrance and Raymond Street.
- A flag light will be provided at the vehicle entrance. The applicant can refer to NZTA's M30 Specification and Guidelines for Road Lighting Design and NZTA Technical Memorandum TM-2015 for flag lighting specifications.
 - Considering the road characteristics and anticipated traffic generated during operations, the proposed development is not expected to exacerbate any existing safety of accessibility issues on the adjacent transport network and the effects would be less than minor.
 - With respect to traffic generated during construction, an estimated 70 light vehicles and 30 heavy vehicles are anticipated per day. The effects can be managed with an appropriate Construction Traffic Management Plan in place.

I accept the advice of Ms Cipriano and conclude that the adverse effects in relation to the safe and efficient operation of the roading network are less than minor.

Effects on productive capacity of land

The site contains Class 3 and Class 6 soils.

Agricultural production is proposed to continue on the balance of the property not used as part of the BESS development.

The impact of the proposal on highly productive soils has been minimised by locating the facility on the least productive part of the site as far as practicable.

The footprint of soils being used is small compared to the area of productive soils in the wider region.

Consequently any potential effects on the productive capacity of the land and high class soils is less than minor.

Effects Conclusion

I consider the adverse effects associated with activity are less than minor on the wider environment.

Step 4: Public notification required in special circumstances:	YES	NO
Do special circumstances apply that warrant public notification?	x	

6. SECTION 95B – LIMITED NOTIFICATION ANALYSIS:

The Council must follow the steps outlined under Section 95B, in order, to determine whether to publicly notify or limited notify an application for resource consent.

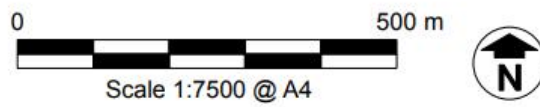
Step 1: Certain affected groups and affected persons must be notified:	YES	NO
Are there any affected protected customary rights groups?		x
Is the activity on, adjacent to or likely to affect a statutory acknowledgement area? And; would you consider the person(s) for whom the statutory acknowledgement is made to be affected?		x x

The site is located adjacent to the stream. TMI has informed Council that they have been engaged by the applicant and are comfortable to support this consent application.

Step 2: Limited Notification precluded in certain circumstances:	YES	NO
Does a rule or NES preclude limited notification of the application?		x
Is the land use consent a controlled activity?		x

Step 3: Certain other affected persons must be notified:	YES	NO
Are adverse effects on any person minor or more than minor?		x

ATTACHMENT 1: Neighbouring Dwellings Consideration



Effects on any persons

With respect to effects on any persons, Council's Consultant Landscape Architect, Josh Hunt has complied Attachment 1 as above.

This divides neighbouring properties with residential dwellings into four clusters, being the North East, North West, West and South clusters.

The reason for doing so is that these clusters of residential dwellings generally share the same viewpoint of the proposed development.

I agree with Mr Hunt that assessing the dwellings in terms of clusters is an appropriate method of assessing potential adverse effects.

It is worth noting that the District Plan restricts Council's discretion to

- Height and design;
- Amenity and Visual effects;
- Landscaping;
- Siting;
- Cultural, historical and archaeological effects;
- Compliance with all accepted best engineering and design practice or codes in design, location, construction and operation activity.

In addition to the above assessment, specific assessments are undertaken in relation to the properties located in clusters as noted in the map above. In regard to visual assessment, I note that I have relied heavily on the applicants landscape assessment and the review by Mr Hunt

Properties identified as 'North-East Cluster' 107 & 117 Ashhurst Road(These properties are located in the MDC area)

In regard to these properties, the further information request from Boffa Miskell states:'

"It is considered that any potential views from future dwellings in the location of the subdivision on Ashurst Road would be oblique views that are partially screened by roadside vegetation which is existing along Ashurst Road. The nearest location to the site where a house could conceivably be constructed beyond the existing transmission line is around 250m away from the proposed BESS. Views from individual dwellings would depend on the location of the dwelling within the lot, its orientation, position of windows and any other screening that might be proposed by the landowner. Rural lifestyle properties in this location are generally orientated to the north to take advantage of the sun, therefore it is likely that views towards the site would be from rear windows. Proposed bunding and planting between the subdivided lots and the BESS area will further mitigate visual effects. Potential visual effects for future dwellings at this location are therefore considered to be low adverse (less than minor). Views from the driveway of these properties as depicted in the simulations are also considered to be low (less than minor) with the shade cloth screening in place."



