

Proposed Plan Change 25:

Shelterbelts and Artificial Crop Protection
and Support Structures

Section 42A Report

August 3, 2026

EXECUTIVE SUMMARY

Proposed Plan Change 25 (PC25) is a Council initiated plan change that seeks to amend the provisions of the Operative Waipā District Plan (WDP) that specifically relate to artificial crop protection and support structures (ACPS), artificial screens, crop support structures (collectively referenced in this report as crop structures), and shelterbelts.

The objectives of PC25 are to ensure that the WDP contains provisions that enable the establishment of shelterbelts and crop structures within the rural zone to:

- Ensure the efficient and effective use of rural land for farming purposes is maintained.
- Ensure adverse effects on the environment arising from shelterbelts and crop protection structures are appropriately avoided, remedied or mitigated.
- Ensure that the district plan accounts for changing land use patterns in a manner consistent with national direction.
- Avoid unnecessary resource consent requirements.

The proposed provisions of PC25 were developed to:

- Provide certainty that shelterbelts and crop structures are anticipated and provided for in the rural zone as permitted activities; and
- Manage the effects of crop structures and shelterbelts.

Council resolved to progress PC25 to notification in late June 2025. On 21 August 2025 'Plan Stop' provisions were incorporated into the Resource Management Act which prohibit notification of council-initiated plan changes without first obtaining exemption for the Minister for the Environment. Council lodged an exemption application on 10 October 2025, and the exemption request was approved by the Minister for Resource Management Reform on 7 November 2025.

PC25 was publicly notified on 15 January 2026, with submissions closing on 20 February 2026. During the submission period a total of 19 submissions were received. The summary of decisions sought was notified on 14 May 2026, and during the further submission period two further submissions were received. The submissions received raise matters relating to:

- Definitions
- Rural effects
- Shelterbelt standards
- Crop Structure effects and standards
- Cultural and visual effects within landscapes and viewshafts

This report is prepared under Section 42A of the Resource Management Act 1991 (RMA) and assesses the information provided in the submissions and further submissions to PC25. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions and further submissions, and to make recommendations on possible amendments to the plan change in response to those submissions.

Pursuant to Clause 10 of Schedule 1 to the RMA, it is recommended that PC25 be confirmed, subject to amendments to associated plan provisions.

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- Appendix 1 - Summary of Decisions Requested and Recommendations by Topic
- Appendix 2 – Notified proposed changes to the WDP by PC25.
- Appendix 3 - Recommended Track Change Amendments to Plan Change 25

Acronyms and references applied in this report

Proposed Plan Change 25	PC25
Section 32 Evaluation Report	s.32 Report
Artificial Crop Protection Structures	ACPS
Artificial Crop Protection Structures, Artificial Screens and Crop Protection Structures (collectively)	Crop Structures
Waipā District Plan	WDP
	District Plan
Resource Management Plan 1991	RMA
National Policy Statement	NPS
National Environmental Standard	NES
Waipā District Council (as proponent of the plan change)	Council
Waipā District Council (as submitter)	WDC
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	NZKGI & HortNZ
Fire and Emergency New Zealand	FENZ

1. INTRODUCTION

- 1.0.1 This report, prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA), assesses and provides recommendations on the submissions and further submissions (submissions) that were received by Waipā District Council (Council) in relation to Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures (PC25) to the operative Waipā District Plan (WDP).
- 1.0.2 Section 2 of this report provides the background to PC25.
- 1.0.3 Section 3 of this report provides the statutory and policy context for the matters to be considered and determined through the hearing process.
- 1.0.4 Section 4 of this report provides an analysis of the submissions including recommendations. For ease of reporting, the submissions for this hearing have been grouped into various topics. Analysis, discussion and recommendations on each submission and further submission are contained in the paragraphs for each topic, with Appendix 1 containing the summary of submission tables grouped by topic.
- 1.0.5 For clarity, the recommendations made in this report are not the decision of the Hearing Panel.
- 1.0.6 It is recommended that PC25 be confirmed subject to amendments. A track-changed version of the amendments recommended to the WDP as part of PC25 are provided in Appendix 3 to this report.

2. BACKGROUND TO PLAN CHANGE 25

2.1 BACKGROUND

- 2.1.1 Horticulture and crop production is becoming more common in Waipā's rural areas. The expansion of horticulture and the increased prevalence of associated crop structures have raised concerns around the effectiveness and efficiency of the WDP to provide for and manage these activities. The relevant provisions of the operative WDP include:
- Crop structures are taken to be within the definition of, and are treated as being buildings
 - The establishment of crop structures (as buildings) is a permitted activity subject to performance standards being met. Crop structures commonly trigger requirement for resource consent due to non-compliance with standards relating to site coverage and yard setbacks.
 - Shelterbelts are not currently a listed activity in the Rural Zone.
 - Provisions for shelterbelts are contained in Rule 4.4.2.58 (Tree Planting). Any shelterbelt comprising species which can grow higher than 6m triggers

requirement for a restricted discretionary resource consent if they are proposed to be planted within:

- 30m of a dwelling or zone boundary
- 20m of a strategic arterial road
- 10m of any other road or railway
- 10m of an overhead power or telephone line
- 5m of a waterbody

These setback requirements do not apply for shelterbelts comprised of species that cannot grow higher than 6m.

- Artificial screens and buildings greater than 20m² in area and/or higher than 3m (including crop structures) require resource consent for a restricted discretionary activity in the landscape areas as identified in Section 25 – Landscapes and Viewshafts of the WDP.
- Artificial screens and shelterbelts that are located within 400m of a public road in viewshaft areas as identified in Section 25 – Landscapes and Viewshafts of the WDP, require resource consent for a restricted discretionary activity.
- Artificial screens and shelterbelts are permitted within the SH3 Scenic Corridor and viewshaft areas where they are located more than 400m from a public road.
- Shelterbelts are permitted activities in all other landscape areas identified in Section 25 – Landscapes and Viewshafts of the WDP.

- 2.1.2 A number of resource consents have been granted for the establishment of ACPs and the planting of shelterbelts in the Rural Zone, in all cases, building site coverage and setback requirements being contravened. Some of these consents were limited notified to neighbouring landowners and one was subsequently appealed to the Environment Court.
- 2.1.3 In June 2024 Council resolved to progress shelterbelts and artificial crop protect structure matters as a standalone plan change (being PC25).
- 2.1.4 Following engagement with mana whenua, key topic stakeholders and wider community engagement, proposed planning provisions were workshopped with Council's Elected Members in February 2025.
- 2.1.5 On 25 June 2025, Council resolved to progress PC25 to notification. This was then paused in August 2025 post Government's prohibition on council-initiated plan changes ('Plan Stop') unless first obtaining a plan change exception approval from the Minister.
- 2.1.6 A Plan Change Exemption application was lodged with the Minister on October 2, 2025. The exemption request was approved by the Minister for Resource Management Reform on 7 November 2025.
- 2.1.7 PC25 was publicly notified on 15 January 2026.

2.1.8 The full rationale for PC25 is set out in the s.32 Evaluation Report (as notified).

2.2 PLAN CHANGE PROPOSAL

2.2.1 In terms of Section 32 of the Resource Management Act, PC25 is an amending proposal. The objectives of the plan change are to ensure that the WDP contains provisions that enable the establishment of shelterbelts and artificial crop protection and support structures within the rural zone to:

- Ensure the efficient and effective use of rural land for farming purposes is maintained;
- Ensure adverse effects on the environment arising from shelterbelts and crop structures are appropriately mitigated;
- Ensure that the WDP accounts for the changing land use pattern in a manner consistent with national direction (National Policy for Highly Productive Land);
- Avoid unnecessary resource consent requirements.

2.2.2 To achieve these objectives the following sections of the WDP were proposed to be changed in the notified version of PC25:

- Part B – Definitions
- Part D – Zone Provisions: Section 4 – Rural Zone
- Part E – District Wide Provisions: Section 21 – Assessment Criteria and Information Requirements
- Part F – District Wide Natural and Cultural Heritage: Section 25 – Landscapes and Viewshafts.

2.2.3 The specific changes proposed by PC25 and the reasons for them are:

Provision	Reason
Part B - Definitions	
Amend the existing definition – Artificial Screens	To reduce potential conflicts between artificial screens and fences and to clarify that materials used in screens are required to be comprised of permeable cloth.
Add new definition – Artificial Crop Protection Structure	To define what a crop protection structure is and to provide clarity that it includes artificial screens, and that it does not include: ▪ Greenhouses / glasshouses; ▪ Plastic shade houses; and ▪ Crop support structures
Add new definition – Crop Support Structure	To define what a crop support structure is.
Amend the existing definition – Farming Activities	The definition of farming activity is amended to add reference to artificial crop protection and support structures. This is to make it clear that these structures are within the meaning of what farming activities are taken to be.
Amend the existing definition - Shelterbelts	To correct a spelling error and make it clear that any hedge up to 3m in height is not a shelterbelt, unless in identified Landscape and Viewshaft areas.
Section 4 - Rural Zone	
Amend existing Introduction section 4.1.2	To delete the term “pastoral” from the first sentence to ensure the text aligns with the definition of land based primary production within the National Policy Statement for Highly Productive Land; and that

	the rural zone is a working environment that accommodates all types of primary production activities and not just pastoral farming.
Amend existing Introduction section 4.1.3	This paragraph is amended to acknowledge that the nature and type of farming activities within the Waipā District and their associated effects are changing.
Amend existing Introduction section 4.12.d.	To add crop structures and shelterbelts to the list of different types of activities provided as being elements that define what the rural character of the Waipā District is.
Amend existing Policy 4.3.2.2	To remove reference to “pastoral” and replace it with “rural” to ensure the text aligns with the definition of land based primary production within the National Policy Statement for Highly Productive Land. The rural zone accommodates all types of primary production activities and not just pastoral farming.
Amend existing Policy 4.3.2.4	To add reference to crop structures to make it clear that these structures are considered to be within the meaning of farm buildings for the purpose of this policy.
Add New Rule 4.4.1.1.z	To add shelterbelts within the Rural Zone permitted activity list to avoid any scenario where they could be interpreted to be an otherwise unlisted activity.
Add New Rule 4.4.1.3.o	To make it clear that any proposal to remove an existing shelterbelt that was used to exempt a crop structure from complying with setback requirements will require resource consent for a restricted discretionary activity
Amend Existing Rule 4.4.1.4.a.i.	Consequential change to referenced rule numbers to align with proposed changes to Rule 4.4.2.1.
Amend Existing Rule 4.4.2.1	To add a new 6m road boundary setback for artificial crop protection and support structures from all road boundaries; and ▪ Add exemption to road boundary setback where a proposed crop structure is screened by an existing shelterbelt. ▪ Consequential change to rule numbers for state highway and Waikato Expressway setbacks. The road boundary is reduced in recognition that existing setbacks applying to buildings are not appropriate for crop structures and have previously resulted in unnecessary resource consent requirements. The reduced setback ensures that shelterbelts can be established in compliance with permitted standards if needed and also acknowledges other mitigation in the form of reduced heights and cloth colours that apply to permitted crop structures. The 6m setback ensures that potential effects on road safety relating to potential for glare, driver distraction, and sight visibility reduction resulting from structures being located too close to a road are appropriately managed and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.
Amend Existing Rule 4.4.2.2	To add a new 6m internal boundary setback for artificial crop protection and support structures; and ▪ Add exemptions to internal boundary setback where adjoining sites are held in common ownership, a proposed crop structure is screened from adjoining land by an existing shelterbelt; or the encroachment is a deemed permitted activity; and ▪ Consequential change to rule numbers for other internal boundary setback requirements.

	The yard setback is reduced in recognition that existing setbacks applying to buildings are not appropriate for crop structures and have resulted in unnecessary resource consent requirements. The reduced setback ensures that shelterbelts can be established in compliance with permitted standards if needed and also acknowledges other mitigation in the form of reduced heights and cloth colours that apply to permitted crop structures.
Amend Existing Rule 4.4.2.9	To add text that excludes artificial crop protection and crop support structures from the requirements of this rule. The exemption is needed because a new height rule specific to crop structures is proposed.
Add New Rule 4.4.2.9A	To add a new 6m maximum height requirement for artificial crop protection and crop support structures; and ▪ Add advice notes relative to national grid rules and New Zealand Electrical Code of Practice; and ▪ Add reference to new rule in failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of specifying a maximum height is to ensure consistency with resource consents granted throughout the district and to ensure that reductions in yard setbacks and exemption from site coverage do not result in situations where crop structures unduly dominate neighbouring land where they are located in close to property boundaries.
Amend Existing Rule 4.4.2.10	To add text which excludes artificial crop protections structures from site coverage requirements. The purpose of this change is to avoid unnecessary resource consent requirements by ensuring that resource consent requirements do not arise solely on the basis of the extent of land that may be covered by crop structures.
Add New Rule 4.4.2.57A	To add new rules for planting of new shelterbelts once PC25 becomes operative, and maintenance of all shelterbelts which require: ▪ Maximum height of 6m within 20m of a property boundary; ▪ Minimum 4m setback from property boundaries unless stated exemptions apply; ▪ No restriction of sight visibility from vehicle access, road intersections or railway crossings; ▪ Minimum setback of 10m from electricity lines; ▪ Minimum setback of 10m from gas pipelines; ▪ Maintenance obligations on owners to ensure vegetation does not extend over property boundary, removal of vegetation that falls onto neighbouring sites; ▪ Requirement that maintenance occurs within boundary of the site on which the shelterbelt is located; ▪ Add advice notes relative to New Zealand Electrical Code of Practice, Electricity regulation and Firstgas guidance; and ▪ Add new failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of this standard is to ensure that permitted shelterbelts are planted and maintained to a height and in locations where their adverse effects on road safety, neighbours and infrastructure are appropriately managed and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.
Amend Existing Rule 4.4.2.58	Remove reference to shelterbelts in existing tree planting rule in lieu of new Rule 4.4.2.57A applying to shelterbelts instead.

Add New Rule 4.4.2.88	To add new rule for crop protection and support structures providing standards relating to cloth colours and 10m setback from electricity and gas infrastructure; and ▪ Add advice notes relative to New Zealand Electrical Code of Practice, Electricity regulation and Firstgas guidance; and ▪ Add failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of this standard is to ensure that permitted crop protection and support structures are designed and located to ensure their visual effects, and effects on network utilities are appropriately managed, and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.
Section 21 – Assessment Criteria and Information Requirements	
Add New Assessment Criteria – 21.1.4.6A	New assessment criteria for restricted discretionary activity when proposed crop structures fail the minimum road boundary setbacks requirements.
Add New Assessment Criteria – 21.1.4.13A	New assessment criteria for restricted discretionary activity when shelterbelts fail to meet the standards in new rule 4.4.1.57A
Add New Assessment Criteria – 21.1.4.29A	New assessment criteria for restricted discretionary activity when crop structures fail to meet the standards in new rule 4.4.1.88
Amend Assessment Criteria 21.1.25.10	Amend to include reference to artificial crop protection and crop support structures.
Amend Assessment Criteria 21.1.25.14	Amend to reference artificial crop protection, support structures and shelterbelts.
Section 25 – Landscapes and Viewshafts	
Amend existing Introduction section 25.1.5	Amend the text to include reference to shelterbelts, artificial crop protection structures and crop support structures.
Amend existing Resource Management section 25.2.12	Amend the resource management issue to reference artificial crop protection and support structures; and to correct the spelling of the term ‘shelter belt’.
Amend existing Policy 25.3.1.1	Amend the policy to include reference to artificial crop protection structures and crop support structures.
Amend existing Policy 25.3.3.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.3.4	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.3.6	Amend the policy to reference artificial crop protection and support structures.
Amend existing Objective 25.3.4	Amend to text of the objective to provide greater clarity that the reference to ‘buildings’ include artificial crop protection and crop support structures.
Amend existing Policy 25.3.4.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.4.4	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.5.1	Amend the policy to reference artificial crop protection and support structures and correct the spelling of the term ‘shelter belt’.
Amend existing Policy 25.3.5.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.6.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Objective 25.3.10	Amend the objective and associated heading to reference artificial crop protection structures, crop support structures and to correct the spelling of the term ‘shelterbelt’.

