

**BEFORE THE INDEPENDENT HEARINGS PANEL
OF CENTRAL OTAGO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of an application for resource consent by Helios OTA
Op LP ("**Helios**") to construct, operate and maintain a
photovoltaic solar farm including a substation and
transmission line infrastructure for renewable
electricity generation at 48 Ranfurly-Naseby Road,
Naseby ("**Project**")

LEGAL SUBMISSIONS ON BEHALF OF HELIOS

8 AUGUST 2025

MAY IT PLEASE THE PANEL:

1. EXECUTIVE SUMMARY

- 1.1 New Zealand urgently needs more renewable energy. Climate change is the defining issue of our time. We need to decarbonise our economy and transition to a more sustainable energy system. Demand for electricity will be sustained by the drive for decarbonisation. New renewable electricity sources will be required to meet these demands. Developing and consenting additional renewable generation capacity across New Zealand is critical for a stable future.¹
- 1.2 Solar energy will improve electricity generation capacity and play a critical role in New Zealand's energy future. One important advantage of solar energy is that it mitigates the risk of insufficient energy supply during "dry years" where hydroelectric schemes have lower electricity production.² This is one way that solar supports energy resilience.
- 1.3 Large-scale solar has the lowest visual and environmental impacts of any renewable technology, can be deployed quickly and complements agricultural activities.³ It will therefore play an essential part in meeting the Government's goal of doubling renewable energy in New Zealand by 2050 alongside the commitment to net zero carbon emissions by 2050.⁴ It is a form of energy generation that is fundamentally compatible with the significant agricultural component of New Zealand's economy.
- 1.4 Helios is a leading New Zealand based solar developer and is well placed to facilitate the development of additional solar capacity to assist in New Zealand's climate change response. It seeks land use consent to construct, operate and maintain a photovoltaic solar farm at 48 Ranfurly-Naseby Road ("Site").
- 1.5 Helios undertook a comprehensive site selection process across New Zealand to identify the Site (as part of a portfolio), which meets its suitability criteria for a solar farm site.⁵

¹ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [5.1].

² Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [5.3] and [6.3].

³ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [6.3].

⁴ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [5.2].

⁵ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at section 7.

- 1.6 The Site is an ideal location for large-scale solar. As explained in the evidence of Mr Schlichting, the Mānīatoto Plain has strong solar resource. This means more renewable electricity can be generated from each solar panel than would be possible in many other parts of New Zealand.⁶ The Site is also a large flat area, has suitable geology, does not contain any mapped constraints such as ecological, heritage or cultural overlays, and has a proximate and technically feasible grid connection to an unconstrained part of the Transmission network.
- 1.7 The proposed Project will consist of approximately 550,810 solar panels mounted on a tracking system with associated supporting electrical infrastructure, a substation and underground transmission line infrastructure. The Project will have numerous benefits for the local community and New Zealand as a whole. The Project is expected to provide enough clean, renewable energy to power the equivalent of approximately 70,000 homes annually. This represents a significant contribution to New Zealand's renewable energy targets and the decarbonisation of our economy.
- 1.8 The Project aligns with the relevant planning framework including the objectives and policies of the Central Otago District Plan ("**District Plan**"), the Otago Regional Policy Statement 2019 ("**RPS**") and the Proposed Otago Regional Policy Statement 2021 ("**PRPS**"). The Project also aligns with the objectives of the National Policy Statement for Renewable Electricity Generation 2011 ("**NPS-REG**") and is consistent with the National Policy Statement for Highly Productive Land ("**NPS-HPL**").
- 1.9 The effects of the Project have been assessed and addressed by Helios. Helios has proposed a comprehensive mitigation package that results in the long-term effects of the Project being less than minor.
- 1.10 181 submissions were received on the Project. A number of these were in support, while other submissions raised concerns with the Project as proposed. Many of these related to the aesthetic values of the area, and various potential environmental impacts such as glare effects from the panels.
- 1.11 Helios has carried out a transparent consultation process with stakeholders, the community and mana whenua groups. Helios has considered and, where realistically possible, incorporated submitters' concerns. No submitter evidence was filed.
- 1.12 Helios has carefully reviewed the proposed conditions set out in the Section 42A Report dated 7 July 2025 ("**Section 42A Report**"). Only discrete issues

⁶ Evidence of Jeffrey Schlichting (Corporate) dated 21 July at [7.2].