Figure 1: View from the driveway of the North-east Cluster demonstrating the post-mitigation scenario (VS2C)

Based on the above, I agree that the visual effect of the proposal on north east cluster will be less than minor.

Properties identified as 'North-West Cluster' 27-36 Owen Street and 2 Raymond Street.

In regard to these properties, the landscape assessment notes:

"For the dwellings at 27 to 30 Owen Street, views of the permanent development will be completely screened by the proposed bund, while viewers at 31 and 32 Owen Street and 2 Raymond Street will have oblique views towards the more distant southern part of the BESS area, which lies around 300m away from the nearest property boundary. Other residents of Raymond and Owen Streets have their views towards the development screened by surrounding outbuildings, dwellings or vegetation, and effects during construction and completion are therefore neutral.

Once construction of the entire site has been completed, the visual prominence of the Proposal will be substantially diminished with the mitigation bunds screening the majority of the onsite infrastructure. Planting proposed for these bunds will assist with integrating these landforms into the surrounding landscape. Visual effects for the dwellings at 27 to 30 Owen Street are very low adverse, while effects for other residents outlined above on Owen and Raymond Street are low adverse"

To assist with confirmation of the potential views from these properties, Figure 2 below demonstrates how the majority of these properties have used fencing and vegetation to provide a barrier to the Ashhurst Road corridor. Where views are possible, primarily from 27 Owen St, the proposed bunds and planting within the BESS site are considered an effective visual mitigation method.



Figure 2: View from near the proposal site entrance toward the Owen/Raymond Street properties.

Based on the above, I agree that the effects of these properties will be less than minor.

Properties identified as ‘West Cluster’ 1 & 10 Nathan Pl, 833 to 805 Stoney Creek Road, and 798 Stoney Creek Road.

The application notes:

“As outlined in the LVEA and the further information response, views from dwellings along Stoney Creek Road are approximately 500m from the viewer. The BESS units will be visible in a relatively small portion of the wider view of the surrounding agricultural landscape, as depicted in the simulations. Once construction is complete, the upper extents of the BESS units will be viewed in the context of the Bunnythorpe Substation, which is visible beyond.

Existing and proposed vegetation, and the implementation of shade cloth along the security fenceline assist with screening views of the BESS units and integrating them into the surrounding landscape. Overall, it is considered that the visual effects of the proposed development on residential viewers from 831, 833, 825, 821, 815 and 809 Stoney Creek Road and 1 & 10 Nathan Place at completion of construction are low adverse and less than minor.”