Amend 25.3.10.1	existing	Policy	Amend the policy to reference artificial crop protection and support structures and correct the spelling of the term 'shelter belt'.
Amend 25.3.10.2	existing	Policy	Amend the policy to reference artificial crop protection structures and crop support structures.
Amend 25.3.10.3	existing	Policy	Amend the policy and heading to correct the spelling of the term 'shelter belt'.
Amend existing Rule 25.4.1.h.			Amend rule to reference the artificial crop protection and support structures as a restricted discretionary activity.
Amend existing Rule 25.4.2.2			Amend to provide an exception for artificial crop protection structures.
Amend existing Rule 25.4.2.3			Amend to provide an exception for artificial crop protection structures.
Amend existing Rule 25.4.2.11			Amend to update the Advice Note to remove reference to Rule 4.4.1.2.58 - Tree Planting and replace with reference to proposed new rule 4.4.1.2.57A - Shelterbelts.

2.2.4 The full set of the notified proposed changes to the WDP by PC25 can be found in Appendix 2.

3. STATUTORY AND POLICY CONTEXT

3.1.1 Appendix 4 of the Section 32 Report provides a detailed assessment of the strategic planning context / legislative direction applying to the objectives and provisions of PC25. This provides assessment of:

- Resource Management Act (Sections 5, 6, 7, 8)
- National Policy Statements
- National Environmental Standards
- Waikato Regional Policy Statement
- Iwi Environmental Management Plans

3.1.2 This assessment is still relevant and is considered by this report. No matters have been raised by submissions which directly challenge the statutory assessment of the original s32 Report.

3.1.3 Despite this some points of clarification are necessary in relation to the purpose of the National Policy Statement – Highly Productive Land.

3.1.4 In addition to this, since notification of PC25 there have been changes made to national direction relevant to PC25. These include:

- New National Policy Statement – Infrastructure
- New National Policy Statement – Natural Hazards
- Amended National Policy Statement – Electricity Networks
- Amended National Environmental Standard – Electricity Networks

3.1.5 These additional matters are discussed in the following sections.

3.2 RESOURCE MANAGEMENT ACT 1991

Sections 32 – Requirements for preparing and publishing evaluation reports and 32AA - Requirements for undertaking and publishing further evaluations

- 3.2.1 Under Section 32 of the RMA an evaluation report must examine whether the objectives of the proposal (being the purpose of PC25) is the most appropriate way for achieving the purpose of the Act and whether the provisions of the proposal (being the changes to policies, rules and other provisions) are the most appropriate way to achieve the objectives. Part B of the PC25 s.32 Evaluation Report contains the required examination.
- 3.2.2 A further evaluation under Section 32AA of the Act is required to be completed by the Hearing Panel if their decisions alter the notified provisions of PC25.

3.3 NATIONAL POLICY STATEMENTS (NPS) and NATIONAL ENVIRONMENTAL STANDARDS (NES)

- 3.3.1 Further discussion on the following NPSs and NESs is provided to that originally assessed as part of the original s32 report for PC25. These are necessary to either address specific submission points or to provide assessment of new statements / standards:
- National Policy Statement for Highly Productive Land 2022
 - National Policy Statement for Natural Hazards 2025
 - National Policy Statement for Electricity Networks 2008 (formally the NPS on Electricity Transmission 2008)
 - National Policy Statement for Infrastructure 2025

National Policy Statement for Highly Productive Land (NPS-HPL)

- 3.3.2 It has been suggested through some submissions that the efficient use of highly productive land for primary production is an outcome directly relevant to the NPS-HPL.
- 3.3.3 The purpose of the NPS-HPL is about ensuring the availability of most favourable soils for food and fibre production. It has the objective that *“highly productive land is protected for use in land-based primary production, both now and for future generations”*.
- 3.3.4 The provisions of PC25 do not preclude the use of any soils in Waipā’s rural areas for land-based primary production. In addition to this the objectives, policies and other provisions of the NPS-HPL do not make reference to land use efficiency or efficient use of highly productive land. Because of this the original assessment of PC25 against the NPS-HPL provided in Appendix 4 of the notified s32 report for PC25 remains valid and has not been changed. To give effect to the NPS it is not necessary to consider whether the provisions of PC25 enable the efficient use of rural land.

National Policy Statement for Natural Hazards

- 3.3.5 The National Policy Statement for Natural Hazards 2025 (NPS-NH) came into force on 15 January 2026. This NPS provides direction under the RMA for

managing natural hazard risk (flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami) associated with subdivision, use and development.

- 3.3.6 The NPS-NH does not apply to infrastructure or primary production; therefore, it is not relevant to be applied to PC25.

National Policy Statement for Electricity Networks (formally the NPS on Electricity Transmission)

- 3.3.7 The National Policy Statement for Electricity Networks (NPS-EN) 2008 (consolidated with December 2025 amendments which came into force on 15 January 2026 amends the National Policy Statement on Electricity Transmission 2008). This NPS seeks the recognition, protection and provisions of the electricity network as being of national significance, to ensure it:

- (a) Is upgraded, improved and resilient to provide for the social, economic and cultural wellbeing of present and future generations and their health and safety.
- (b) Is developed and operated in a timely, efficient and ongoing manner while managing adverse effects from or on the electricity networks; and
- (c) Supports achievement of New Zealand's climate change mitigation and renewable energy targets.

- 3.3.8 Policies 11 and 12 of the NPS-EN are relevant to PC25:

Policy 11 directs that *decision makers and local authorities must manage adverse effects of activities undertaken by third parties on the EN* [electricity network] including by:

- *Avoiding direct effects on the EN;*
- *Avoiding reverse sensitivity effects on the EN, to the extent reasonably possible; and*
- *Ensuring that the effective operation, maintenance, upgrading and development of the EN is not compromised.*

Policy 12 directs the management of *adverse effects of activities undertaken by third parties on the EN:*

- *Local authorities must identify and map the electricity transmission network (ETN) and other EN assets of national or regional significant within their districts, whether or not these are designated;*
- *Decision-makers, as relevant, must engage with the operator of the ETN to implement the buffer corridors, provided in any national environmental standards for electricity networks or similar standards, within which it can be expected that sensitive activities, building, earthworks, subdivision and other activities that have the potential to compromise the ETN are to be generally avoided;*
- *Decision-makers, as relevant, must engage with electricity distribution network (EDN) providers to implement the provisions of any national environmental standards for electricity networks or similar standards that protect the EDN from adverse effects of third parties;*
- *Decision-makers must ensure that buildings, structures, earthworks, subdivision and land use activities are designed and located to maintain safe distances from, and allow sufficient space for access to, and maintenance, construction, development and upgrading of EN assets; and*

- *Decision-makers must ensure the nature naturae and location of any proposed trees or vegetation to be planted around the EN do not compromise its function and operation.*

- 3.3.9 PC25 proposes specific provisions relating to setbacks from the electricity distribution network (EDN). During the formation of these provisions, EDN providers were engaged and the setbacks as notified in PC25 were determined. Powerco, one of the two EDN's within the Waipā District have also lodged a submission (Submission 13) supporting the 10m setbacks of both shelterbelts and crop structures from the EDN proposed by PC25.
- 3.3.10 While existing plan provisions ensure specific provisions relating to EDNs, the proposed plan provisions relating to setbacks from electricity conductors under PC25 will also ensure the risk to EDNs as a result of the establishment of crop structures and shelterbelts will be mitigated in accordance with the requirements of the NPS-EN.
- 3.3.11 The provisions of the WDP relating to the national grid are not being changed and will continue to apply to buildings (including crop structures).

National Policy Statement for Infrastructure 2025

- 3.3.12 The National Policy Statement for Infrastructure (NPS-I) 2025 came into force on 15 January 2026. It requires decision-makers to recognise infrastructure as a matter of national significance under the RMA and provides policy to support its development, maintenance and upgrades while still addressing adverse impacts. Over time, it will support more consistent, coordinated planning and development of infrastructure that meets community needs and supports long-term planning and resilience from climate change.
- 3.3.13 Policy 10 is relevant to PC25 in that it requires that the interface between infrastructure and other activities is appropriately managed:

Policy 10: Planning for and managing the interface and compatibility of infrastructure with other activities *Planning rules need to make sure that existing and future infrastructure – like roads, pipes and power lines – can work well alongside other activities in the area. Decision-makers are required to manage the interface between infrastructure and other activities to ensure:*

- *infrastructure and other activities are as compatible as practicable*
- *the operation, maintenance and upgrading of infrastructure is not compromised by the adverse effects of other activities, with the result that infrastructure can keep running safely and efficiently, whether it's being maintained or upgraded, without being negatively affected by other nearby activities*
- *the co-location of compatible infrastructure, while recognising that some types of infrastructure are not compatible. Decision-makers also need to:*
 - *engage with infrastructure providers to understand what infrastructure is already there and what their long-term plans are*
 - *identify appropriate methods to protect infrastructure from the adverse effects of new or more intense activities or incompatible activities*
 - *apply a range of methods to manage the interface and compatibility between activities.*

- 3.3.14 Council engaged with infrastructure providers, specifically EDN providers for electricity and the National High Pressure Gas Pipeline and internally with Council transport staff as part of the preparation of PC25. Under the notified planning provisions, PC25 proposes specific provisions relating to setbacks from these networks. Through these setbacks, it is considered PC25 gives effect to the relevant provisions of the NPS-I.

3.4 WAIPĀ DISTRICT PLAN - EXISTING PLAN PROVISIONS

- 3.4.1 The sections of the WDP relevant to PC25, have been fully analysed through the preparation of PC25 and is set out in the notified s.32 Report, specifically in:
- Section 3 – *Current District Plan Provisions*, Section 4 – *PC25- Proposed Changes to the Waipā District Plan*; and
 - Section 6 – *How PC25 provisions are most appropriate to achieve the PC25 objectives*.
- 3.4.2 Through the consideration of the submissions and their relief sought, amendment to some of the provisions proposed by PC25 are recommended. No fundamental changes to the notified provisions PC25 are recommended.
- 3.4.3 Section 4 of this report below considers the submissions received to PC25.

4. ANALYSIS OF SUBMISSIONS

- 4.0.1 A total of 19 submissions and two further submissions were received on PC25:

Submissions Received

Submission #	Submitter
01	Ele Duncan
02	Nicholas Dromgool
03 & 04	Shirley Hewetson
05 & 06	Ronan Cavanagh
07	Matthew Boyd
08	Jo Wrigley (Go Eco)
09	Grant Walker
10	Waipā District Council (WDC)
11	John Mills
12	Fire and Emergency New Zealand (FENZ)
13	Powerco
14	Raukawa Charitable Trust
15	Nancy Donald
16	New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)
17	Federated Farmers Waikato
18	Carole Searle
Late Submissions	
19	Bryan Clements (B&B Clements Family Trust No 2)
Further Submissions	
FS01	Matthew Boyd
FS02	New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)

Late Submission

- 4.0.2 Under the RMA, late submissions are generally not accepted unless a timeframe extension has been requested and granted.
- 4.0.3 The Hearing Panel will need to decide whether to accept the late submission by Bryan Clements (B&B Clements Family Trust No 2) (submission 19). This submission was received on Saturday, February 21, 2026, being one day after the close of the submission period. The submission relates specifically to shelterbelts and covers matters that are also raised by other submitters.
- 4.0.4 Staff consider that accepting the late submission would not unduly prejudice any other person. Because of this the submission has been treated in the same way as other on-time submissions.

Submission Topics

- 4.0.5 The matters raised in submissions and further submissions have been grouped into the following topics:
- Topic 1 - General
 - Topic 2 – Error Corrections
 - Topic 3 – Definitions
 - Topic 4 – Rural Effects
 - Topic 5 – Rule Exemption Management
 - Topic 6 – Shelterbelts
 - Topic 7 – Artificial Crop Structures
 - Topic 8 – Landscapes and Viewshafts
- 4.0.6 Sections 4.1 – 4.8 below provide discussion and recommendations for each submission under these topic headings. A table is provided at the start of each section which identifies sub-topics, and the submission and further submission point relevant to them
- 4.0.7 Appendix 1 provides a summary of each of the submission and further submission points and the staff recommendations relating to them.

4.1 TOPIC 1 – General

- 4.1.1 The submissions received on general matters have been divided into 5 separate subtopics. These are:
- Rubbish and food scrap collection
 - Biodiversity and climate future-proofing the district plan
 - Compliance and enforcement powers
 - Consolidation of crop structure provisions
 - Plan provisions

Rubbish and food scrap collection

- 4.1.2 **Ronan Cavanagh (5/1 and 6/1)** submissions focus on waste management processes.
- 4.1.3 The relief sought by R. Cavanagh is for Council to implement the use of bin tags

(5/1), and a weekly food scrap collection service (6/1).

- 4.1.4 The purpose of PC25 is for the provision of artificial crop structures and shelterbelts in the Rural Zone and does not extend to rubbish and food scrap. Accordingly, the matters raised by R. Cavanagh are out of scope with PC25 and cannot be considered.
- 4.1.5 It is recommended that the two submissions (5/1 and 6/1) are rejected. This is because the matter raised in these submissions are outside the scope of PC25.

Table 1 : Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Rubbish and food scrap collections		
Ronan Cavanagh	5/1	Reject
Ronan Cavanagh	6/1	Reject

Biodiversity and Climate future-proofing the district plan

- 4.1.6 **Go Eco (8/2)** consider that PC25 provides an important opportunity to refine the district plan framework to better address certain outstanding and emerging issues associated with crop structures in relation to Pou Taiao (sustainability / guardianship), Para Kore and Kai (clean food), and Wai (Water). They seek the following changes directly relevant to PC25:
- Integrating climate goals (require emissions impact reporting and promote carbon farming);
 - Support for small-scale organic and permaculture systems in the Rural Zone;
 - Add planning definitions or objectives for “regenerative”, “organic” and “mātauranga-based” agriculture to broaden recognition;
 - Local food governance mechanisms (embedding co-governance decision-making for food and environmental decisions in Council decision making); and
 - Develop a local food systems statement of intent that is cognisant of the Wai 262 Claim.
 - Use of plastic free or sustainable materials standards for artificial crop protection structures.
- 4.1.7 The further submission by **NZKGI & HortNZ (FS02/13)** while taking a neutral position, considers that the relief sought is beyond the scope and intent of PC25.
- 4.1.8 The matters raised by Go Eco represent broad environmental policy issues, that go beyond shelterbelts and crop structures. Direction on these types of matters should be provided by central government. It is not appropriate for these matters to be considered or decided as part of a narrowly focussed plan change. Accordingly, it is considered the relief sought is outside of the scope of PC25 and the approval to progress with the plan change provided by the Minister for Resource Management Reform.
- 4.1.9 For the reasons set out in 4.1.8 above it is recommended that the submission

(8/2) is rejected, and the further submission (FS02/13) is accepted.