remain between Helios and the Reporting Officer on proposed conditions. In our submission, the Project should be granted consent on the conditions sought by Helios as contained in the evidence of Ms Banhidi.⁷

Expert Evidence

1.13 Evidence has been prepared on behalf of Helios from:

- (a) **Jeffrey Schlichting**, Managing Director and Co-Founder of Helios (Corporate).
- (b) **Susan McManaway**, Landscape Planner and Principal at Boffa Miskell (Landscape and Visual Evidence).
- (c) **Nicholas Logan**, Project Engineer with ITP Renewables (Glint and Glare).
- (d) **Hamish Denize**, Technical Director and Technical Fellow in Fire Engineering at Beca (Fire Risk).
- (e) **Dr Jaz Morris**, Senior Ecologist / Associate Principle at Boffa Miskell (Terrestrial Ecology).
- (f) **Karin Sievwright**, Senior Ecologist at Boffa Miskell (Avifauna).
- (g) **Logan Copland**, Principal Transportation Planner at Abley Limited (Transport).
- (h) **Peter Ibbotson**, Acoustic Consultant at Marshall Day Acoustics (Acoustics).
- (i) **Mishka Banhidi**, Senior Planner at The Property Group (Planning).

2. SITE AND PROJECT

The Site

2.1 The 665.1 ha area leased for the Site is comprised of land located within six land parcels of unirrigated farmland owned by two local farming families. It is situated between Ranfurly and Naseby in the Central Otago District. The Site is currently used as pastoral land for livestock grazing.

- 2.2 The surrounding area is predominantly rural with some industrial activities including the LeoLabs Kiwi Space Radar and the Naseby Transpower Substation in close proximity.
- 2.3 The Site meets the criteria that Helios applies when assessing the suitability of sites for solar farms.⁸ The Site has:
- (a) strong solar resource;
 - (b) proximate and feasible grid connection on an unconstrained part of the transmission network;
 - (c) adequate and available flat land;
 - (d) suitable geology; and
 - (e) no mapped constraints (eg ecological, heritage or cultural overlays).

The Project

- 2.4 The proposed Project will consist of approximately 550,810 solar panels mounted on a tracking system, 73 inverters and the construction of a 33 / 220kV substation near the existing Transpower substation.
- 2.5 The solar panels will be mounted on a single axis tracking system aligned in north to south rows which will slowly rotate to follow the movement of the sun throughout the day. The panels will have a footprint of approximately 20.5% of the total site at their maximum site coverage (when tilted parallel to the ground). Pasture will be maintained across the Site with concurrent sheep grazing around and underneath the solar panels.
- 2.6 The construction and operation of the Project will enable a safe, quiet, efficient and clean renewable energy source to be established in an ideal location. As explained in the evidence of Mr Schlichting, there is an urgent need for more renewable energy infrastructure in New Zealand, and Transpower has forecast that New Zealand will require 70% more energy by 2050.⁹ The Project will make a significant contribution to this demand and to achieving New Zealand's goal of net zero carbon emissions by 2050.

⁸ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at section 7.

⁹ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [5.1].

3. CHANGES SINCE LODGEMENT

- 3.1 In response to comments from Council Officers and submitters, Helios has made several changes to the proposed Project and Site layout since lodgement. The key changes are addressed below.

Removal of the Battery Energy Storage System

- 3.2 The Battery Energy Storage System ("**BESS**") was removed from the application following public notification and receipt of submissions on the Project. The BESS was removed predominantly because specific information on Project specific BESS models and design will not be available until the detailed design stage and therefore Helios was not able to provide design-specific responses to several issues raised during the notification process.
- 3.3 The rationale for the removal of the BESS has been further outlined in the evidence of Mr Schlichting.¹⁰ Mr Schlichting confirms that the Project is commercially and technically viable without the BESS.¹¹ The removal of the BESS has resolved the Otago Regional Council's ("**ORC**") submission in regards to potential risk of groundwater contamination.¹² This has been communicated to the Panel by ORC on 7 August 2025.

Fire perimeter fence and support from FENZ

- 3.4 The Reporting Officer raised concerns that the Council would need to defer to Fire and Emergency New Zealand ("**FENZ**") in relation to the fire management plans. In order to address those concerns, Helios arranged a further meeting with FENZ on 10 July 2025. FENZ has confirmed in writing that it considers the proposed fire risk mitigation measures and draft fire management plan conditions (which require FENZ input prior to Council certification) are acceptable.¹³
- 3.5 The Site layout has also been updated¹⁴ to include a new 4m wide perimeter access track (in addition to the already proposed internal network of access tracks) to allow more comprehensive firefighting appliance access around the Site and to provide a firebreak around the perimeter of the Site. The perimeter access track is supported by FENZ.¹⁵

¹⁰ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at section 9.