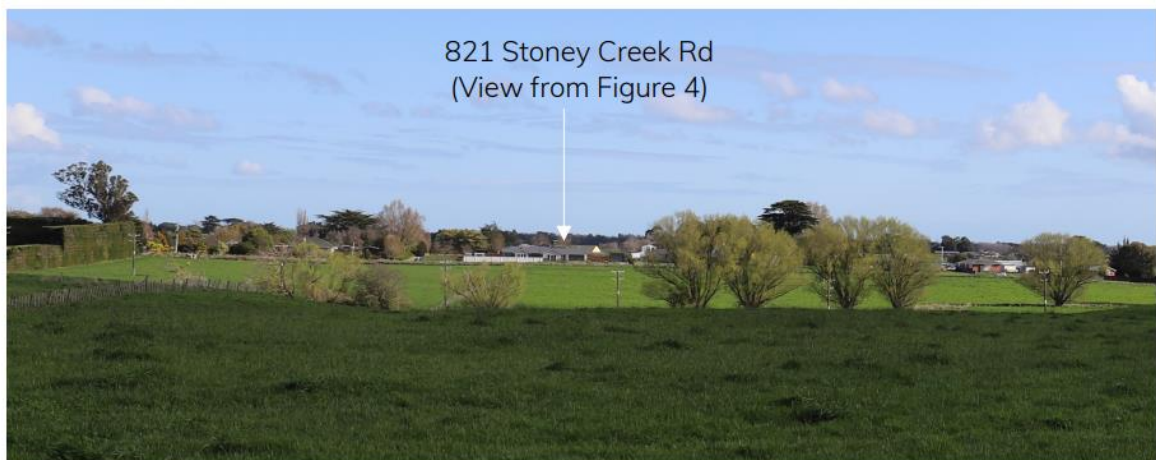


Figure 3: View toward Stoney Creek Rd from the BESS site entrance.

The stretch of road where the dwellings front Stoney Creek Road as displayed in the Figure 3 above. From all of these properties there is a view toward the proposed BESS site from their Stoney Creek Rd boundary.



Figure 4: View from the front door of 821 Stoney Creek Rd.

The most open (and therefore representative of the 'worst-case' scenario) from this cluster is considered to be that from the front door of 821 Stoney Creek Road (Figure 4). In the Figure 4 view, the BESS facility would essentially sit on the crest of the pasture landform on the righthand half of the image. There is a degree of intervening vegetation that already exists in the mid-ground of this scene, and the proposed mitigation planting will further assist with visually softening the appearance of the battery storage units once planting is established. Furthermore, all of the dwellings on the southern side of Stoney Creek Rd are at a considerable distance, of over 500m, from the nearest battery container unit.



Figure 6: View from near the proposal site entrance toward the Owen/Raymond Street properties.

A slightly different view toward the BESS facility is obtained from near the Nathan Place intersection (Figure 6), however the overall visual mitigation of distance, intervening vegetation and proposed mitigation planting still assists with limiting the adverse visual effects. Parts of the proposal will remain visible, however this visibility is not considered to be of a degree that will compromise the wider values or amenity of this setting.



Figure 7: View of the frontage to 807 and 805 Stoney Creek Rd.

For the two properties on the southern side of Stoney Creek Rd (807 & 805), they have both located garaging and dense vegetation (Figure 7) adjacent to the Stoney Creek Road boundary and do not have a direct view toward the proposed BESS Facility.



Figure 8: View from near the proposal site entrance toward the 798 Stoney Creek Rd property.

798 Stoney Creek Road (which is located on the northern side of Stoney Creek Rd) has a significant amount of vegetation location around the norther portion of their curtilage area which visually conceals the BESS facility from their dwelling. Figure 8 above is a view from the proposal site toward 7988 Stoney Creek Rd and the building that can be seen is an accessory building.

Properties identified as 'South Cluster' 753 to 721 Stoney Creek Road and 724 Stoney Creek Road

This distant cluster has dwellings ranging from 680m to 900m away from the southern edge of the battery storage container units. While Viewpoint 5 in the LVEA is positioned from Stoney Creek Rd within this dwelling cluster, the particular view is predominantly screened by existing stream vegetation and taken from a slightly lower elevation along the road corridor. There are potentially more open views toward the BESS facility that warrant discussion to confirm potential effects.

The image below (Figure 9) offers views toward this cluster from the proposal site. Figure 10 is considered to be representative of potential open views back toward the site, and is captured from the driveway entrance to 724 Stoney Creek Road (next to their roadside shed). From this clusters view, the proposed BESS facility will be backdropped by the considerable infrastructure of the Bunnythorpe Substation, and is positioned to the left of the mid-ground power line (Ref: Figure 10). Despite there being potential visibility, the distance and wider visual context assist with accommodating the proposal in a manner that is not considered to compromise the surrounding amenity of the setting. At this distance, the proposal site also only forms a narrow field of view in the context of a much wider rural productive environment.



Figure 9: View toward the South Cluster the proposal site entrance



Figure 10: View toward the proposal site from the roadside of the driveway to 724 Stoney Creek Road.