Table 2 : Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Biodiversity and Climate future-proofing the district plan		
Go Eco	8/2	Reject
NZKGI & HortNZ	FS02/13	Accept

Compliance and Enforcement Powers

- 4.1.10 **Grant Walker (9/1)** seeks to “increase the fees and penalties for non-compliance and give the Enforcement team more power to do their job”.
- 4.1.11 The further submission of **NZKGI & HortNZ (FS02/14)** oppose this submission because “enforcement and penalty matters are addressed through the Resource Management Act framework and do not require additional district plan provisions through PC25”.
- 4.1.12 Councils enforcement powers and the setting of fees and penalties are prescribed by the Resource Management Act and regulations (Resource Management (Infringement Offences) Regulations 1999. Council has no ability to increase infringement fees or change the enforcement provisions of the Resource Management Act.
- 4.1.13 For these reasons it is recommended that submission (9/1) is rejected, and the further submission (FS02/14) is accepted.

Table 3 : Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Compliance and Enforcement Powers		
Grant Walker	9/1	Reject
NZKGI & HortNZ	FS02/14	Accept

Consolidation of Crop Structure Provisions

- 4.1.14 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/21)** seek the consolidation of all rural zone operational standards relating to crop structures into Rule 4.4.2.88. The relief sought is that the proposed standards for setbacks (Rules 4.4.2.1 and 4.4.2.2) and height controls (Rule 4.4.2.9A) for crop structures; are moved into Rule 4.4.2.88.
- 4.1.15 NZKGI & HortNZ want a clear and user-friendly pathway for growers, by having the location of all crop structures provisions being in a single specific rule rather than spread across general building controls. In their opinion, having one rule would improve certainty, reduce duplication and ensure the provisions are drafted specifically for horticultural structures.
- 4.1.16 It is considered the existing structure and rule framework in the WDP already avoids duplication through grouping the general standards, relevant for all rural activities (e.g. setbacks, height and site coverage), while providing separate provisions that are not generic to all rural activities and only relate to specific

activities (e.g. colour controls).

- 4.1.17 It is not considered necessary to have one consolidated rule specific for crop structures. Doing so would add duplication and confusion (e.g. there would be more than one rule in the Rural Zone that relates to building setbacks). If the relief is accepted other rules would need to be amended to direct plan users to the specific crop structure rule. The nature of the WDP is that multiple rules will apply to single activities. It is not possible for all these rules to be incorporated into one consolidated location.
- 4.1.18 It is considered that the existing rule framework and the proposed provisions of PC25 are not difficult to understand or implement and do not create uncertainty.
- 4.1.19 It is recommended that submission point (16/21) is rejected. This is because the proposed provisions of PC25 utilise the existing rule framework and the inclusion of setback and height standards into Rule 4.4.2.88 would serve to duplicate existing rules and create unnecessary uncertainty.

Table 4 : Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Consolidation of provisions		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/21	Reject

Plan Provisions

- 4.1.20 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/1)** support PC25 subject to incorporating plan provisions that provide:
- Clear and robust expectations for a rural working environment where crop structures are recognised as a positive contribution to maximising the productivity of horticultural activities;
 - Rules that are user-friendly for growers, farmers, and neighbours, making them easy to understand and implement;
 - An incentivised pathway that encourages the use or planting of hedges and shelterbelts, allowing for reduced setbacks for crop structures and enabling more efficient use of highly productive land;
 - Alignment with the objectives, policies and clauses in the National Policy Statement for Highly Productive Land (NPS – HPL); and
 - A more flexible rule for Landscape, Viewshaft, and Natural Landscape areas that permits the use of crop structures, provided they are appropriately mitigated or screened from public view.
- 4.1.21 There are a number of submission points made by NZKGI & HortNZ which address matters (c) and (e) above which are addressed in sections 4.6, 4.7 and 4.8 of this report. The following points are made with respect to matters (a), (b) and (d):
- The purpose of the plan change is to ensure that crop structures are positively recognised by the WDP as anticipated and expected part of farming activities in the rural environment.

- The provisions of PC25 are not difficult to understand or implement. It is intended that practice guides will be developed for growers and their representatives so that they can easily identify all rules that are relevant to crop structures in the WDP.
- The provisions of PC25 do not preclude the use of any soils in Waipā's rural areas for land-based primary production. It is considered that PC25 appropriately aligns with the objectives, policies and relevant clauses of the NPS-HPL. In this respect:
 - Crop structures are an integral part of land-based primary production, being the purpose for why highly productive land is protected by the NPS-HPL
 - The provisions of PC25 enable the use of highly productive land for horticultural land-based primary production to be prioritised and supported
 - The provision of PC25 ensure that crop structures are included as an appropriate use of highly productive land
- Enabling the most efficient use of highly productive land is not expressed as being relevant to the achievement of the objectives and policies of the NPS-HPL, and as such is not something that PC25 is expressly required to give effect to.

4.1.22 It is recommended that submission point (16/1) is accepted in part as it relates to matters (a), (b) and (d) of 4.1.20 above. This is because PC25 as notified is considered to incorporate plan provisions that appropriately achieve the outcomes considered important by the submitter.

Table 5 : Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Plan Provisions		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/1	Accept in Part

4.2 TOPIC 2 – Error Corrections

- 4.2.1 The following paragraphs discuss and address the submission points from **Waipā District Council (WDC) (10/1, 10/2, 10/3, 10/4, 10/5, 10/6)** relating to the Error Corrections Topic and provide recommendations in relation to them.
- 4.2.2 WDC identify that there was a formatting error in the track change version of the WDP provisions contained in Appendix 7 of the notified PC25 documents. These errors relate to:
- The numbering of policies 4.3.2.1, 4.3.2.2, 4.3.2.3, 4.3.2.4, 4.3.2.5, 4.3.2.6 and 4.3.2.7 in Section 4 – Rural Zone (submission point 10/1)
 - The numbering of Rules 4.4.2.1, 4.4.2.2 and 4.4.2.3 in Section 4 – Rural Zone (submission point 10/2)

- The numbering of proposed new Assessment Criteria 21.1.4.13A in Section 21 – Assessment Criteria and Information Requirements (submission point 10/3)
 - Matters to which discretion is restricted in 4.4.2.2, 4.4.2.7, 4.4.2.8, 4.4.2.9, 4.4.2.9A, 4.4.2.10 and 4.4.2.58 in Section 4 – Rural Zone (submission point 10/4)
 - Addition of the text ‘Operative’ before the text ‘DATE’ in proposed Rule 4.4.2.57A.a-d, of the Rural Zone to provide greater clarity that the reference to ‘DATE’ is intended to identify the operative date of the plan change (submission point 10/5)
 - replace references to ‘ancillary structures’ in Assessment Criteria 21.1.25.10 with ‘crop support structures’. As a result of PC25, the terminology ‘ancillary structures’ should be removed as this term is neither defined nor used elsewhere in the district plan (submission point 10/6)
- 4.2.3 **NZKGI & HortNZ (FS02/15, FS02/16, FS02/17, FS02/17, FS02/18, FS02/19, FS02/20)** lodged further submissions to each of these submission points (10/1, 10/2, 10/3, 10/4, 10/5, 10/6), taking a neutral position and not seeking any relief.
- 4.2.4 It is important to ensure avoidance of redundant terms, and that correct referencing are applied throughout the WDP. The above corrections do not change the intent of the purpose of PC25 or the WDP.
- 4.2.5 The corrections sought by WDC reflect the version of the PC25 provisions that:
- was granted an exemption by the Minister for Resource Management Reform; and
 - is shown for PC25 in the WDP ePlan, and
 - is shown in the other appendices accompanying the s.32 Report.
- 4.2.6 The corrections being sought by WDC are necessary to ensure the WDP does not contain errors and to ensure correct administration of the district plan.
- 4.2.7 Therefore, it is recommended that submissions points (10/1, 10/2, 10/3, 10/4, 10/5, 10/6) and the further submissions (FS02/15, FS02/16, FS02/17, FS02/18, FS02/19 and FS02/20) be accepted.

Table 6: Topic 2 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Waipa District Council	10/1, 10/2, 10/3, 10/4, 10/5	Accept
NZKGI & HortNZ	FS02/15, FS02/16, FS02/17, FS02/18, FS02/19	Accept

4.3 TOPIC 3 – Definitions

- 4.3.1 The following paragraphs discuss and address the submission points relevant to the Definitions topic and provide recommendations in relation to them under the following subtopic headings:
- Artificial Crop Protection Structures, Artificial Screens and Crop Support Structures

- Building
- Farming Activities
- Shelterbelts

Artificial Crop Protection Structure (ACPS), Artificial Screens, and Crop Support Structures definition

- 4.3.2 **Matthew Boyd (7/1)** highlights that the proposed definition of an artificial crop protection structure (ACPS) *“being 1.8m or over means that smaller ACPS (also known as scrim) can be any colour resulting in considerable effects”*. The relief sought is *“to change the wording to ensure lower ACPs are included in the colour restriction”*. An example of “scrim” is shown in Figure 1 below

Figure 1: photo of scrim, source: Matthew Boyd submission



- 4.3.3 In relation to scrim the submitter states that *“these are not fences and should not be compared to fences. Fences contain or prohibit entry or surround a property. Scrim is undeniably a crop protection structure, made of the same materials as higher ACPs, and they often traverse fields multiple times resulting in cumulative effects. Scrim has only one purpose – to screen and protect crops”*.
- 4.3.4 The further submission by **NZKGI & HortNZ (FS02/5)** opposes the relief being sought by Matthew Boyd (7/1) because these lower-level structures typically have limited visual prominence and such a control would create unnecessary compliance costs.
- 4.3.5 Fences are not specifically defined by the WDP. They are mentioned as an exclusion to the definition of building the plan, which provides that any fence or wall less than 1.8m in height is not a building.
- 4.3.6 The Collins Dictionary defines a fence as being *“a barrier between two areas of land, made of wood or wire supported by posts”*. Under the WDP, other than height there is no restriction on what materials a fence or wall can be constructed or made of, or what colour they can be. Fences as ancillary activities to farming and residential activities are permitted in the Rural Zone.
- 4.3.7 Since its notification in 2012 the WDP has contained a definition for artificial screen being *“means a man-made structure for the purpose providing wind shelter that is greater than 2m high”*. Provisions in the WDP for artificial screens only apply to Landscape and Viewshaft Areas.
- 4.3.8 PC25 proposes to amend the existing definition of Artificial Screen to read:

“means a structure covered by permeable cloth (vertically) that is greater than 1.8m high and for the purpose of providing wind shelter.

For the purpose of this definition ‘permeable cloth’ means material that does not prevent air, sunlight, or water penetration, and is able to be seen through”.

- 4.3.9 The definition was amended to reduce the height to 1.8m so there is consistency between the cutoff for when a fence by definition becomes a building.
- 4.3.10 The ‘scrim’ structures are typically under 1.8m in height and have the appearance and function of a fence. While scrim structures could be erected throughout an orchard, and covered with cloth material, because of their height, they are not within the intended meaning of an artificial screen.
- 4.3.11 There are no known instances within the district where ‘scrim’ has presented a significant adverse effect. Generally, they are small scale, visually compact and their appearance reduce as the crops they are protecting grow. The visual effect of ‘scrim’ is within what can be expected to occur from a fence established as a permitted activity. Because of this it is unnecessary for the definition of ACPS and Artificial Screen to be amended to apply to structures that are less than 1.8m high.
- 4.3.12 NZKGI & HortNZ oppose the relief sought by submission point 7/1 on the basis that *“additional colour controls for lower height crop are not considered necessary to manage visual effects within the productive rural environment. Lower-height scrim is typically limited in visual prominence due to its scale and height and does not warrant the same level of regulation contemplated for larger structures”.*
- 4.3.13 It is recommended that the submission by Matthew Bold (7/1) is rejected and the further submission by NZKGI & HortNZ (FS02/5) be accepted.
- 4.3.14 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/2, 16/3, 16/5)** support the definitions as notified for ACPS, Artificial Screens and Crop Support Structures, and request their retention with the inclusion of diagrams to clearly define the differences between these different horticultural structures.
- 4.3.15 While the provision of diagrams seems an appropriate approach to assist with defining the difference between the different structures, the provision of a diagram could in fact cause confusion and potentially exclude structures that do not align with the said diagram. The standards proposed for crop structures, while aligning with what has been established in the Waipā context, are not specifically for any one type of crop. It is anticipated that:
- the crop being grown influences the type and design of the structure required within the orchard.
 - there is not one structure that adequately portrays the different types of structures presently in use throughout the horticultural industry.
 - as technology evolves the nature and form of crop structures may change to ensure a productive and sustainable horticultural business.
- 4.3.16 The intent of PC25 is to ensure there are relevant rules to enable growers to

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design their orchards as a permitted activity. This could be compromised if a specific diagram (for either an ACPS, artificial screens, or crop support structure) was included within the respective definitions. Therefore, it is considered that no diagrams are needed to illustrate the respective definitions. On this basis it is recommended that the submission points (16/2, 16/3, 16/5) be accepted in part.

- 4.3.17 **Federated Farmers Waikato (17/1 and 17/3)** support the proposed definition for Artificial Screens and Crop Support Structures. It is recommended that these submission points (17/1, 17/3) be accepted.
- 4.3.18 **Federated Farmers Waikato (17/2)** support the proposed definition for ACPS, because the definitions align with the National Planning Standards and ensures these structures are not defined as a building in accordance with the District Plan.
- 4.3.19 While it is acknowledged that Federated Farmers Waikato (17/2) supports the proposed definition for ACPS, the proposed definition does not negate the fact that an ACPS falls within the meaning of ‘building’ as defined by the WDP. Therefore, it is recommended that the submission point (17/2) be accepted in part.

Table 7 : Topic 3 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Artificial Crop Protection Structure, Artificial Screen, Crop Support Structure Definitions		
Matthew Boyd	7/1	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	FS02/5	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	16/2	Accept in Part
	16/3	Accept in Part
	16/5	Accept in Part
Federated Farmers Waikato	17/1	Accept
	17/2	Accept in Part
	17/3	Accept

Building

- 4.3.20 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/4)** seek amendments to the definition of ‘Building’ to specifically state that artificial crop protection structures and crop support structures are not included in the definition. The reasons provided for this submission are:

“the definition of a building should exclude ACPS (AND artificial screens as contained in that definition) and crop support structures, to remove ambiguity.

If the structures are not specifically excluded from the building definition, then other standards like site coverage will not apply, where they are not relevant.