¹¹ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [9.6].

¹² Evidence of Mishka Banhidi (Planning) dated 21 July 2025 at [5.7].

¹³ Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [1.3].

¹⁴ Evidence of Mishka Banhidi (Planning) dated 21 July 2025, Attachment C (Site Layout).

¹⁵ Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [4.16].

Management of bird collision risk

- 3.6 To address the concerns of the Director-General of Conservation ("DOC") in its submission, Helios engaged with DOC and agreed suitable avifauna conditions which manage or avoid potential mortality / injury of nesting birds and potential collision risk.¹⁶ DOC has since tabled a letter with the Panel confirming that the amended conditions address DOC's concerns and it no longer wishes to be heard.¹⁷

Construction vehicle access route

- 3.7 To address the concerns of some submitters, the construction vehicle access route has been reconsidered and Mr Copland has determined that both Goff Road and SH85 could be utilised (instead of avoiding Goff Road).¹⁸

4. LEGAL FRAMEWORK

- 4.1 Consent is sought to construct and operate a solar farm at the Site. The Project is a discretionary activity under the District Plan.
- 4.2 As the Commissioners will be aware, when considering an application for a resource consent and any submissions received, the Commissioners are required, subject to Part 2 of the RMA, to have regard to:
- (a) any actual and potential effects on the environment of allowing the activity, including positive effects;
 - (b) any relevant provisions of the relevant planning framework including the District Plan, RPS, PRPS, NPS-REG and NPS-HPL; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- 4.3 The Commissioners will be aware that an assessment or consideration of alternatives in this instance is not mandatory under section 104 of the RMA.¹⁹
- 4.4 We address the relevant planning framework and key matters of consideration below.

¹⁶ Evidence of Karin Sievwright (Avifauna) dated 21 July 2025 at section 9.

¹⁷ Letter from DOC dated 4 August 2025.

¹⁸ Evidence of Logan Copland (Traffic) dated 21 July 2025 at [8.21].

¹⁹ *Man O'War Station Ltd v Auckland Regional Council* (2011) 16 ELRNZ 475 at [81].

5. EFFECTS

- 5.1 The key effects of the Project are addressed below. In our submission, the high level of engagement undertaken by Helios with submitters and Council on all key matters has resulted in a substantial reduction of outstanding issues between Helios, Council and other agencies.

Landscape and visual

- 5.2 Helios is very cognisant that the construction of a solar farm of the scale proposed results in a change to the use of the land comprising the Site and there will be changed views towards the Site from certain vantage points as a result of the Project.²⁰ A number of submitters have raised concerns about this. There will be short term visual effects during Project construction and operation, but these will reduce to minor effects as mitigation planting is established.²¹ These effects will also be contained to within approximately 1km of the site.²² The Project can be successfully integrated into the existing rural landscape with the mitigation proposed and will become increasingly concealed beyond perimeter vegetation and continued areas of shelterbelts, consistent with the surrounding landscapes.²³
- 5.3 Several submissions concern the visual effects on the Central Otago landscape and scale of the Project. These effects had already been assessed in the Landscape and Visual Assessment, and Ms McManaway confirms in her evidence that the Project is on the edge of the Māniateoto Plain basin landscape, is not within an Outstanding Natural Landscape or Significant Amenity Landscape, and contains relatively low profile panels which will not impede views to the surrounding ranges.²⁴
- 5.4 Extensive mitigation planting and setbacks from neighbouring residential properties have been proposed to address landscape and visual effects from properties close to the Site. Plant species will be chosen for low flammability and suitability to the local climate with specific attention to plant heights and maintenance to help screen and integrate development over time. Some submissions questioned the viability of native species in the local climate. In response to this, local seed sources and species selection will be adopted.²⁵

²⁰ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.3] – [9.9].

²¹ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.19].

²² Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.10] – [9.19].

²³ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [7.14].

²⁴ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.10] - [9.12] and [9.14].

²⁵ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.22].

Specific species as requested by Ka Runaka will be included where locally available.²⁶ The Plant species outlined in the Landscape Planting and Maintenance Plan were peer reviewed by Habitat Restorations Aotearoa to confirm their viability in the local climate.