The most open view was considered to be that from the dwelling at 724 Stoney Creek Road, as this dwelling is located on the northern side of the road (e.g. on the proposal side of the road corridor). However, it can be observed that the dwelling and curtilage provides relatively limited views directly toward the proposal site (Figure 11), with shed, fencing and boundary vegetation confining views to the north from the dwelling.



Figure 11: View of the dwelling at 724 Stoney Creek Road, from the roadside.

The proposal will certainly be visible from parts of this dwellings curtilage (e.g. the driveway), however the overall adverse visual effect is limited due to distance and the context of the receiving environment.

Cluster Conclusion

Based on the application and Mr Hunt's assessment, I consider that the visual effects of the proposal will be less than minor on the properties identified in the clusters.

Earthworks and Construction Effects

It is acknowledged that the proposed development has the potential to generate earthworks related effects as well as accompanying construction related effects, such as: construction noise and vibration, land disturbance and vegetation removal; silt and sediment run-off; dust generation; construction traffic and the transportation of excavated material; temporary visual impacts; and onsite construction activity. For construction projects of this nature and scale, effects associated with construction works cannot be avoided altogether. Here the applicant has focussed on mitigating the potential effects on the environment and any parties.

It is considered that any effects in relation to construction traffic and sediment laden run-off from exposed excavations will be mitigated to a scale that is less than minor, through the implementation of standard construction measures which the applicant has accepted.

Temporary Construction Noise is excluded from the noise standards in Section 6 of the District Plan and is managed using the best practicable option, in accordance with New Zealand Standard NZS6803:1999: Acoustics - Construction Noise, as well as applying Section 16 of the Act. The applicant accepts a condition of consent which restricts the hours of work (as set out in the Standard) to between 7:30am and 6pm, Monday to Saturday. Quiet setting up on site (not including running of plant or machinery) may be permitted to begin at 6:30am, with no work being carried out on Sundays or public holidays.

Construction effects for any rural or residential property and the wider community will be limited to the construction period. Regarding visual impacts of earthworks, any additional visual effects are considered to be less than minor. Visual effects will be temporary and to facilitate construction of the proposed residential buildings.

Adverse earthworks and construction related effects will be localised; limited in extent and duration; and can be appropriately managed in accordance with consent conditions volunteered/accepted by the applicant. The site will be progressively resurfaced once the earthworks phase is completed and construction of the proposed units will follow. I consider that any adverse construction effects will be less than minor for any party.

Effects Conclusion:

Overall, I consider that the actual and potential effects of the proposal on any particular party will be less than minor. No parties are considered to be adversely affected.

Lighting Effects

The application notes that there will be minimal lighting proposed onsite and around the facilities. The lighting will be located 130m away from the nearest residential properties and will be screened by landscaping bunds and associated planting. The application notes that the proposal will comply with the lighting requirements of the District being *'Any artificial lighting system shall ensure that its use does not result in an added illuminance, over and above the measured ambient level, in excess of 8 lux measured in the vertical plane at the windows of any residential building on any residentially zoned site'*. As a result the lighting effects on any adjoining property will be less than minor.

Noise and Vibration Effects

The noise report submitted with the application notes the following:

'Operational noise effects are predicted to be within the most stringent daytime (50dB LAeq) and nighttime (40 dB LAeq) noise limits and therefore the operation[al] noise effects are also expected to be acceptable at all properties during the daytime and at night. There are no anticipated effects from vibration due to the spatial separation alone. Overall, noise and vibration effects from construction and operation of Bunnythorpe BESS are expected to be acceptable with no specific mitigation required'

The noise report notes that the noise from the activity will comply with the District Plan requirements and there are no anticipated vibration effects due to the spatial separation distance. As a result, any noise and vibration effects are considered to be less than minor of the adjoining residential or rural properties.

Effects on National Grid

The proposed activity is located close to Bunnythorpe Substation and will be connecting to the substation. As a result, the effects of the proposal on the national grid has to be considered.

The application notes that the potential effects are safe separation distance of buildings and structures to the National Grid Yard, effects of landscaping and planting on the National Grid Transmission line, future access for Transmission line maintenance activities, construction effects, earth potential rise (EPR) during a lightning strike or fault on the transmission line, location and design of new lines and infrastructure with respect to National Grid assets.