We consider this to be a critical change for the Council to make for clarity and certainty when interpreting the District Plan”.

- 4.3.21 During the engagement period, the matter of whether crop structures should or

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should not be captured under the definition of a ‘building’ was a discussion point between Council and NZKGI & HortNZ. The outcome of those discussions and the proposed approach set out in PC25 was considered and discussed through the paragraphs 5.4.6 – 5.4.7, page 22 of the s.32 Report.

- 4.3.22 Council deliberately retained crop structures as being within the definition of ‘building’ as provided by the WDP. This is because the effects of these structures are well catered for by the existing ruleset applying to buildings. The WDP defines ‘building’ as

“any building or structure, or part of a building or structure, whether temporary or permanent, movable or immovable, but does not include:

- Any building or structure less than 5m in area, and less than 1m in height; or*
- Any retaining wall less than 1.5m in height, provided that any retaining wall (regardless of height) which supports any or surcharge additional to the load of the ground is considered to be a building; or*
- Any fence or wall less than 1.8m in height; or*
- Any retaining wall or fence on top of a retaining wall that does not jointly exceed 1.8m in height; or*
- Any swimming pool or spa pool less than 1m in height above ground level; or*
- Any vehicle or caravan whether movable or immovable which is not used as a place of permanent residence or business, or for assembly or storage purposes; or*
- Any mast, pole or radio or television aerial which is less than 2m in height above the point of attachment or its base support; or*
- Any uncovered part of a deck (excluding balustrades and handrails) or terrace, platform or bridge which is less than 1m above ground level; or*
- Any electric lines or telecommunication lines; or*
- Any substation fence not exceeding 2.5m in height.”*

- 4.3.23 The RMA defines ‘structures’ as *“any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft”*.

- 4.3.24 The building envelope (height and/or m²) of the three types of crop structures defined by PC25 all exceed those activities that are excluded in the ‘building’ definition (as set out above). They clearly fall within the definition of ‘building’ under the WDP. They also fall within the definition and meaning of ‘structure’ under the RMA. Accordingly, there is no ambiguity as to how these structures should be defined and what standards should be applied to them.

- 4.3.25 Care has been taken in the drafting of PC25 to ensure that appropriate exemptions are put in place where the standards for buildings (e.g. site coverage) are not appropriate for crop structures. It is considered that no benefits arise from the relief sought. If the relief is accepted it would trigger many consequential changes throughout the WDP which are otherwise unnecessary.

- 4.3.26 For the reasons set out above It is recommended that submission point (16/4) is rejected.

Table 8: Topic 3 Recommendation

Submitter/ Further submitter	Submission Point	Recommendation
Building Definition		

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Submitter/ Further submitter	Submission Point	Recommendation
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	16/4	Reject

Farming Activities

- 4.3.27 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/6) and Federated Farmers Waikato (17/4)** support of the amendments to the definition of ‘farming activities’. It is recommended that submission points (16/6) and (17/4) are accepted.

Table 9 : Topic 3 –Recommendation

Submitter/ Further submitter	Submission Point	Recommendation
Farming Activities Definition		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	16/6	Accept
Federated Farmers Waikato	17/4	Accept

Shelterbelts

- 4.3.28 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/7)** supports that smaller hedges outside of the landscape and viewshaft areas are not considered to be shelterbelts. It is recommended that submission point (16/7) is accepted.

Table 10 : Topic 3 –Recommendation

Submitter/ Further submitter	Submission Point	Recommendation
Shelterbelt Definition		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand	16/7	Accept

4.4 TOPIC 4 – Rural Effects

- 4.4.1 The following paragraphs discuss and address the submission points relevant to the Rural Effects topic and provide recommendations in relation to them under the following subtopic headings:
- Rural Character
 - Reverse Sensitivity
 - Rural Activities

Rural Character (Section 4 – Introduction)

- 4.4.2 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/8)** support the inclusion of horticultural and crop production in section 4.1.3 – Introduction of the Rural Zone. No relief is stated. Therefore, it is recommended that submission point (16/8) be accepted.
- 4.4.3 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/9)** support in part section 4.1.12.b of Rural Zone Introduction, however, seek amendments to the description of rural

character. They seek the following changes to 4.1.12.b (in red) to read:

- 4.1.12.b) ~~Some areas of open~~ landscapes containing natural features and scenic vistas, including ~~flat to rolling terrain~~, volcanic cones, streams, lakes, peat lakes, rivers and wetlands ~~that are largely free from development~~.

4.4.4 NZKGI & HortNZ state that it is not accurate to describe flat and rolling terrain, which is primary production land, as being open and largely free from development.

4.4.5 **Matthew Boyd (FS01/1)** lodged a further submission in opposition to the matter raised by NZKGI & HortNZ (16/9) stating that the current wording should be retained. Citing the proposed wording as adding ambiguity and opens up an argument of what are natural features.

4.4.6 The purpose of paragraph 4.1.12 is to identify the various elements that define Waipā's rural character. All eleven of the elements which define the district's rural character are set out in Paragraph 4.1.12. a – k are reproduced below, and should be read collectively:

- a. Areas of vegetation (in a natural state or managed, indigenous and/or exotic), such as pasture used for grazing stock, crops, forest and scrub, riparian stream margins, lakes and wetlands; and
- b. Open landscapes containing natural features and scenic vistas including flat to rolling terrain, volcanic cones, streams, lakes, peat lakes, rivers and wetlands that are largely free from development; and
- c. Low density widely spaced built form, with dwellings and farm buildings dispersed in the wider landscape; and
- d. Land uses of a predominantly production or rural working nature such as farming and related farm storage sheds, stock yards, farm animals and houses, and the widespread use of machinery supporting the principal productive land use. The characteristic noises and odours of farming are part of the rural working nature of the Rural Zone; and
- e. Occasional papakāinga and marae with associated activities and events; and
- f. Infrequent rural based industry sites such as cool stores and wineries, as well as infrequent mineral and aggregate extraction sites, intensive farming operations and rural service providers such as agricultural contractors; and
- g. Infrequent tourism or traveller accommodation based facilities generally associated with landscape features; and
- h. Generally un-serviced land with a lack of urban infrastructure such as reticulated water and wastewater systems; and
- i. An extensive network of roads with varying traffic levels, primarily without kerbs, footpaths or other urban structures such as street lighting, unless required for road safety reasons. Higher traffic levels occur on State Highways, arterial and some collector roads; and
- j. Occasional local temporary events and activities such as equestrian hunts, farm open days, local fund-raising events, pony club, and associated events and activities in rural community halls; and
- k. Recreational hunting.

4.4.7 The existing wording of 4.1.12.b. is considered to accurately describe the

natural landscapes and features that make up the district's rural areas as a whole. The change sought by NZKGI & HortNZ serves to remove description of open landscapes, flat to rolling terrain, and areas largely free from development. It is considered that these elements do accurately represent what the rural character in Waipā is.

4.4.8 It is recommended that submission point (16/9) be rejected and the further submission (FS01/1) be accepted.

4.4.9 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/10) and Federated Farmers Waikato (17/6)** support the amendments in section 4.1.12.d Rural Zone Introduction to include crop support, protection structures and shelterbelts as being part of rural character. It is recommended that submission points (16/10) and (17/6) are accepted.

Rural Character (Section 4 – Policy 4.3.2.4)

4.4.10 **Federated Farmers Waikato (17/7)** supports in part the amendments to Policy 4.3.2.4, seeking that there be less emphasis on character and amenity of essential infrastructure that is required to support rural activities in the rural zone. No specific amendment to the wording of this policy has been provided by the submitter.

4.4.11 Existing Policy 4.3.2.4 specifically focuses on ensuring that farm buildings and activities are located and scaled to minimise adverse effects on rural character and amenity.

4.4.12 PC25 proposes to amend Policy 4.3.2.4 to specifically reference crop structures, for the purpose of making it clear that these structures, as farm buildings, are captured by this policy.

4.4.13 Lessening the emphasis on character, as sought by Federated Farmers Waikato (17/7) is unnecessary because the purpose of PC25 is to ensure that crop structures, are recognised and provided for as being a legitimate part of what a farming activity and therefore rural character is. Consideration of this policy would only arise when resource consent for a crop structure is required. It is appropriate that external effects on rural character are considered as part of the resource consent process. For this reason, it is recommended that submission point (17/7) is rejected.

Table 11 : Topic 4 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Rural Character</i>		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/8	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/9	Reject
Matthew Boyd	FS01/1	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/10	Accept
Federated Farmers Waikato	17/6	Accept
	17/7	Reject

Reverse Sensitivity

- 4.4.14 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/11) and Federated Farmers Waikato (17/8)** seek the inclusion of a new policy under Objective 4.3.2 to address reverse sensitivity effects on primary production activities; that would read:

To avoid reverse sensitivity effects and ensure that primary production activities are not adversely affected by the establishment of sensitive activities in the Rural Zone.

- 4.4.15 Consideration of reverse sensitivity is currently addressed through Objective 4.3.8 of the WDP, and Policy 9 of the National Policy Standard for Highly Productive Land. PC25 does not introduce any new rules that relate to managing the potential for reverse sensitivity complaint arising from new sensitive activities. Because of this there is no mechanism which would ensure the achievement of the policy. Sensitive activities (e.g. dwellings) are permitted in the rural zone.
- 4.4.16 The new policy sought by the submitters is out of scope with the objective of PC25 and is a change to the WDP which would have a zone wide impact beyond crop structures and shelterbelts and which is not supported by any specific rules. Because of this it is recommended that submission points (16/11) and (17/8) are rejected.

Table 12 : Topic 4 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Reverse Sensitivity		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/11	Reject
Federated Farmers Waikato	17/8	Reject

Rural Activities

- 4.4.17 **Nancy Donald (15/1)**, while not specifying any relief, states that:

“Parts of Plan 25 need to be mitigated as a Rural Zone is a mixture of crops, orchards, animals, farmers, horticulturalists and lifestyle living. Should not be used for industry there is already industrial areas allocated for these activities to eliminate sensitive issues ie noise in particular adverse to animals and people”. The soils in these areas are rated as high class LU Classes 1, 2, 3 being 37% 1 and 2 does not include peat this is recognised as NPS-HPL Class 3 – 9%.

Sprays to be used only organic to mitigate any adverse reactions to toxic sprays to people, animals and horticulture (crops)

There has been subdivision allowed in some areas with no undue adversity along with industry adverse effects”.

- 4.4.18 The further submission by **NZKGI & HortNZ (FS02/34)** oppose this submission seeking that it be rejected on the basis that submission points will add additional mitigation obligations on the industry.
- 4.4.19 The purpose PC25 is to ensure the WDP contains provisions that enable the establishment of shelterbelts and crop structures as a legitimate part of farming

activities within the rural zone. PC25 does not introduce any provisions related to industrial activities or the use of spray. It is recommended that submission (15/1) is rejected and that further submitter (FS02/34) is accepted.

- 4.4.20 **Federated Farmers Waikato (17/5)** supports the proposed text to be inserted into paragraph 4.1.3 of the Introduction to the Rural Zone. No specific relief is sought. It is recommended that submission point (17/5) be accepted.
- 4.4.21 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/12)** support proposed Rule 4.4.1.1.z that lists shelterbelts as a permitted activity. They seek that artificial crop protection structures and crop support structures are also included into the rule. They consider these structures should *“not have to rely on the farming definition for permitted activities. Crop support structures are akin to a fence, so they should be provided for as a permitted activity”*.
- 4.4.22 The further submission by **Matthew Boyd (FS01/2)** opposes this relief, stating that the current wording should be retained because *“crop protection structures are not fences, have a completely different role to fences and can be over 1.8m in height”*.
- 4.4.23 PC25 reflects the existing framework of the WDP that lists activity types as opposed to different types of buildings / structures that are permitted. The inclusion of crop structures in the definition of farming is appropriate and avoids proliferation of building descriptions within Rule 4.4.1.1 which do not currently exist. This is consistent with how fences are currently treated by the WDP.
- 4.4.24 It is recommended that the submission point (16/12) is rejected and that further submission (FS01/2) is accepted.
- 4.4.25 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/13)** support the inclusion of Rule 4.4.1.3.o because the proposed activity status aligns with the shelterbelt rules and standards. It is recommended that submission point (16/13) be accepted.

Table 13 : Topic 4 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Rural Activities		
Nancy Donald	15/1	Reject
NZKGI & HortNZ	FS02/34	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/12	Reject
Matthew Boyd	FS01/2	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/13	Accept
Federated Farmers Waikato	17/5	Accept

4.5 TOPIC 5 – Setback Exemptions

- 4.5.1 **Matthew Boyd (7/6)** identifies that *“PC25 allows for exemptions but is not clear on how and who decides if an exemption should be granted.”* The following relief is sought:

- a. *To clarify who and how an approval for an exemption is granted. Suggest a RC (just like any other setback exemption request for buildings) or a new application to WDC is required plus suitable fee to cover costs of processing, site visit, consultation*
- b. *In addition to setbacks, exemptions can apply if an existing shelterbelt mitigates effect. A process is required to ensure that an existing shelterbelt actually mitigate effects now.*

4.5.2 The further submission by **NZKGI & HortNZ (FS02/10)** opposes the relief sought by M Boyd (7/6) on the basis that it *“would introduce additional consenting requirements, procedural complexity and compliance costs for activities otherwise expected within the Rural Zone.”*

4.5.3 It is assumed that the exemptions referred by the submitter relate to Rules 4.4.2.1.c and 4.4.2.2.d. In this respect PC25:

- requires crop structures to be setback 6m from a road boundary **unless** there is an existing shelterbelt which screens the proposed structure (Rule 4.4.2.1.c)
- requires crop structures to be setback 6m from internal site boundaries. **No setback applies where:**
 - adjoining land is held in the same ownership
 - there is an existing shelterbelt which screens the proposed structure
 - the written consent of the adjoining landowner is obtained (deemed permitted activity – s87BA(2) RMA) – (Rule 4.4.2.2.d).

4.5.4 This rule would allow landowners to determine whether an existing shelterbelt can be used to justify a exemption from setback rules. Because of this , the rule needs to be clear what the expected screening outcome is. It is agreed with M Boyd (7/6) that:

- the shelterbelt screening exemption as currently written would allow an unlawfully planted shelterbelt to be used to justify reduction of a setback requirements; and
- the expected screening outcomes required to justify a reduction of a setback are not clear.

4.5.5 Tree planting and shelterbelt rules were first introduced at part of the first generation Waipā WDP which became operative on 1 December 1997. Before that time tree planting was not specifically controlled.

4.5.6 To address the matters in paragraph 4.5.4 above it is considered necessary to introduce some clarity into Rules 4.4.2.1.c and Rule 4.4.2.2.d.ii as sought in part by M Boyd (7/6) insofar as they relate to shelterbelt screening. It is appropriate that the rules are amended to clarify their intent and application, as follows:

Rule 4.4.2.1.c

- c. For artificial crop protection structures, and crop support structures 6m

Except no setback applies where the structure is **fully** screened from any adjoining road by an existing shelterbelt **either planted before 1 December 1997, or otherwise lawfully**

established if planted after that date.