- 5.5 There are no material outstanding issues between the Reporting Officer and Ms McManaway's Assessment. Ms McManaway has responded to some minor issues raised by the Reporting Officer in her evidence.²⁷

Glint and glare

- 5.6 There is often a perception that solar farms will create unacceptable glint and glare effects. That is not the case when they are well sited, operated and accompanied by appropriate mitigations, as is the case for the proposed Project. Helios commissioned Mr Logan to undertake an assessment to provide comfort on these matters. Mr Logan concludes that all glint and glare effects are less than minor.
- 5.7 A number of submitters raised concerns with sun strike and glare impacts for visual amenity. With Helios' proposed glare mitigation, existing vegetation screens and new vegetation screens, yellow glare effects will be eliminated from the local road network.²⁸ Conditions are also proposed to limit backtracking (a 10-degree limitation) until planting has reached sufficient height to minimise all glare.²⁹ These mitigation measures will result in less than minor glint and glare effects.
- 5.8 Some submissions also raised concerns with the adequacy, applicability and accuracy of the glare study. The assessments are industry standard practice and incorporate the proposed layout, heights of panels and tracking regime of the proposal, including backtracking.³⁰
- 5.9 Mr Logan has also confirmed there will be no yellow glare effects on pilots.³¹
- 5.10 In response to concerns raised by submitters concerned with the possibility of night sky impacts from the Project, Mr Logan also conducted a Moonlight Glare assessment. This concluded that reflected moonlight from the solar panels will have a negligible impact on local light pollution.³²

²⁶ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at [9.27].

²⁷ Evidence of Susan McManaway (Landscape & Visual) dated 21 July 2025 at section 10.

²⁸ Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [5.17].

²⁹ Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [5.17].

³⁰ Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [7.8] – [7.15].

³¹ Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [7.16] – [7.18].

³² Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [6.4].

- 5.11 The Reporting Officer and Mr Logan agree on all matters.³³ Mr Logan recommends one minor change to the Reporting Officer's recommended condition to remove reference to "physical alterations to the solar farm setup" as a potential solution, on the basis that the other solutions identified in the condition provides sufficient options for removing residual yellow glare from the road network.³⁴

Fire risk

- 5.12 A number of submitters have raised concerns about increased fire risk associated with solar farms including the flammability of solar panel components. Some submitters also raised the issue of inherent fire risk in the local environment due to low rainfall and high winds.
- 5.13 The fire hazard elements of the Project as they relate to electric components have been extensively assessed by Helios' experts. As outlined in the evidence of Mr Denize, the Project has been designed to comply with International Electrotechnical Commission standards as they relate to preventing hazards, including fire. The Project's electrical components are all designed to safely function well beyond the applicable operation temperature ranges and the inverters have control systems to shut-off if they overheat.³⁵ The on-site substation will be designed to meet Transpower's "Substation Fire Mitigation Design Standard".³⁶
- 5.14 A range of fire risk mitigation measures have also been provided for within Helios' proposed Project including monitoring, on-site firefighting water and access (including both internal and perimeter access tracks and multiple Site entry points) and fire risk mitigation plans.³⁷ As outlined in the evidence of Mr Denize the proposed mitigations should provide assurance to both submitters and Council that the fire risk will be minimised. The mitigations proposed have, where relevant, been provided for in accordance with FENZ advice provided to Helios.³⁸ As outlined above at paragraph 3.4, FENZ has confirmed the proposed mitigations are appropriate in principle. FENZ has also provided approval in writing for the proposed condition wording for the fire management plans and the timing of their preparation and review. The proposed mitigation, including the fire management plans, will address specific concerns from submitters that relate to fire risk.

33 Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at section 8.

34 Evidence of Nicholas Logan (Glint & Glare) dated 21 July 2025 at [9.2].

35 Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [5.10].

36 Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [4.4] – [4.5].

37 Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [4.15] – [4.20].

38 Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [4.15].