In this regard the application notes the following:

- The setback distance for all buildings and structures from the centreline of the National Grid transmission lines complies with NZECP34.
- No trees or vegetation greater than 2m in height are proposed within 12m of the centreline of the National Grid transmission line.
- Trees or vegetation planted outside of 12m either side of the centreline of the transmission line are setback sufficiently to ensure that trees cannot fall within 4 metres of the transmission lines.
- 5m wide access will be provided to the National Grid assets both during and after construction. Any gates installed will be at least 6m wide.
- Applicant has proposed a Construction Management Plan condition to ensure works will comply with NZECP34:2001 minimum approach distances, and land disturbance around National Grid support structure is appropriately managed. Transpower will be provided with this CMP for certification before it is submitted to Council.

Based on the above, the effects of the proposal on National Grid is considered to be less than minor.

Effects Conclusion:

Overall, I consider that the actual and potential effects of the proposal on any particular party will be less than minor. No parties are considered to be adversely affected.

Step 4: Limited notification required in special circumstances:	YES	NO
Do special circumstances apply?		x

Conclusion of Notification:

On this basis the application will be assessed on a non-notified basis.

7. SECTION 104 ASSESSMENT:

7.1. Consideration of Environmental Effects:

Adverse Effects – Operative District Plan:

A consideration of the effects on the environment has been made above in the notification assessment. The matters discussed and the conclusions reached are also applicable to Section 104(1)(a) considerations.

Positive Effects:

The proposal will contribute to supplying electricity into the regional and national grid in the event of generation shortfalls with the potential to provide power to help prevent blackouts. This would also involve providing additional reserve power and resilience to the North Island through supplying electricity regionally or nationally in the event of an instruction by Transpower to respond to a contingent event. The proposal will be an efficient use of land and resources.

Conclusion:

It is my opinion that the effects of the proposal are acceptable.

7.2 Section 104 (1)(b) – Relevant Planning Provisions:

In considering this application the Council has had regard to the provisions of the following planning documents.

- National Environmental Standards
- National Policy Statement on Urban Development 2020
- The New Zealand Coastal Policy Statement
- The Regional Policy Statement (One Plan)
- The Palmerston North City District Plan

The application notes that **National Environmental Standard for Contaminated Land** does not apply, as the site is not listed as a HAIL site and there is no history of Hazardous or Industrial Activities being undertaken on it.

National Policy Statement on Urban Development:

The National Policy Statement on Urban Development (NPSUD) came into effect on 20 July 2020. I do not consider it to be relevant to this proposal.

Higher Order Documents:

I have given regard to the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. It is my opinion that there are no other National Environmental Standards or National Policy Statements that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is considered to accord with the general strategic direction of the Regional Policy Statement.

The National Policy Statement of Electricity Transmission 2008 (NPS-ET)

The NPS-ET has one objective:

5. Objective

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

The relevant policies are Policy 1, 10 and 11.

The proposal is considered to be consistent with the following policies as outlined below:

- Policy 1- The proposal will lead to improve security of supply of electricity and use of renewable energy.
- Policy 10-The proposal seeks to avoid reverse sensitivity effects by not proposing any sensitive activities.
- Policy 11- The proposal complies with the buffer corridor requirements in relation to the national grid as outlined in Section 95B of the report

The proposal is considered to be consistent with The National Policy Statement of Electricity Transmission 2008.

National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect from 17 October 2022. The NPS-HPL seeks to direct new housing development away from highly productive land, and prevent inappropriate subdivision, use and development to ensure the availability of highly productive land for food and fibre production.

I have considered the proposal against the provisions of the National Policy Statement for Highly Productive Land 2022 (NPS HPL), given that the site is considered to meet the definition of 'highly productive land'.

The objectives and policies of the NPS-HPL most relevant to the proposal are:

- Objective 1 - Highly productive land is protected for use in land-based primary production, both now and for future generations.

Policy 1 – Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.

Policy 4 – The use of highly productive land for land-based primary production is prioritised and supported.

Policy 6 – The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.