Rule 4.4.2.2.d.ii

- ii. The artificial crop protection structure or crop support structure is **fully** screened from any adjoining site (not in common ownership) by an existing shelterbelt **either planted before 1 December 1997, or otherwise lawfully established if planted after that date.**

- 4.5.7 It is recommended that submission point (7/6) and further submission point (FS02/10) be accepted in part subject to amendments to rules 4.4.2.1 and 4.4.2.2 set out in 4.5.6 above.

Table 14: Topic 5 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Matthew Boyd	7/6	Accept in part
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	FS02/10	Accept in part

4.6 TOPIC 6 – Shelterbelts

- 4.6.1 The following paragraphs discuss and address the submission points relevant to the Shelterbelts topic and provide recommendations in relation to them under the following subtopic headings:

- Shelterbelt Maintenance
- Shelterbelt Height Limits
- Shelterbelt Setbacks
- Removal / Replanting of Existing Shelterbelts
- Species makeup
- Fire Risk
- Assessment Criteria

Shelterbelt Maintenance

- 4.6.2 **Ele Duncan (1/1)** while supporting in part Rule 4.4.2.57A.e.iii., is concerned that the rule, as presently written is unworkable for “*existing shelterbelts which have been maintained for years*” from the road verge as the rule would make the maintenance of existing shelterbelts a non-complying activity. To address this the submitter seeks an amendment to the rule to provide clarity as to when the rule is to be applied. The amendment would read (red text) as follows:

All maintenance activities (such as trimming to maintain the height and width) occurs within the boundaries of the site within which the shelterbelt is located **for a shelterbelt planted after [DATE].**

- 4.6.3 **NZKGI & HortNZ (FS02/1)** has lodged a further submission to (1/1), taking a neutral position on this submission.
- 4.6.4 It is agreed that there is the potential for the maintenance rule to be interpreted to apply to all existing shelterbelts. This was not the intention of the rule. The intention instead was for maintenance requirements to apply to shelterbelts planted after PC25 becomes operative.
- 4.6.5 While it is acknowledged that there are issues experienced with the location,

and maintenance of existing shelterbelts in the rural environment, these situations should continue to be addressed through enforcement processes to determine if the district planning rules that would have been in place when they were planted have been contravened in accordance with the RMA. Therefore, it is appropriate to apply a commencement date to ensure the Rule 4.4.2.57A.e. to ensure the rule, as a whole, only applies to shelterbelts that are planted after the operative date of PC25.

4.6.6 It is recommended that the submission point (1/1) and the further submission (FS02/1) be accepted in part, and Rule 4.4.2.57A.e be amended to read as follows:

- e. Shelterbelts planted after [Operative Date] shall be maintained by the owners at all times so that:
 - i. No vegetation (branches/limbs) extends over property boundaries or roads; and
 - ii. Any vegetation (branches/limbs/trimming/fallen trees) that falls onto adjoining sites is removed.
 - iii. All maintenance activities (such as trimming to maintain the height and width) occurs within the boundaries of the site within which the shelterbelt is located.

Shelterbelt Height Limits

Neighbours Approvals

4.6.7 **Nancy Donald (15/4)** seeks the requirement for neighbour approval to be obtained if the height of a shelterbelt is to be greater than 6m.

4.6.8 Rule 4.4.2.57A requires the maximum height of a shelterbelt to be 6m where it is located within 20m of a property boundary. Activities that fail to comply with this rule would require a resource consent for a restricted discretionary activity (RDA).

4.6.9 When considering a resource consent for height non-compliance, the matters that discretion is restricted to is proposed to include the proximity to, and the effects on adjoining activities. As part of the resource consent process Council under s.95B of the RMA, must limited notify a resource consent if it considers that the adverse effects of the proposal on a person are minor or more than minor. This is something that is considered on a case-by-case basis. It is not appropriate that there is an automatic presumption that in all instances that neighbours are adversely affected by non-compliance in a minor or more than minor manner. It is recommended that the submission point (15/4) is rejected.

4.6.10 **NZKGI & HortNZ (FS02/37)** lodged a blanket further submission to Nancy Donald's submission seeking a decision to reject the submission in total because the provisions will add additional mitigation obligations on the industry. This further submission point does not seem to correlate with the relief sought by the submission point. Accordingly, it is recommended that the further submission (FS02/37) is rejected.

Maximum Height (Trimming)

- 4.6.11 **Matthew Boyd (7/4)** identifies that the wording of Rule 4.4.2.57A “needs tightening relating to how and when the max height is measured. The intention was a max height at any time ... shelterbelts can grow as much as 1m per year in height and horticulturalists generally trim every year or every two years”.
- 4.6.12 The requested relief is “to ensure the Rules are unambiguous, stating that the maximum height of a shelterbelt is 6m at any time during the trim cycle.” The further submission of **NZKGI & HortNZ (FS02/8)** oppose the submission and seek rejection of the relief being sought on the basis that the amendment would be an onerous shelterbelt maintenance requirement for both growers and rural landowners.
- 4.6.13 As shelterbelts are living, it is recognised that there are a number of variables that must be applied to ensure they are appropriately maintained to achieve compliance with height limits. The controls proposed under PC25 are considered to take a practical approach in ensuring there is a balance between the reasons (screening/shelter) for shelterbelts, and effects (shade/visibility) from shelterbelts. If a shelterbelt was not being regularly trimmed, and the height exceeded 6m, Council could enforce compliance with the height control and require the shelterbelt to be trimmed to comply.
- 4.6.14 It is recognised that over a trimming cycle (12-18 months) the height of a shelterbelt will fluctuate depending on the season and growth speed of the specific species. This variable is considered to have de minimus effect if the shelterbelt is regularly trimmed.
- 4.6.15 As notified, Rule 4.4.2.57A. provides the maximum permitted height for shelterbelts, and the requirement that shelterbelts are maintained. How compliance is achieved is at the discretion of the landowner. It is considered that the wording as notified provides clear guidance for both compliance and enforcement purposes. It is recommended that submission point (7/4) be rejected and the further submission point (FS02/8) be accepted.

Increase Maximum Height

- 4.6.16 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI and HortNZ) (16/17)** oppose Rule 4.4.2.57A(a) and seek that the maximum permitted height of shelterbelts be increased from 6m to 9m. They state that a 9m height control would enable “shelterbelts to function effectively in undulating rural environments and to manage wind turbulence and extreme weather events”; and that as “the standard height for kiwifruit ACPS, and an additional 1m allows for topographical changes”.
- 4.6.17 NZKGI & HortNZ also state that “an unduly restrictive height limit would reduce the functional effectiveness of shelterbelts and may increase reliance on setbacks to manage visual effects”; and that “this outcome would result in greater loss of productive land without necessarily improving amenity outcomes”.
- 4.6.18 The further submission of **Matthew Boyd (FS01/6)** opposes this submission point and requests that it be rejected and for the notified 6m height control be

retained.

- 4.6.19 Shelterbelts in the rural environment are planted for numerous reasons, in addition to horticultural activities, such as for animal shelter and amenity on lifestyle properties. While there could be reasons for differing height, depending on circumstances, since 1997 in the Waipā District there has been a consistent 6m height standard applying to the planting of shelterbelts.
- 4.6.20 In addition, as a result of resource consents granted for artificial crop protection structures, the consenting of non-compliant shelterbelts has also occurred with a 6m height control applied¹.
- 4.6.21 The feedback received during the community engagement period when preparing PC25, highlighted issues with shelterbelts through shading, maintenance and proximity to shared property boundaries.
- 4.6.22 All of these matters formed the parameters for determining the performance standards for shelterbelts. It is considered that the combination of height, setback and maintenance standards forming PC25 ensures effects are able to be consistently and effectively managed.
- 4.6.23 Under PC25 (proposed new Rule 4.4.2.57A), there is a clear consenting pathway for a restricted discretionary activity to assess the effects shelterbelts exceeding a 6m height within 20m of a property boundary on a case-by-case basis. Accordingly, it is not considered appropriate to increase the maximum height control for shelterbelts beyond 6m. It is recommended that the submission point (16/17) be rejected and that further submission point (FS01/6) be accepted.

Table 15: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Shelterbelt Maintenance and height limits		
Ele Duncan	1/1	Accept in Part
NZKGI & HortNZ	FS02/1	Accept in Part
Matthew Boyd	7/4	Reject
NZKGI & HortNZ	FS02/8	Accept
Nancy Donald	15/4	Reject
NZKGI & HortNZ	FS02/37	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/17	Reject
Matthew Boyd	FS01/6	Accept

Shelterbelt Setbacks

Electricity

- 4.6.24 **Powerco (13/2)** supports and seeks the retention of proposed Rule 4.4.2.57A(d)(ii) which requires shelterbelts to be 10m from the outer conductor or overhead powerlines. The further submission of **NZKGI and HortNZ (FS02/25)** is neutral to this submission point. It is recommended submission

¹ Example: ENV-2023-ALK-000038 N&V Jennings v. Waipā District Council

point (13/2) and the further submission (FS02/25) be accepted.

4.6.25 **Nancy Donald (15/2)** seeks amendments to Rule 4.4.2.57A reduce setbacks for shelterbelts from boundaries (reduced to 1m) and electricity lines (reduced to 2m). The rationale provided for this by the submitter is that:

- “as there is usually a fence between properties of mainly wire where shelterbelts are present the planting of the shelterbelt would then be 1m allowing for trimming on the neighbours side with another 4m between the shelterbelt and the APC’s (artificial construction protection) allowing for maintenance of ACP and mowing of lawn”
- “There is already a power company requirement of 2m clearance if shelterbelts are planted directly under power lines.”

4.6.26 **NZKGI & HortNZ (FS02/35)** lodged a blanket further submission to Nancy Donald’s submission seeking a decision to reject the submission in total because of NZKGI & HortNZ position is that the provisions will add additional mitigation obligations on the industry. This further submission point does not seem to correlate with the relief sought by the submission point.

Reduce Setbacks from Site Boundaries

4.6.27 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI and HortNZ) (16/18 and 16/19)** seek amendments to Rule 4.4.2.57A.b. and 4.4.2.57A.c. to reduce the minimum setback for a shelterbelt from both a road and internal site boundary to 3m. The further submissions of **Matthew Boyd (FS01/7 and FS01/8)** oppose these submission points and seeks to retain the setback rules as notified.

4.6.28 NZKGI & HortNZ seeks provisions that “provide a practical maintenance pathway (including setbacks) that reflect operational needs” and identify that “3m is the standard width required for a farm vehicle and maintenance”.

4.6.29 In determining what a minimum setback should be for shelterbelts consideration was had as to the practical requirements needed to enable access of machinery for maintenance (e.g. hedge cutters). A 1m setback, as sought by N Donald (15/2) would not ensure the ability for a tractor hedge cutter to trim the shelterbelt from within the property. The 4m width, as notified, was determined through discussion with growers during the preparation of PC25 to adequately accommodate machinery; and the need for a separation distance to ensure neighbouring landowners would not have to undertake maintenance of a shelterbelt on a shared boundary.

4.6.30 However, it is accepted that machinery carrying cutting equipment for a 6m high shelterbelt can operate within a 3m width. As such it is considered appropriate to reduce the shelterbelt setback to 3m. Reducing the setback by 1m is not considered to cause adverse effects off site because the height and maintenance rules remain.

4.6.31 Therefore, subject to the retention of the 6m maximum height, it is recommended that Rules 4.4.2.57A.b. and 4.4.2.57A.c. be amended to read:

4.4.2.57A.b. the minimum setback of any shelterbelt planted after [Date]
from a road boundary shall be ~~4m~~ 3m unless:.....

4.4.2.57A.c. the minimum setback of any shelterbelt planted after [Date] from an internal boundary shall be ~~4m~~ 3m unless:

4.6.32 During the preparation of PC25, engagement was had with network utility operators to ensure appropriate setbacks would be applied to ensure compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). The operators advised the need to apply a minimum setback of 10m from the outer conductor (wire or cable) of an overhead power line. Therefore, it is not appropriate to apply a 2m setback from electricity lines.

4.6.33 It is recommended that submissions (16/18 and 16/19) be accepted, that submission (15/2) and further submissions (FS02/35), (FS01/7 and FS01/8) be rejected and that Rules 4.4.2.57A.b and 4.4.2.57A.c be amended as shown in paragraph 4.6.31 above.

Increase Setback of Shelterbelts from Roads

4.6.34 **Carole Searle (18/3)** opposes the proposed 4m road setback provision in Rule 4.4.2.57A.b and seeks that the setback is increased to 15m on corners to ensure safety. The further submission by **NZKGI & HortNZ (FS02/46)** opposes this submission point and seeks that it is rejected on the basis that “*a blanket 15m corner setback is not considered proportionate in all rural contexts and would unnecessarily reduce productive land availability.*”

4.6.35 While it is a valid concern that vegetation can inhibit sight visibility, this is something that is not unusual. In situations where sight visibility is restricted it is expected that road users would accordingly drive to the conditions. It is impractical to apply a blanket setback control for all rural road corners when considering the nature of the rural roading network. Proposed Rule 4.4.2.57.d.i. does provide that no shelterbelt (planted after the plan change is operative) may restrict sight visibility from any vehicle access, road intersection or railway crossing. It is recommended that submission point (18/3) is rejected and that further submission (FS02/46) is accepted.

Table 16: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Setbacks</i>		
Powerco	13/2	Accept
NZKGI & HortNZ	FS02/25	Accept
Nancy Donald	15/2	Reject
NZKGI & HortNZ	FS02/35	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/18	Accept
Matthew Boyd	FS01/7	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/19	Accept
Matthew Boyd	FS01/8	Reject
Carole Searle	18/3	Reject
NZKGI & HortNZ	FS02/46	Accept

Removal / Replanting of Existing Shelterbelts

- 4.6.36 **Nicholas Dromgool (2/1)** raises concern about the existing shelterbelts on Gorton Road which cause shading and debris on the road, and requests that existing shelterbelts, *“that do not meet the rules, need to be either removed and replanted or trimmed to a maximum height of 6m as allowed for previously and within plan change 25.”* The further submission of **NZKGI & HortNZ (FS02/2)** opposes this submission point on the basis that the relief sought would apply retrospectively to existing shelterbelts, and the removal, replanting or mandatory height reduction would create unnecessary compliance costs and may adversely affect existing rural production activities.
- 4.6.37 **Shirley Hewetson (3/1 and 4/1)** lodged two submissions that specifically relate to a boundary issue at 62 Kay Road and which seek the removal of existing trees on this land. It is not clear from the information provided by S. Hewetson how this relates to PC25. The further submission of **NZKGI & HortNZ (FS02/3 and FS02/4)** opposes submission points (3/1) and (4/1) on the basis that *“it seeks removal of specific shelterbelts or retrospective restrictions through PC25.”*
- 4.6.38 **Bryan Clements (B&B Clements Family Trust No.2 (19/1))** raises concern over how the proposed provisions may affect the management of the existing trees around his property at 124 McGhie Road, Te Awamutu. **NZKGI & HortNZ (FS02/47)** lodged a neutral further submission to this submission point, with no action stated.
- 4.6.39 The provisions of PC25 cannot be applied retrospectively. As a result, Council is unable to require any existing lawfully established shelterbelt, to comply with the new rules introduced by PC25.
- 4.6.40 Section 10 of the Resource Management Act sets out that land may be used in a manner that contravenes a rule in the WDP if:
- The use was lawfully established before the rule became operative; and
 - The effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative
- 4.6.41 In considering the examples provided by the submitters, firstly it must be understood when the shelterbelt was planted, and what the rules were (if any) at the time of planting. Understanding that determines if the shelterbelt has existing use rights or not.
- 4.6.42 In the case of B. Clements (19/1), the activity on his property (beekeeping and associated activities) was established following the obtaining of consent in 1999-2000. The establishment of shelterbelts on the boundaries of the site was a specific requirement of the consent. Accordingly, these existing shelterbelts have been lawfully established² and there is no requirement to comply with the provisions proposed by PC25.
- 4.6.43 It is recommended that:

² Resource consent granted 1999 (EC consent order 2000) (ECM 3354169, ECM3354185, ECM 3354173)

- submission point (19/1) and further submission point (FS02/47) be accepted in part because the shelterbelts at 124 McGhie Road were lawfully established and will not be subject to the provisions of PC25.
- submission points (2/1), (3/1) and (4/1) be rejected and further submissions (FS02/2, FS02/3 and FS02/4) be accepted because the submission points relate to site specific matters that cannot be resolved through PC25.