- 5.15 The evidence of Mr Denize further responds to the matters raised in the Section 42A Report. The Council Officer has advised that water should not be used where a risk of electrical charge is present. As outlined by Mr Denize, the provision of firefighting water onsite is appropriate and may be used for Photovoltaic systems in accordance with the Australasian Fire and Emergency Service Authorities Council guidance.³⁹

Terrestrial ecology

Wetlands

- 5.16 The existing terrestrial ecology and the effects of the Project on this have been assessed in the evidence of Dr Morris.
- 5.17 There are two main wetlands on the Site which, although meeting the definition of "natural inland wetland" under the National Policy Statement for Freshwater Management ("**NPS-FM**"), are described as marsh / grassland areas. One is likely driven by rainfall and groundwater levels, and the other lies along a stream.⁴⁰ The condition and ecological values of these wetlands will be improved by the proposed Wetland Enhancement Plan.⁴¹ These wetland features, along with the nationally at risk desert broom shrubs, are considered ecologically significant.⁴² There are a number of other very small features on the Site that are technically wetlands but of negligible value.⁴³
- 5.18 Remediation of the loss of ecologically significant shrubs across the Site will be achieved through plantings in greater numbers (at least double) on Site boundaries and on the boundaries of the two larger wetlands which will be imposed in accordance with the Landscape Planting and Maintenance Plan ("**LPMP**"). This addresses submitter concerns raised about the loss of indigenous shrubs and time lags for growth.⁴⁴
- 5.19 All wetland areas on the Site will be entirely avoided by the construction and operation of the Project. Setbacks of 10m (for the two larger wetlands) and 5m (from the smaller wetlands) will mitigate any potential adverse effects on wetlands.⁴⁵ Wetland restoration works and fencing will also be provided for

³⁹ Evidence of Hamish Denize (Fire Risk) dated 21 July 2025 at [6.3].

⁴⁰ Assessment of Environmental Effects, Appendix 5, Ecological Impact Assessment 18 December 2023, at 5.2.2.

⁴¹ Evidence of Dr Jaz Morris dated 21 July 2025 at [7.4].

⁴² Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [5.11] – [5.13].

⁴³ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [1.3].

⁴⁴ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [7.7].

⁴⁵ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at section 6.

the larger wetlands. Overall there will be a net gain for the ecologically significant wetland values at the Site.⁴⁶

- 5.20 Some submitters raise concerns about the proposed wetland setback distances, with one submitter suggesting that a 20m setback is more appropriate.⁴⁷ The Reporting Officer, relying on a peer review from Wildlands, disagrees with a 5m setback from the smaller wetlands and instead recommends a 10m setback from all wetlands. The key reason provided is based on the National Environmental Standards for Freshwater ("NES-FW") requiring a 10m setback as a permitted activity and the concern that if this consent enabled a 5m setback it may "pre-empt" any decisions of the ORC.⁴⁸ The Reporting Officer recommended a condition requiring a 10m setback unless the ORC grants a regional consent for a smaller setback, in which case the smaller setback would override the 10m.
- 5.21 The ecological rationale for a 5m setback is clearly set out in the evidence of Dr Morris. Dr Morris considers that a 10m setback from the smaller wetlands is not appropriate and would not create a better ecological outcome compared to the 5m setbacks proposed.⁴⁹ The smaller wetlands are of negligible value and dominated by exotic pasture. The only reason for any setback at all from these wetlands is to provide reassurance on all fronts that the wetlands will be fully avoided due to possible operational impacts (ie shading).⁵⁰
- 5.22 In our submission, it is not appropriate to assess a setback distance based on NES-FW requirements. The appropriate setback under this consent application has been thoroughly assessed by Dr Morris, who considers a 5m setback from the smaller wetlands is appropriate from an ecological perspective.
- 5.23 As outlined by Ms Banhidi, a separate consent would be required under the NES-FW to authorise the proposed 5m setbacks and if that consent is not granted, the relevant parts of this proposal would not be able to proceed. The condition recommended by the Reporting Officer (which would effectively prevent works between 5-10m of the smaller wetlands until consent under the NES-FW is obtained) is not necessary nor appropriate as the NES-FW already prevents these works from occurring without consent.

⁴⁶ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [6.19], [6.20] and [10.2].

⁴⁷ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [7.5].

⁴⁸ Section 42A Report at [69].

⁴⁹ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [6.15] to [6.17].

⁵⁰ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [6.16].