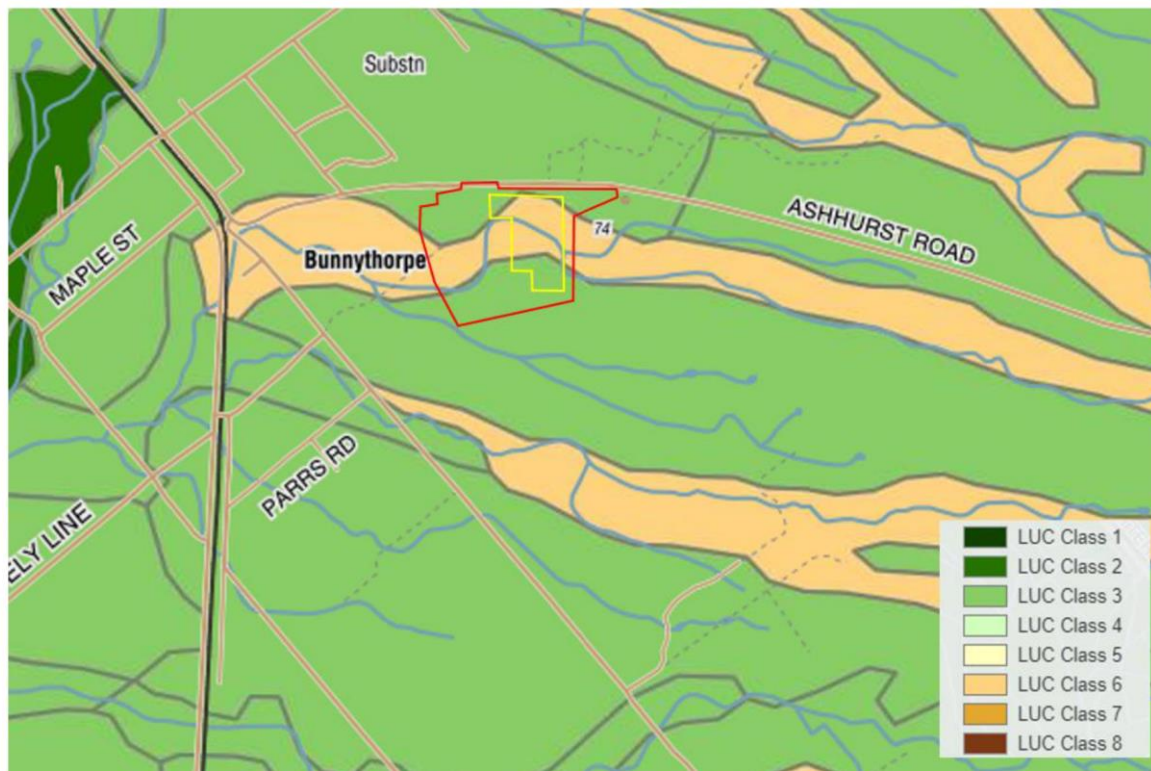
Policy 8 – Highly productive land is protected from inappropriate use and development.

Policy 9 – Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.

The proposal has been assessed against the abovementioned objectives and policies, and overall is considered to achieve the outcomes sought by the NPS-HPL.

In particular, Clause 3.9(2)(j)(i) provides for the 'development, operation, or decommissioning of specified infrastructure, including (but not limited to) its construction, maintenance, upgrade, expansion, replacement, or removal'. In this case the proposed battery farm is provided for under the clause above as it is classed as specified infrastructure.

In regard to Clause 3.9 (3)(a) & (b) the application outlines the following as a result of further information request:



Source: Manaaki Whenua/Landcare Research Map Viewer (Downloaded 8 July 2024)

As shown above, the total extent of works in the red box is 16ha, and of that approximately 50% is LUC Class 3 and the other 50% is LUC Class 6. The area where stock will be excluded is shown approximately in the smaller yellow box, where the majority of the soils are LUC Class 6 with the balance of LUC 3 soils being only approximately less than 1 hectare.