Table 17: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Removal / Replanting of Existing shelterbelts</i>		
Nicholas Dromgool	2/1	Reject
NZKGI & HortNZ	FS02/2	Accept
S Hewetson	3/1	Reject
NZKGI & HortNZ	FS02/3	Accept
S Hewetson	4/1	Reject
NZKGI & HortNZ	FS02/4	Accept
Bryan Clements (B&B Clements Family Trust No.2)	19/1	Accept in part
NZKGI & HortNZ	FS02/47	Accept in part

Shelterbelt Species

- 4.6.44 **Go Eco (8/1)** seek a mandate for shelterbelts to be a mix of native and non-native, climate resilient plant species, to:
- *Provide habitat for indigenous fauna, including taonga species,*
 - *Provide and maintain habitat for beneficial organisms, including pollinators and biological control agents (BCAs), to support productive and biologically based crop protection systems in agriculture and horticulture*
 - *Landscape scale restoration efforts, such as Taia te Taiao, strengthening ecological corridors and stepping stones from locally, regionally and nationally significant site such as Pirongia, Maungatautari, Kakepuku, and significant wetlands (e.g. Waipa Peat Lakes),*
 - *Increased native seed dispersal,*
 - *Reduce wind speed and force, thereby minimising physical damage to plants and reducing soil erosion, particularly in the context of increasing wind intensity associated with climate change.*
 - *And shade for stock.*
- 4.6.45 **NZKGI & HortNZ (FS02/12)** lodged a neutral further submission to submission point (8/1) and did not seek a decision.
- 4.6.46 There are no resource management reasons in Part 2 of the Resource Management Act that enable Council to dictate what plant species must be used in proposed shelterbelts. There are no other known circumstances where this occurs.
- 4.6.47 The choice of plant species for shelterbelts is dictated by the purpose of the shelterbelt, whether it's for screening, landscaping, stock shelter or horticultural purposes. It is considered it would not be either practical or appropriate for the district plan to apply a blanket control over the species mix for shelterbelts. It is recommended that the submission point (8/1) and further submission point (FS02/12) be rejected.

- 4.6.48 **John Mills (11/1)** lodged a submission seeking that the provisions proposed by PC25 also be applied in the urban areas. The further submission of **NZKGI & HortNZ (FS02/21)** oppose this submission point, because the relief sought is not relevant to the purpose of PC25. PC25's focus is on and propose changes to the Rural Zone. There is no scope to expand the plan change to the urban areas of Waipā. It is recommended submission point (11/1) be rejected and that the further submission by (FS02/21) be accepted.
- 4.6.49 **Nancy Donald (15/3)** supports in part Rule 4.4.2.57A and seeks that it be amended to ensure neighbours are consulted on the most suitable tree species to be planted.
- 4.6.50 **NZKGI & HortNZ (FS02/36)** lodged a blanket further submission opposing this submission and seeking that it is rejected on the basis that it will add additional mitigation obligations on the industry.
- 4.6.51 N. Donald (15/3) has not outlined why there should be consultation with neighbours with regard to shelterbelt plant species. Rule 4.4.2.57A requires that a new shelterbelt is planted a minimum of 4m from any property boundary and with a maximum height of 6m above ground level when within 20m of a property boundary. It is considered that these standards provide adequate mitigation of effects that could arise from the planting any tree species. It is recommended that the submission point (15/3) be rejected, and that further submission (FS02/36) be accepted.

Table 18: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Species makeup		
Go Eco	8/1	Reject
NZKGI & HortNZ	FS02/12	Reject
John Mills	11/1	Reject
NZKGI & HortNZ	FS02/21	Accept
Nancy Donald	15/3	Reject
NZKGI & HortNZ	FS02/36	Accept

Fire risk

- 4.6.52 **Fire and Emergency New Zealand (FENZ)(12/1)** while supporting the intent of Rule 4.4.2.57A, seeks amendments to Rule 4.4.2.57A by adding another matter to which discretion is restricted to read (in red):
- The fire risk associated with surrounding structures, assets and infrastructure.
- 4.6.53 **NZKGI & HortNZ (FS02/22)** lodged a neutral further submission to this submission point, with no decision being requested.
- 4.6.54 Through their submission, FENZ advises:
- “Shelterbelt fires are common across New Zealand. Shelterbelts can increase wildfire risk due to where they are planted, what species is used, and how they are managed (i.e. what height they grow to, removal of trimmings and other dead vegetation).”*
- 4.6.55 The proposed matters of discretion set out under the notified version for Rule

4.4.2.57A do not cover the matter of fire risk. FENZ highlight that poorly maintained shelterbelts, or shelterbelts that do not comply with the proposed planning standards under PC25 could become an unacceptable fire risk. The addition of the requested matter of discretion would enable Council to consider fire risk in making decisions and imposing conditions.

4.6.56 This relief is supported, however, the consideration of fire risk should not be limited to surrounding structures, assets and infrastructure, as there are other areas within the rural environment which could be susceptible to fire risk (e.g. other rural activities, pasture, crops other shelterbelts).

4.6.57 It is recommended that submission point (12/1) and further submission point (FS02/22) be accepted in part and that a new matter to which discretion is restricted be added to Rule 4.4.2.57A to read:

- **Fire Risk-**

Table 19: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Fire risk		
Fire and Emergency New Zealand (FENZ)	12/1	Accept in Part
NZKGI & HortNZ	FS02/22	Accept in Part

Assessment Criteria for Shelterbelts

Fire Risk

4.6.58 **Fire and Emergency New Zealand (FENZ)(12/2)** seeks the addition of a new assessment criteria 21.1.4.13A to read “*the fire risk management measures to manage any identified effects on surrounding structures, assets and infrastructure*”.

4.6.59 **NZKGI & HortNZ (FS02/23)** lodged a neutral further submission to this submission point, with no decision being requested.

4.6.60 The proposed assessment criteria proposed by FENZ, is a consequence of their submission point (12/1) to add a fire risk as a matter to which discretion is restricted in Rule 4.4.2.57A. While considered appropriate, as stated in paragraph 4.6.56 above, fire risk arising from shelterbelts can impact multiple features of a property. It is necessary for the scope of suggested assessment criteria to be broadened.

4.6.61 It is recommended that the submission point (12/2) and the further submission (FS02/23) be accepted in part and that the wording of the new assessment criteria 21.1.4.13A is amended to read (red underlined):

The fire risk management measures to manage any identified effects on surrounding activities, structures, assets and infrastructure.

Network Utilities

4.6.62 **Powerco (13/4)** supports the matter of discretion for Rule 4.4.2.57A to ensure

consideration of effects on infrastructure and/or network utilities. Powerco states that this is consistent with Policies 11 and 12(d) of the NPS for Electricity Networks; and seeks that the wording of the rule is retained as notified. **NZKGI & HortNZ (FS02/27)** lodged a neutral further submission on this submission point. It is recommended that the submission (13/4) and the further submission by (FS02/27) be accepted.

General Support

- 4.6.63 **Nancy Donald (15/7)** supports the Assessment Criteria 21.1.4.13A for shelterbelts. No specific relief is sought. **NZKGI & HortNZ (FS02/40)** lodged a blanket further submission to Nancy Donald's submission seeking a decision to reject the submission in total because of NZKGI & HortNZ position is that the provisions will add additional mitigation obligations on the industry. This further submission point does not seem to correlate with the relief sought by the submission point. Accordingly, it is recommended that submission point (15/7) be accepted, and further submission (FS02/40) be rejected.

Effects Mitigation

- 4.6.64 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI and HortNZ) (16/23)** lodged a submission to Assessment Criteria 21.1.4.13A seeking the addition of a criteria to read:

- e. The ability of the shelterbelts to mitigate the effects of Artificial Crop Protection Structures.

- 4.6.65 **Federated Farmers Waikato (17/11)** seeks to amend Assessment Criteria 21.1.4.13A by adding a new criteria, being:

- Positive effects of shelterbelts for character and amenity purposes that mitigates the effects of Artificial Crop Protection Structures.

- 4.6.66 It is considered adding a 'positive' benefit into the assessment criteria is unnecessary. The productive benefit of crop structures and shelterbelts has already been recognised through the permitted activity status and specific performance standards. Section 104 of the RMA provides opportunity for the actual and potential effects (including positive effects) to be considered when making a resource consent decision.

- 4.6.67 The assessment criteria provide the basis for which Council can either decline consent or impose conditions for a restricted discretionary activity. The proposed criteria sought by the submitters would not assist with this decision making process. On this basis it is not necessary to include the additional criteria as requested. It is recommended that the submission points (6/23) and (17/11) be rejected.

Table 20: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Assessment Criteria for Shelterbelts		
Fire and Emergency New Zealand (FENZ)	12/2	Accept in Part
NZKGI & HortNZ	FS02/23	Accept in Part
Powerco	13/4	Accept

Submitter/ Further submitter	Submission Point	Recommendation
NZKGI & HortNZ	FS02/27	Accept
Nancy Donald	15/7	Accept
NZKGI & HortNZ	FS02/40	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/23	Reject
Federated Farmers Waikato	17/11	Reject

4.7 TOPIC 7 – Artificial Crop Structures

4.7.1 The following paragraphs discuss and address the submission points relevant to the Artificial Crop Structures topic and provide recommendations in relation to them under the following subtopic headings:

- Visual Impact
- Cloth Colour
- Height and Setbacks;
- Coverage;
- Unconsented Structures
- Assessment Criteria
- Fire Risk

Visual Impact

4.7.2 **Matthew Boyd (7/3)** considers that ACPS “at a 6m setback and 6m high create significant negative visual impact on those living next door”. The relief sought is to add a new rule that requires “property owners (horticulturalists) to screen ACPs by planting shelterbelts to mitigate effects where a dwelling exists within 50m of the shared boundary”.

4.7.3 The further submission of **NZKGI & HortNZ (FS02/7)** opposes this submission point on the basis that a blanket shelterbelt screening requirement within 50m of a shared boundary would unnecessarily constrain productive land use and is not considered proportionate to the effects being managed within a rural working environment.

4.7.4 Under the WDP, the minimum setback for a dwelling in the Rural Zone from an internal site boundary is either 10m (when a dwelling is located on 1ha or less) or 15m. When adding the proposed 6m setback for ACPS required by PC25, the full separation distance between the structures would be either 16m or 21m. The PC 25 ruleset as proposed enables a shelterbelt to be planted and fully maintained within the 6m setback for a crop structure.

4.7.5 Consideration of the mitigation of effects on amenity values has been addressed through the proposed PC25 rule set (being setbacks, height and cloth colour) which has been supported in part by the submitter. Therefore, it is not considered appropriate to add further mitigation requirements. Being located within a rural working environment, adjoining landowners have the ability to provide their own mitigation measures if they consider this necessary.

4.7.6 It is recommended that submission point (7/3) be rejected and that further submission point FS02/7) be accepted.

Table 21: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Visual Impact		
Matthew Boyd	7/3	Reject
NZKGI & HortNZ	FS02/7	Accept

Cloth Colour

- 4.7.7 **Matthew Boyd (7/2)** identifies that PC25 “specifies the colours of ACPs to reduce effects. However there are large volumes of existing ACPs, many that do not use the colours specified by PC25 (most common is white verticals). The submitter seeks the inclusion of a new rule to require the use of the PC25 cloth colours when the cloth on existing crop structures is being replaced. The further submission of **NZKGI & HortNZ (FS02/6)** is neutral to this submission point stating that replacement ACPS cloth should accord with any applicable colour restrictions applying under the district plan.
- 4.7.8 Any existing artificial crop protection structures, lawfully established prior to PC25 being operative would have existing use rights under section 10 of the Resource Management Act 1991 and any replacement cloth would not legally have to comply with the PC25 cloth colours (i.e. replacement colours could be like for like) On this basis it is recommended that submission point (7/2) and further submission point (FS02/6) are rejected.
- 4.7.9 **Nancy Donald (15/5 and 15/6)** while supporting in part the management of cloth colour through Rule 4.4.2.88 seeks amendments that:
- enable any colour to be used if a shelterbelt was in place, or if there were no shelterbelt the following colour controls would apply:
 - Vertical = green
 - Horizontal = white, or green where slopes are more than 10 degrees.
 - where white cloth is continuous the ACPS should be broken into separate 5-hectare blocks
- 4.7.10 **NZKGI & HortNZ (FS02/38 and FS02/39)** lodged a blanket further submission to Nancy Donald’s submission seeking a decision to reject the submission in total because of NZKGI & HortNZ position is that the provisions will add additional mitigation obligations on the industry. This further submission point does not seem to correlate with the relief sought by the submission point.
- 4.7.11 During the option analysis for PC25, (refer to Appendices 5 & 6, s.32 Report) it was determined that having no cloth colour controls would have the potential to generate adverse effects (e.g. glare) and there was a need to have mitigation through appropriate site design responses. The management of cloth colour to the vertical sides of a crop protection structure is one of the mitigation tools to address potential effects arising from the establishment of crop protection structures within the district’s rural environment. The chosen colours, of dark green and black aligns with similar controls used in other district plans, and through community and key stakeholder engagement during the preparation of

PC25, these two colours were deemed acceptable.³ If it was proposed to use other cloth colours there is a pathway through the resource consent process as a restricted discretionary activity and for those to be assessed on a case-by-case basis.