Spring annuals

- 5.24 The other remaining matter of disagreement in the Section 42A Report is on the requirement for additional survey for indigenous plant species particularly "spring annuals" due to limitations of the ecological surveys that occurred during winter. Dr Morris considers the presence of spring annuals are very unlikely, and where they could be present, they will be protected in the setback areas around wetlands. Therefore, any additional surveys would be very unlikely to prompt changes in the ecological management approach and are therefore unnecessary.⁵¹

General concerns

- 5.25 Concerns raised by submitters more broadly about impacts to wildlife including insects and removal of native plant species along fence lines are already addressed by Dr Morris in the Ecological Assessment and are not of ecological concern given the pastoral context, limited indigenous insect habitat and large number (double) of replacement planting.⁵²

Avifauna

- 5.26 A number of submitters including DOC made submissions in relation to avifauna (birds). DOC's concerns have all been resolved by way of agreement between Helios and DOC on appropriate consent conditions.⁵³ Ms Sievwright undertook additional assessment of Australasian Bittern and re-assessed collision risk for migratory shorebirds in response to DOC's submission.⁵⁴ The agreed consent conditions require:
- (a) A Literature Review Report to provide up to date evaluation of bird collision risk;
 - (b) A Bird Monitoring Plan to be prepared and provided to both DOC and Ka Runaka for comment, which requires a minimum of 36 months of monitoring and must ensure any effects on indigenous birds do not exceed set levels of thresholds;
 - (c) That if any of the thresholds in the Bird Monitoring Plan are exceeded, a Bird Collision Management Plan is to be prepared (which must be provided to DOC and Ka Runaka) setting out

⁵¹ Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [8.6].

⁵² Evidence of Dr Jaz Morris (Terrestrial Ecology) dated 21 July 2025 at [7.6] and [7.7].

⁵³ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [7.20].

⁵⁴ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [6.2].

monitoring and collision prevention / deterrent measures to be implemented at the Site.

- 5.27 The Section 42A Report recommendations are largely in agreement with the Ecological Assessment on avifauna. The Section 42A Report recommended a longer bird survey period (to March instead of February) which Ms Sievwright and Helios have now agreed with. The only outstanding issue is whether a 10m setback from wetlands is required to minimise lake effect. Ms Sievwright confirms that from an avifauna perspective, a 10m setback would not reduce any perceived lake effect (and thus bird collision risk) compared to a 5m setback.⁵⁵
- 5.28 Ms Sievwright has also confirmed that bird collision monitoring is now proposed for a minimum of 36 months based on set thresholds. If these thresholds are exceeded, a management response is required (as per the agreed conditions with DOC).⁵⁶
- 5.29 Some submitters were concerned about the effects on wildlife generally, including glare effects from the panels. Ms Sievwright confirms that reflective conditions have been minimised and will not impact on wildlife.⁵⁷ Broader impacts on avifauna were considered in the Ecological Assessment and assessed as being Very Low to Low.⁵⁸

Transport

- 5.30 The transport effects have been assessed by Mr Copland as they relate to the construction and operational stages of the Project. Mr Copland has deemed that these will be acceptable with no notable adverse effects relating to road safety or efficiency.⁵⁹
- 5.31 There are no outstanding issues between Mr Copland and the Reporting Officer. Mr Copland accepts the Reporting Officer's recommendation to construct all four site accesses in accordance with the Central Otago Roding Policies 2015, and agrees that the Ranfurly Naseby Road is the most appropriate construction access for the Site. Some submitters have raised concerns around road safety effects relating to glint and glare, however both

⁵⁵ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [8.9].

⁵⁶ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [7.5].

⁵⁷ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [7.3].

⁵⁸ Evidence of Ms Sievwright (Avifauna) dated 21 July 2025 at [7.8].

⁵⁹ Evidence of Logan Copland (Transport) dated 21 July 2025 at [6.1].

Mr Copland and the Reporting Officer agree that glint and glare effects are acceptable (subject to the proposed conditions).⁶⁰

5.32 In response to submitter questions about why the Transport Assessment recommended that construction traffic avoid Goff Road, Mr Copland considered transport effects from the Goff Road intersection in further detail and concluded that it is acceptable for heavy vehicles to use Goff Road.⁶¹ The Reporting Planner agrees with this.⁶² A benefit of this change is that it now avoids construction traffic going through Ranfurly.