This shows that the impact of the proposal on highly productive soils has been minimised by locating the facility on the least productive part of the site as far as practicable. As outlined in the AEE, avoidance was not possible as the facility has a functional need to locate near the Bunny Thorpe Substation.

There are two other factors that should be considered with regard to clause s.3(3):

- agricultural production is proposed continue on the balance of the property and
- the proposal would make future reverse sensitivity effects less likely as the proposal would preclude future potential rural residential subdivision of the property.

I agree with the applicants assessment, the proposal is consistent with the NPS-HPL as sought by Clause 3.9 of the NPS-HPL.

District Plan:

The objectives and policies relevant to the proposal are listed in Sections 6, 9 and 23 of the District Plan and are set out below.

Section 6 – Objectives and Policies

Objective 1 Policies 1.1, 1.2, 1.3,1.4

The proposed development results in earthworks being undertaken on the site.

As noted in Section 95 & 95B assessment, the actual and potential adverse effects of earthworks can be appropriately avoided, remedied or mitigated including effects on the National Grid. The stormwater assessment in regard to drainage attenuation proposed ensures there is no flooding caused or exacerbated on the site.

The proposal is therefore consistent with the objective and policies.

Section 9– Objectives and Policies

Objective 2 Policies 2.1, 2.2, 2.3, 2.4, 2.5

Objective 3 Policies 3.1, 3.2, 3.3, 3.4

Objective 4 Policies 4.1, 4.2, 4.3

Objective 8 Policies 8.1, 8.2, 8.3, 8.4, 8.5

As noted in the landscape assessment that the proposal will have less than minor effects on the visual rural character and the amenity values of the zone. The proposal continues to support the primary production activities on the balance with no reverse sensitivity effects been identified.

The application notes *'in relation the NPS-ET and NPS-REG, the proposal has positive effects in terms of providing a reliable supply of renewable energy to meet the country's national goals around decarbonising the economy'*. I agree

The proposal is therefore consistent with the objective and policies.

Section 23– Objectives and Policies

Objective 1 Policies I, ii, iii, iv, v, vi, vii

Objective 2 Policies 2.1,2.2,2.3,2.4,2.5

Objective 3 Policies 3.1,3.2,3.3,3.4,3.5,3.6,3.7,3.8,3.9

The proposal provides for supplying electricity into the national and regional grid in the event of electricity shortfall or peak times. This recognises the benefit of the network utility both regional and national level.

The specified infrastructure is able to be constructed without significantly changing the character, intensity or scale of the adverse effects associated with them as outlined the assessment of environmental effects.

Having regard to the matters above and for the reasons discussed elsewhere in this report, I consider that the proposal is consistent with the relevant objectives and policies, and consistent with the relevant assessment criteria of the District Plan.

7.2. Section 104(1)(c) - Other Matters:

There are no other matters relevant to be considered for the proposed development.

8. PART 2 RMA MATTERS:

I do not consider there to be any invalidity, incomplete coverage or uncertainty of meaning in the planning provisions relevant to the application which would necessitate a Part 2 assessment in this case. For the avoidance of doubt however^[1], I have considered Part 2 insofar as it relates to matters over which the Council has discretion.

Aside from the general purpose of sustainable management set out in Section 5, Part 2 requires the Council to recognise and provide for matters of national importance (section 6); have particular regard to other matters (section 7); and to take into account the principles of the Treaty of Waitangi (section 8).

For the purposes of this application, I have had particular regard to the maintenance and enhancement of amenity values (Section 7(c)) and the management of significant risks of natural hazards (Section 6(h)). Overall, I am of the view that the proposal has had appropriate regard to these sub-sections in all the circumstances.

9. CONCLUSION:

The effects of this proposal are acceptable, and the proposal is consistent with the objectives and policies of the Operative District Plan. Having considered the matters set out in section 104 of the Act, and subject to Part 2, I am of the opinion that resource consent can be granted subject to appropriate conditions.

10. RECOMMENDATION:

It is my recommendation that this resource consent application be granted subject to conditions imposed under Sections 108 and 220 of the Act.



Swastika Nadan
SENIOR PLANNER
Palmerston North City Council

^[1] *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.