- 4.7.12 The greater flexibility afforded the colour of horizontal cloth surfaces is in recognition that these structures are for primary production and the need to ensure optimal growing conditions alongside mechanisms to mitigate effects on the rural environment. In most instances, it is not the horizontal surface that is readily visible. Notwithstanding this, it is acknowledged that there is the potential, when crop protection structures are located on sloping land or are viewed from a higher elevations, for there to be a visual effect on the immediate rural landscape.
- 4.7.13 While restricting the size of crop protection structures on a site could provide some visual mitigation it is considered that the benefits of doing so would not outweigh the associated production and economic costs. A requirement of this type would impact the use of productive land beyond what is considered appropriate for the operation of a rural activity in accordance with the NPS-HPL.
- 4.7.14 It is recommended that the submission points (15/5 and 15/16) and further submission points by (FS02/38 and FS02/39) are rejected.
- 4.7.15 **New Zealand Kiwifruit Growers Incorporated and Horticulture New Zealand NZKGI & HortNZ (16/20)** oppose Rule 4.4.2.88.a because *“vertical cloth materials should only be limited in colour choice when in proximity to a boundary unless a shelterbelt exists to screen cloth from the boundary. The wording ‘if the cloth cannot be seen from outside the site’ is vague and could mean any location in which the cloth is visible”*.
- 4.7.16 The relief being sought by NZKGI & HortNZ is for Rule 4.4.2.88.a.i. be amended (red text) to read:
- The colours of permeable cloth associated with the vertical and horizontal surfaces of any Artificial Crop Protection Structure shall be:
- | | | |
|-----|--|--|
| i. | For all vertical / side surfaces
Except no colour control applies if the cloth
<del>cannot be seen from outside the
boundaries of the site is</del> screened by a
shelterbelt | Dark Green or Black |
| ii. | For all horizontal / roof surfaces | Transparent, White, Dark Green or
Black |
- 4.7.17 The further submission from **Matthew Boyd (FS01/9)** opposes this submission point (16/20) on the basis that *“the argument that existing shelterbelts are a panacea to mitigating visual effects is flawed and misleading. In reality they seldom fully block the visibility of ACPs”* and that *“PC25 provides growers with coverage flexibility that simply does not exist for any other owners / users of land. To then suggest that no colour controls should apply could result in a rural*

³ S.32, Appendix 6, pages 16 - 18

environment looking like a multi coloured patchwork quilt. FS01/9 seeks that the proposed wording of rule 4.4.2.88.a be retained.

- 4.7.18 It is agreed with NZKGI & HortNZ that as notified, the existing wording of the exemption “cannot be seen from outside the boundaries of the site” could cause confusion and be interpreted in a number of different ways by different people.
- 4.7.19 The intent of the exemption was to enable a level of flexibility for cloth colours in circumstances where inward-facing vertical surfaces are not able to be directly seen from outside of the site. It was not the intention of the text to enable the use of any cloth colour of any vertical /side surfaces if they are screened by a shelterbelt.
- 4.7.20 The exemption as previously worded and as proposed to be amended by NZKGI & HortNZ could result in unintended consequences. In part this is because there would be no control over the future removal or reinstatement of shelterbelts that provide screening.
- 4.7.21 Because of this, it is recommended that the proposed exemption be removed. If there are situations where cloth colours, other than dark green or black are proposed the effects of that can be assessed through the resource consent process as a restricted discretionary activity. Therefore, it is recommended that the wording of Rule 4.4.2.88a.i. be amended to read:

The colours of permeable cloth associated with the vertical and horizontal surfaces of any Artificial Crop Protection Structure shall be:

- | | | |
|-----|--|---|
| i. | For all vertical / side surfaces
~~Except no colour control applies if the cloth cannot be seen from outside the boundaries of the site.~~ | Dark Green or Black |
| ii. | For all horizontal / roof surfaces | Transparent, White, Dark Green or Black |

- 4.7.22 Subject to the amendment set out in 4.7.21 above it is recommended that the submission point (16/20) and further submission (FS01/9) be accepted in part.

Table 22: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Cloth Colour</i>		
Matthew Boyd	7/2	Reject
NZKGI & HortNZ	FS02/6	Reject
Nancy Donald	15/5	Reject
NZKGI & HortNZ	FS02/38	Reject
Nancy Donald	15/6	Reject
NZKGI & HortNZ	FS02/39	Reject
NZKGI & HortNZ	16/20	Accept in part
Matthew Boyd	FS01/9	Accept in part

Height and Setbacks

Rule 4.4.2.1 – Minimum building setback from road boundaries

- 4.7.23 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/14)** oppose the 6m road boundary setback on the basis that it “*would result in a measurable loss of productive land*”. They identify that “*a 0m road boundary for ACPs and crop support structures is consistent with typical orchard layouts. Operational headlands for farm vehicle manoeuvring and maintenance are provided internally within the site and do not rely on a road boundary setback. Effects on road safety and rural character can be managed through height and material controls rather than reliance on yard depth.*” They seek an amendment to Rule 4.4.2.1.c to read as follows:
- Rule 4.4.2.1.c. For artificial crop protection structures, and crop support structures - 6m*
- Except no setback applies where the structure uses green or black vertical cloth or is screened by an existing shelterbelt.*
- 4.7.24 The further submission of **Matthew Boyd (FS01/3)** opposes this submission point and seeks that the current wording of Rule 4.4.2.1c. be retained.
- 4.7.25 **Federated Farmers Waikato (17/9)** supports Rule 4.4.2.1.c requiring a 6m road setback for all crop structures, with the exception of there being no setback where the structure is screened by an existing shelterbelt. No specific decision was requested.
- 4.7.26 **Carole Searle (18/1)** lodged a submission opposing Rule 4.4.2.1 because a 6m road setback does not ensure safety on road corners. The relief sought being the addition of a 15m setback on corners to ensure safety. The further submission of **NZKGI & HortNZ (FS02/45)** opposes this submission point on the basis that a blanket 15m corner setback is not proportionate in all rural contexts and would unnecessarily reduce productive land availability.
- 4.7.27 Presently, Rule 4.4.2.1 requires a 30m road setback for buildings over 100m². If activities fail to comply with this standard a resource consent for a discretionary activity would be required. The 30m setback has been consistently reduced to 6m by resource consent approvals (original or retrospective) for ACPs. This has set the consented baseline and was used as a basis for determining the 6m standard in PC25.
- 4.7.28 Along with this reduction, PC25 proposes that the activity status for non-compliance with the 6m setback is a restricted discretionary activity with discretion restricted to: road user safety, visibility, and sight distances.
- 4.7.29 Through their submission, NZKGI & HortNZ (16/14) has suggested Council test the proportionality of the 6m setback against other councils’ similar planning provisions.
- 4.7.30 During the preparation of PC25 Council undertook analysis of what other councils’ district plans required as well as taking into account the concerns raised by the horticultural industry concerning loss of productive land. The analysis undertaken and the rationale for the proposed 6m road boundary setback is set out in Appendix 6: PC25 – Shelterbelts and Artificial Crop Protection and Support Structures, s.32. The review on other district plans

highlighted that there is not a consistent road boundary setback applied

- 4.7.31 The provision of a 6m setback ensures that Council can be confident that on all rural roads in the district that potential adverse effects on traffic safety arising from ACPS being located near roads can be appropriately managed. There is concern that having a 0m setback, particularly on narrow / winding roads, could increase potential for driver distraction, glare nuisance and obstruction of sight lines which could compromise safety.
- 4.7.32 In addition to this the 6m setback ensures that in the event that it is determined after the construction of an ACPS that a shelterbelt is needed, that this could be successfully planted and maintained in compliance with the shelterbelt provisions proposed by PC25. If structures are located closer than 6m then there may be pressure to approve non-compliant shelterbelts to protect crops as an afterthought.
- 4.7.33 It is appropriate that these situations be avoided as a permitted activity and that they instead be tested on a case by case / site by site basis to ensure that the safety of road users and the transport network as key infrastructure is prioritised ahead of production.
- 4.7.34 The bulk and location standards proposed by PC25 are considered to balance the need for rural land is to be fully utilised for productive rural uses with road safety and amenity. Accordingly, it is considered that with there being limited consistency between councils' district plans and no national direction for a 0m road setback, that the proposed 6m setback aligns with what has been consented to date, ensures that the safety of road users is appropriately prioritised and is the most appropriate means by which the objectives of PC25 can be achieved.
- 4.7.35 It is recommended that:
- submission point (17/9) and further submission points (FS01/3) and (FS02/45) be accepted;
 - submission points (16/14), (18/1), and further submission (FS02/14) be rejected.

Rule 4.4.2.2 – Minimum setbacks from internal site boundaries

- 4.7.36 **Matthew Boyd (7/5)** submits that Rule 4.4.2.2 – Minimum setbacks is confusing, ambiguous and may lead to abuse of the intentions. In this respect the submission notes that the “*current wording allows for an exemption when there is ‘screening from any adjoining site (not in common ownership) by an existing shelterbelt.’*” The relief sought to rectify this is to amend Rule 4.4.2.2.d.ii to read::

*The artificial crop protection structure or crop support structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt **situated on the owner's property. For avoidance of doubt – an existing shelterbelt on land not owned by the horticulturists does not provide for an exemption.***

- 4.7.37 The further submission by **NZKGI & HortNZ (FS02/9)** opposes the relief sought

as worded by the submitter. They instead suggest the following alternative wording:

The artificial crop protection structure or crop support structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt *within the site boundary*.

4.7.38 It is not the intention, nor appropriate that shelterbelts located on adjoining sites, and not owned by the owner of a proposed crop structures, to be considered as mitigation to apply the exemption clause to reduce the 6m setback. The owner with the crop protection structure does not have any legal control over the retention of that shelterbelt. The premise of the controls to apply to a shelterbelt is that it is located within the subject site and not 'borrowed' from an adjoining property.

4.7.39 While M. Boyd's concern is valid, the wording he proposes could be refined. The alternative wording proposed NZKGI & HortNZ is considered to align more with the planning framework of the district plan. As they have stated, under the definitions in the district plan, site boundary is linked to site, which is defined by the district plan.

4.7.40 It is recommended that submission (7/5) and further submission (FS02/9) be accepted in part, and the wording of Rule 4.4.2.2.d.ii be amended to read:

The artificial crop protection structure or crop support structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt located within the same site.

(refer to paragraph 4.5.6 of other recommended amendments to this rule)

4.7.41 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/15)** oppose the 6m setback for ACPS applying to internal site boundaries proposed by PC25 on the basis that:

- *"A 0m internal boundary setback is appropriate for ACPS and crop support structures because maintenance is typically undertaken from within the site. Crop support structures are akin to a fence, so a 0m boundary setback is appropriate for ACPS. An external maintenance corridor is not generally required"*
- *"Effects at sensitive interfaces can be addressed through targeted controls, such as screening or limited setbacks where an established residential building is located in close proximity."*

4.7.42 The relief sought is that Rule 4.4.2.2.d is amended to read:

- (d) For artificial crop protection structures, and crop support structures *when a neighbouring dwelling is located within 12m of the boundary*.

Except no setback shall apply where:

- i. *No dwelling is located within 12m of the boundary*
- ii. Any adjoining site is held in common ownership
- iii. The artificial crop protection structure or crop support structure is screened from any adjoining site (not in common ownership) by an existing *a* shelterbelt

- iv. The encroachment is authorised by a deemed permitted activity notice in accordance with s87BA(2) of the Resource Management Act 1991.

- 4.7.43 The further submission by Matthew Boyd (FS01/4) opposes the relief sought and requests that the current wording of Rule 4.4.2.2.d.ii is retained.
- 4.7.44 Presently, Rule 4.4.2.2 requires a 25m setback from internal site boundaries for buildings greater than 250m². If activities fail to comply with this standard a resource consent for a restricted discretionary activity applies. In evaluating the merit of reducing the internal site setback from 25m to 6m during the preparation of PC25, the effective use of rural land for farming purposes was considered along with appropriately managing any adverse effects arising from artificial crop protection and support structures.
- 4.7.45 While it is acknowledged that NZKGI & HortNZ's focus is on the operational needs of horticultural operations, Council is required to consider the effects of development on the overall rural environment and communities, consider and balance the need to ensure the productive purpose of the rural zone is sustainable while ensuring that any effects on the adjoining environment are avoided, remedied or mitigated. Rule 4.2.2.2.d ensures all activities within a horticultural site are completely maintained from within that site, and that there is the ability to plant shelterbelts in a complying manner under Rule 4.4.2.57A if screening or crop protection was determined to be necessary in the future.
- 4.7.46 The second part of the NZKGI & HortNZ submission point (16/15) is the amendment relating to Rule 4.4.2.2.d.ii by deleting the words 'an existing' and replacing it with 'a' when referencing shelterbelt screening.
- 4.7.47 While this may be considered minor, the interpretation could mean compliance is achieved by the planting of a new shelterbelt to ensure screening long term instead of utilising the immediate screening afforded by an existing shelterbelt. It is the later that PC25 is relying on as a reason to allow an exemption from the 6m setback. The immediate screening provides a proven mitigation measure. Therefore, it is important that the proposed PC25 wording is retained.
- 4.7.48 It is recommended that the submission point (16/15) be rejected and that further submission (FS01/4) be accepted.

New Zealand Electrical Code of Practice

- 4.7.49 **Powerco (13/1)** supports the addition, and retention of the proposed advice note to Rule 4.4.2.9A that relates to the NZECP:34 2001 because it is consistent with the NPS for Electricity Networks and raises awareness of the need for separation distances with overhead electricity lines. The further submission of **NZKGI & HortNZ (FS02/24)** is neutral to this submission point. No specific decision was requested. It is recommended that the submission point (13/1) and further submission point (FS02/24) be accepted.

Rule 4.4.2.9A – Height of buildings

- 4.7.50 **New Zealand Kiwifruit Growers Incorporation and Horticulture New**

Zealand (NZKGI & HortNZ) (16/16) oppose Rule 4.4.2.9A, seeking amendment to increase the maximum height from 6m to 9m. **Matthew Boyd (FS01/5)** lodged a further submission opposing the relief sought by NZKGI & HortNZ and requested that the decision be to retain the current wording of Rule 4.4.2.9A.

4.7.51 **Federated Farmers Waikato (17/10)** opposes Rule 4.4.4.9A, seeking amendment to permit maximum height of 9m as a permitted activity. The reason provided being that numerous district plans permit a range of heights varying between 8 – 12m in height. **NZKGI & HortNZ (FS02/42)** lodged a further submission supporting to Federated Farmers Waikato's submission, requesting the decision be to adopt the submission point.

4.7.52 HZKGI & Hort NZ state that:

- *6m is not a suitable height for modern ACPS*
- *other plans having a range of height controls of between 8m -12m*
- *height limits should reflect the operational requirement of horticulture and local topography conditions rather than applying a uniformly restrictive standard*
- *a fixed low maximum height may not reflect the range of structures required for different crops and growing methods. Where higher structures are required, NZKGI & HNZ seek a clear and efficient consenting pathway*

4.7.53 During the preparation of PC25 Council undertook analysis of what other councils' district plans required, the consented baseline for ACPS in Waipā, and the concerns raised during community and stakeholder engagement. The analysis undertaken and the rationale for the proposed 6m maximum height is set out in Appendix 6: PC25 – Shelterbelts and Artificial Crop Protection and Support Structures of the s.32 Report.