5.33 A number of more general concerns in relation to transport effects were also raised by submitters including concerns about road pavement damage from heavy traffic, vehicle routing and access, accuracy of construction traffic estimates, construction staff traffic, road safety concerns.⁶³ These have all been responded to in the evidence of Mr Copland and will be addressed in further detail in the Construction Traffic Management Plan.⁶⁴

Acoustics

5.34 Mr Ibbotson has assessed the noise and vibration effects of the Project during both the construction and operation of the Project and considers that compliance can be readily achieved with the noise limits in the District Plan and operational noise levels will be negligible.⁶⁵

5.35 Construction will occur over a 24-month period, with the loudest construction activity being piling. Some submitters raised concerns around construction noise. Mr Ibbotson has confirmed that some construction noise (in particular, piling) will be audible at closer dwellings (500m – 1km away) but is not constant and will comfortably comply with the District Plan construction limits at all submitter dwellings.⁶⁶ In response to submitter concerns about the lack of a construction noise and vibration management plan, Mr Ibbotson confirms that a plan would only be useful if compliance is marginal and the effects of piling in particular need to be mitigated, which is not the case here.⁶⁷

5.36 In terms of operational noise, some submitters have raised concerns around transformer noise. Mr Ibbotson has assessed transformer noise and has

⁶⁰ Evidence of Logan Copland (Transport) dated 21 July 2024 at [9.2].

⁶¹ Evidence of Logan Copland (Transport) dated 21 July 2025 at [8.20].

⁶² Evidence of Logan Copland (Transport) dated 21 July 2025 at [8.20] – [8.21].

⁶³ Evidence of Logan Copland (Transport) dated 21 July 2025 at [8.1].

⁶⁴ Evidence of Logan Copland (Transport) dated 21 July 2025 at [8.1].

⁶⁵ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [1.2] – [1.3].

⁶⁶ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [10.4].

⁶⁷ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [10.14] – [10.16].

confirmed that given the distances between the substation and dwellings the noise will be very low.⁶⁸ Submissions were also made in relation to concerns about fan noise for cooling and transformer noise which both produce little noise and are at significant distance from dwellings.⁶⁹

- 5.37 There is also a high level of agreement between Helios and the Reporting Officer. The main outstanding issue relates to the appropriate construction noise limit to apply – however the Project has been assessed to apply with both these limits so it is not a determinative point.⁷⁰ The Reporting Officer has also noted his preference for monitoring of construction noise for piling, however, Mr Ibbotson is clear that there is compliance by such a large margin that there is little utility in noise monitoring. Although the Reporting Officer agrees with Mr Ibbotson that the operational effects will be sufficiently low without any additional attenuation needed, he states that if the panel are minded to disagree, acoustic fencing could be implemented. Mr Ibbotson does not agree that any additional noise control fencing is required given the very low level of noise from the transformers.⁷¹
- 5.38 Helios and Mr Ibbotson do not consider the proposed conditions in the Section 42A Report that require noise monitoring and the preparation of a construction noise and vibration management plan as necessary given the noise levels are well within compliance levels.⁷²

Positive effects

- 5.39 The Project has significant positive benefits. The Project will make a major contribution to the demand for renewable energy and New Zealand's goals to achieve net zero greenhouse gas emissions by 2050, with the Government aiming to double renewable energy by 2050. As outlined in Mr Schlichting's evidence, there will also be significant investment in the region (around \$450m) and a number of employment opportunities available through construction and the lifetime of the Project.⁷³ The ORC has submitted in support of renewable energy generation.⁷⁴
- 5.40 A number of submissions raised matters in support of the Project. Numerous submitters supported the significant benefits to the local community and

⁶⁸ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [1.4].

⁶⁹ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at section 10.

⁷⁰ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [11.12].

⁷¹ Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [11.10].

⁷² Evidence of Peter Ibbotson (Acoustics) dated 21 July 2025 at [1.6].

⁷³ Evidence of Jeffrey Schlichting (Corporate) dated 21 July 2025 at [6.10].

⁷⁴ As communicated to the Panel by the ORC on 7 August 2025.

economy. Specifically, many submissions stated that the Project would create jobs in the local area for the construction period and beyond,⁷⁵ that it would bring new technology and skills to the area,⁷⁶ and represent a diversification of economic opportunities. Beyond economic effects, many submissions noted the genuine need for more renewable energy,⁷⁷ and that this Project will be a cost effective,⁷⁸ low environmental impact,⁷⁹ high production method of increasing renewable energy near to the existing substation.⁸⁰

6. PLANNING FRAMEWORK

6.1 Assessment of an application under section 104 of the RMA requires a decision maker to "have regard to" the relevant planning framework, rather than "give effect to" that framework.⁸¹

6.2 The relevant planning documents for this Project are comprehensively addressed in the AEE and the Section 42A Report.⁸² These include:

- (a) the NPS-REG;
- (b) the NPS-HPL;
- (c) the RPS; and
- (d) the District Plan.

6.3 These matters are addressed below.

NPS-REG

6.4 The NPS-REG recognises the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities to ensure that renewable energy supply increases to meet national targets. The Project is a renewable electricity generation activity under the NPS-REG and these activities are considered matters of national significance.⁸³

⁷⁵ Submission 1, 13, 15, 28, 29, 86, 121.

⁷⁶ Submission 47.

⁷⁷ Submission 15, 19, 30, 52, 53, 54, 56, 70, 76, 130.

⁷⁸ Submission 13, 47.

⁷⁹ Submission 47, 52.

⁸⁰ Submission 13, 47, 70.

⁸¹ *Brial v Queenstown Lakes District Council* [2022] NZCA 206.

⁸² Section 42A Report at [144] – [181], Assessment of Environmental Effects at section 6. The NPS-FM is also discussed in the context of the relevant ecological effects.

⁸³ Section 42A Report at [169] – [170].

- 6.5 The NPS-REG guides decision makers under the RMA to provide a consistent approach across the country to enable the development and operation of renewable electricity generating activities. The NPS-REG contemplates that there may be instances where natural resources (eg solar resource) from which electricity can be generated may coincide with areas of significant natural character, amenity values, historic heritage, outstanding natural features and landscape, significant indigenous vegetation and habitats of indigenous fauna, and these activities are considered matters of national significance.
- 6.6 The evidence of Ms Banhidi is that there is strong policy support for renewable energy through the NPS-REG, and that the recently proposed updates to the NPS-REG, while not yet part of the statutory framework, give an indication of the policy direction to make the consenting process for renewable energy more enabling.⁸⁴

NPS-HPL

- 6.7 A small proportion of the Site (12.23 ha of the land within the solar array area) is classed as LUC Class 3 under the NPS-HPL.
- 6.8 The Project constitutes "Specified Infrastructure" under the NPS-HPL, meaning the exception under clause 3.9 applies where there is a functional or operational need for the infrastructure to be located on that land.
- 6.9 There does not seem to be any dispute that there is an operational need for the infrastructure to be located as proposed. It is our submission that both the functional and operational needs tests are met as outlined in the evidence of Ms Banhidi.⁸⁵ The Reporting Officer does not consider there is a functional need for the Project to be located on highly productive land. However, if the Panel were minded to agree with the Reporting Officer that there is not a functional need, the NPS-HPL only requires one of the tests to be met in any case, and it is beyond argument that the operational need test is met.

Regional Policy Statement

- 6.10 As outlined in Ms Banhidi's evidence, the Project is consistent with the relevant objectives and policies in the RPS.⁸⁶ The Section 42A Report concurs with this.⁸⁷

⁸⁴ Evidence of Mishka Banhidi (Planning) dated 21 July 2025 at [8.17].

⁸⁵ Evidence of Mishka Banhidi (Planning) dated 21 July 2025 at [7.23].

⁸⁶ Evidence of Mishka Banhidi (Planning) dated 21 July 2025 at [1.8].

⁸⁷ Section 42A Report at [164].

District Plan

- 6.11 A comprehensive assessment of the Project against the objectives and policies of the District Plan was provided both within the AEE and in the Section 42A Report.⁸⁸ In both cases, the overall conclusion was that the Project is consistent with the relevant objectives and policies of the District Plan.⁸⁹

7. CONCLUSION

- 7.1 This Project is a key part of the essential and urgent work that is required to enable the renewable energy transition in New Zealand and achieve the goal of carbon-zero by 2050. The effects of this Project will be less than minor or minor as some of the mitigation is implemented. There are significant positive effects with the major contribution the Project will make to the demand for renewable energy and New Zealand's goals to achieve net zero greenhouse gas emissions by 2050, as well as the major capital investment into the Central Otago district.
- 7.2 The Section 42A Report is clear that the Project is consistent with the relevant planning documents. Helios has made an effort to go above and beyond to address submitters' concerns where appropriate, including significant engagement with DOC and FENZ prior to the hearing.
- 7.3 Helios respectfully requests that the resource consent application is granted on the conditions proposed by Ms Banhidi.

DATED 8 August 2025

Daniel Minhinnick / Louise Espin
Counsel for Helios OTA OP LP

⁸⁸ Section 42A Report at [144] – [160] and AEE at section 6.1.

⁸⁹ Evidence of Mishka Banhidi (Planning) dated 21 July 2025 at [1.8] and Section 42A Report at [160].