4.7.54 The review of other district plans highlighted that there is no consistent height standard for crop structures between councils. This has been reconfirmed by the information provided by NZKGI & HortNZ (paragraph 48, page 11 of their submission). Figure 2 below provides a comparison of those councils NZKGI & HortNZ highlighted:

Figure 2 - District Plan Comparisons of height standards:

District Council	District Plan Maximum Height Rule
Western Bay of Plenty	No specific height rule (note: crop structures are excluded from the definition of 'building')
Opotiki	No specific height rule (note: crop structures are excluded from the definition of 'building')
Whakatane	RPROZ-R46 Height • 8m on lots 5000m² or less in area • 12m on lots larger than 5000m² in area
Whangarei	RPROZ-R13 Crop Support Structures or Artificial Crop Protection Structures • 10m above ground level
Far North (PDP – Decision Version, 30 June 2026)	RPROZ-R20 Artificial Crop Protection Structures and Crop Support Structures • 6m above ground level
Waikato	GRUZ-S3 Building Height – general

District Council	District Plan Maximum Height Rule
	15m, except: The maximum height is 10m where located within 50m of a road or internal boundary

- 4.7.55 The existing maximum building height for all buildings and structures in the Rural Zone (Rule 4.4.2.9) is 12m above ground level. In reviewing all of the consented, and retrospectively consented crop structures within Waipā, which could have utilised the 12m height limit, not one exceeds a 6m height limit. Accordingly, PC25, as with the consideration of setbacks, has taken guidance from the consented baseline has been set through the existing crop structure developments in determining that a 6m height limit is acceptable.
- 4.7.56 While NZKGI & HortNZ state that height limits should reflect the operational requirement of horticulture and local topography conditions rather than applying a uniformly restrictive standard they have not offered a rule framework to address this concern, rather they have requested a standardised maximum 9m height control. As outlined above in Figure 2, the height controls applied by other district plans are not consistent, ranging from 6m – 15m with no location-based controls. In addition to this there is no national direction which mandates height requirements for ACPS.
- 4.7.57 It is considered that the proposed maximum height of 6m aligns with the consented baseline for these structures (as used in local kiwifruit orchards) and as such provides adequate flexibility to accommodate the types of crops presently grown in Waipā District.
- 4.7.58 If there is a situation where the maximum height of a crop structure is proposed to exceed the permitted 6m height, a resource consent for a restricted discretionary activity is required, and the specific nature of the non-compliance would be assessed against the following matters to which discretion is restricted:
- Visual effects including bulk, scale and location of the building
 - Effects on rural character and amenity
 - Effects on surrounding properties
 - Loss of daylight to adjoining sites
- 4.7.59 The existing consent framework enables situations when a crop structure exceeds 6m to be assessed on a case-by-case basis on reasons for the non-compliance which is a clear and efficient consenting pathway.
- 4.7.60 There has been nothing presented to date that would warrant increase the height control, particularly when the submitter is also seeking the reduction of all setbacks to zero metres. It is recommended that further submission point (FS01/5) be accepted, and that submission points (17/10) and (16/16) and further submission point (FS02/42) be rejected.

Rule 4.4.2.88 – Artificial Crop Protection Structures and Crop Support Structures

- 4.7.61 **Powerco (13/3)** lodged a submission to Rule 4.4.2.88.b.i. supporting the 10m

setback requirement from overhead power lines, Note 1 and the matters of discretion proposed. The relief sought is that the rule is retained as notified. **NZKGI & HortNZ (FS02/26)** lodged a neutral further submission to this submission point. No specific decision was requested. It is recommended that the submission point (13/3) and the further submission (FS02/26) be accepted.

Table 22: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Height and Setbacks		
Rule 4.4.2.1		
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/14	Reject
Matthew Boyd	FS01/3	Accept
Federated Farmers Waikato	17/9	Accept
Carole Searle	18/1	Reject
NZKGI & HortNZ	FS02/45	Accept
Rule 4.4.2.2		
Matthew Boyd	7/5	Accept in Part
NZKGI & HortNZ	FS02/9	Accept in Part
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/15	Reject
Matthew Boyd	FS01/4	Accept
Rule 4.4.2.9A		
Powerco	13/1	Accept
NZKGI & HortNZ	FS02/24	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/16	Reject
Matthew Boyd	FS01/5	Accept
Federated Farmers Waikato	17/10	Reject
NZKGI & HortNZ	FS02/42	Reject
Rule 4.4.2.88		
Powerco	13/3	Accept
NZKGI & HortNZ	FS02/26	Accept

Coverage

- 4.7.62 **Carole Searle (18/2)** opposes Rule 4.4.2.10 because “*there will be no control of the size of coverage allowing for vast areas of land to be covered*”. The relief sought is that “*Council have control over the size of land that can be covered*”, giving an example that properties over 20ha should be required to gain a resource consent.
- 4.7.63 No rationale has been provided for a hectare-based coverage control, why a site greater than 20ha should be considered through a resource consent, or the matters of discretion to consider such a resource consent. When considering the use of ‘hectare-based coverage controls’ it is understood such controls are uncommon, and instead reliance has been on other bulk and location controls such as setbacks, height, building coverage percentages, and daylight recession planes to manage effects.
- 4.7.64 In Appendix 6 of the s.32 Report for PC25 it was acknowledged that the changing nature of the horticultural activities in the existing rural environment was changing the nature of the working rural environment in Waipā. Council is

required to ensure that the district plan gives effect to the objectives of the National Policy Standard for Highly Productive Land.

- 4.7.65 It was considered that the existing coverage rules in the district plan were a constraint to ensuring the effective use of rural sites for horticultural purposes. The consented baseline, with the granting of resource consents and retrospective consents exceeding the permitted 3% site coverage for sites of one hectare or more, is 60% - 80% coverage.
- 4.7.66 The proposed rule framework under PC25, being a combination of bulk and location controls (setbacks, height, cloth colour, provision for shelterbelts) have been set to manage effects that arise from the establishment of ACPSSs. It is recommended that the submission point (18/2) be rejected.

Table 23: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic Coverage		
Carole Searle	18/2	Reject

Unconsented Structures

- 4.7.67 **Matthew Boyd (7/7)** seeks that additional text be added in section 4 – Rural Zone to ensure that once PC25 is operative any existing, unconsented crop protection structures will be required to also abide with the planning provisions introduced through PC25. The further submission of **NZKGI & HortNZ (FS02/11)** oppose this submission point because of the retrospective compliance obligations on existing structures and activities arising from it.
- 4.7.68 Section 10 of the RMA sets out that land may be used in a manner that contravenes a rule in the WDP if:
- The use was lawfully established before the rule became operative
 - The effects of the use are the same or similar in character, intensity and scale to those which existed before the rule became operative
- 4.7.69 As a result, any existing artificial crop protection structures, lawfully established prior to PC25 being operative would not be required to comply with the rules as implement via PC25 nor be required to be altered to comply. However, any existing crop structures found not to have been lawfully established, would be required to apply for a retrospective resource consent.
- 4.7.70 It is recommended that the submission point (7/7) be rejected and the further submission (FS02/11) be accepted.

Table 24: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Unconsented Structures		
Matthew Boyd	7/7	Reject
NZKGI & HortNZ	FS02/11	Accept

Assessment Criteria for Crop Structures

- 4.7.71 **Powerco (13/5)** support the addition of assessment criteria 21.1.4.29A.e to enable the effects on infrastructure and other network utilities to be considered as part of a resource consent application. The relief sought by Powerco is for this specific matter of discretion to be retained as drafted. **NZKGI & HortNZ (FS02/28)** lodged a neutral further submission to this submission point. No specific decision was requested.
- 4.7.72 As identified in Powerco’s submission, the inclusion of assessment criteria 21.1.4.29A.e is consistent with Policies 11 and 12(d) of the NPS for Electricity Networks and also ensures there is a clear link with the matters of discretion in Rule 4.4.2.88. Therefore, it is recommended that the wording of Assessment Criteria 21.1.4.29A.e be retained as notified. It is recommended that the submission point (13/5) and the further submission (FS02/28) be accepted.
- 4.7.73 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/22)** oppose in part the wording of Assessment Criteria 21.1.4.6A because the phrase ‘visual openness’ is vague and open to interpretation and considered what should be meant is ‘visual sightlines and road safety’. The relief sought through this submission point was to amend (in red) the assessment criteria to read:
- 21.1.4.6A.a The extent to which the crop structure alters ~~the visual openness of road corridor~~ road visibility and sightlines.
- 4.7.74 As stated in Appendix 6 of the s. 32 Report for PC25, the rationale for the specific setback of crop structures from road boundaries is to ensure mitigation from the potential effects of glare, driver distraction and sight visibility reduction; and for there to be a degree of openness maintained along the road, as well as the ability to provide space to plant a shelterbelt. These effects have then been translated into matters of discretion and assessment criteria to ensure that these effects can be considered and conditions applied when an activity fails to comply with the permitted activity standard(s).
- 4.7.75 Assessment Criteria 21.1.4.6A is applied when considering a resource consent application for non-compliance with the 6m setback of crop structures from a road boundary (Rule 4.4.2.1.c). For instance, 21.1.4.6A.a. addresses the retention of the visual openness of the road corridor, while 21.1.4.6A.b. addresses the safety of road users. Collectively, these criteria address effects on the road corridor. In considering an application all relevant matters stated in the criteria are required to be considered in determining the outcome of an application.
- 4.7.76 Criteria 21.1.4.6A.a should be read alongside 21.1.4.6A.b, however, as presently written, it is agreed that it could be considered as vague.
- 4.7.77 Criteria 21.1.4.6A.b has a direct focus to ensure safety of road users is not to be compromised, which implies consideration of road safety and sightlines as key transportation consideration.
- 4.7.78 It is considered that 21.1.4.6A.a would benefit, as proposed by NZKGI & HortNZ, with further explanation on what is meant by the phrase “visual

openness of road corridor”.

- 4.7.79 Providing further clarity to criteria 21.1.4.6A.a, by referencing that reduction of driver visibility and sightlines along the road corridor, alongside the other relevant criteria are key concerns when assessing whether a reduced road boundary setback will cause adverse effects on the road corridor and safety of road users. It is recommended that the wording of the Assessment Criteria 21.1.4.6A.a be amended to read as follows:

21.1.4.6A.a The extent to which the crop structure ~~of a road corridor,~~ road-reduces driver visibility and sightlines along the road corridor.

It is recommended the submission point (16/22) be accepted in part.

- 4.7.80 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/24)** and **Federated Farmers Waikato (17/12)**, seek amendments to Assessment Criteria 21.1.4.29 by adding the following text (in red) to ensure the productive benefits of the structures are considered:

- *The productive benefits of artificial crop protection structures*

- 4.7.81 It is considered that adding a ‘positive’ benefit into the assessment criteria is unnecessary because the productive benefit of crop structures is already acknowledged through the permitted activity status and specific performance standards and can also be considered under Section 104 when making a decision. It is the effects of failing to comply with a standard that is being considered rather than the merits of the activity itself. It is recommended that the submission point by (16/24) and (17/12) be rejected.

Table 25: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Assessment Criteria for Crop Structures		
Powerco	13/5	Accept
NZKGI & HortNZ	FS02/28	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/22	Accept in part
	16/24	Reject
Federated Farmers Waikato	17/12	Reject

Fire Risk

- 4.7.82 **Fire and Emergency New Zealand (FENZ) (12/3)** supports the proposed rules for crop structures, highlighting that while these structures are still a fire fuel, they are less of a fire risk due to their limited density of fuel source.
- 4.7.83 FENZ did not seek any amendments to the proposed provisions relating to crop structures as notified under PC25. Nevertheless, through their submission, FENZ encourages landowners to consider fire suppression systems nearby such structures due to the likelihood of restricted emergency service access during a fire and to reduce the risk to the loss of crop assets. It is recommended that submission point (12/3) is accepted.

Table 26: Topic 7 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Fire Risk		
Fire and Emergency New Zealand (FENZ)	12/3	Accept

4.8 TOPIC 8 – Landscapes and Viewshafts

4.8.1 The following paragraphs discuss and address the submission points relevant to the Landscapes and Viewshafts topic and provide recommendations in relation to them under the following subtopic headings:

- Cultural Effects
- Visual Effects

Cultural Effects

Cultural Impact Assessment

4.8.2 **Raukawa Charitable Trust (14/1)** oppose the plan change “on the basis that insufficient information was provided to enable mana whenua to fully assess the cultural implications of the artificial crop protection and support structures.” They propose “the completion of a cultural impact assessment process to identify and evaluate the full range of potential cultural impacts.” **NZKGI & HortNZ (FS02/29)** lodged a neutral further submission to submission point (14/1).

4.8.3 Part F – District Wide Natural and Cultural Heritage of the WDP sets out the existing cultural protections provided by the WDP. These remain in place unchanged by PC25. These provisions will continue to be applied to all farming activities including crop structures.

4.8.4 Council engaged with the Joint Management Agreement Partners Te Nehenehenui (formally Maniapoto Māori Trust Board), Raukawa Settlement Trust (Ngāti Raukawa), and Waikato Raupatu River Trust(Waikato Tainui)⁴ in the preparation of PC25 and providing the JMA partners with draft plan provisions on PC25 as those were developed prior to the adoption of the plan change for notification.

4.8.5 PC25 is not changing the existing procedures in place for the involvement of mana whenua in resource consent applications or the ability for cultural impact assessments to be required as part of a resource consent process when known cultural sites and landscapes are subject to development proposals.

4.8.6 Because of this it is recommended that the submission point (14/1), and the further submission point (FS02/29) be rejected.

Viewshafts

4.8.7 **Raukawa Charitable Trust (14/2)** oppose the plan change, however, have commended Council for recognising the cultural importance of viewshafts between marae and significant maunga and for engaging with mana whenua to identify and protect those valued connections. The relief sought is for the

⁴ .32 Evaluation Report (paragraphs 5.6.12-5.6.15)

inclusion of, and provisions for these viewshafts, and provisions aimed at protecting cultural values and landscapes. **NZKGI & HortNZ (FS02/30)** lodged a neutral further submission to submission point (14/2).

- 4.8.8 Through engagement with mana whenua during the preparation of PC25, Ngā Iwi Topu O Waipā (NITOW) had a key concern with whether the scale of crop structures could block or restrict the connection that existing marae have with the maunga and awa in the district.⁵ Council undertook an analysis of the district's five rural marae and four other marae outside of the Waipā boundaries which have visual links to the maunga and/or awa within Waipā. This analysis was undertaken to determine what potential impacts could be caused by the establishment of crop structures (and shelterbelts) on land neighbouring the maraes.
- 4.8.9 The results of this analysis were shared with NITOW, Te Nehenehenui, Ngāti Raukawa and Waikato Tainui.
- 4.8.10 Following consideration of the analysis, NITOW advised that the risk of cultural effects arising from crop structures impeding views from marae to maunga and awa would be low because:
- The proposed height and setback standards
 - Buffers to neighbouring land being provided by the Marae Development Zone and associated whenua Māori
 - Marae being located within landscape areas
 - Marae being elevated above the level of neighbouring land
- 4.8.11 As notified, the provisions proposed by PC25, and the recommendations contained in this report in response to submissions to PC25 relating to height and setback standards continue to ensure the risk of cultural effects as a result of crop structures will remain low. Therefore, viewshafts from the maraes to the maunga and awa will not be compromised.
- 4.8.12 As stated above in paragraph 4.8.3, Part F – District Wide Natural and Cultural Heritage of the WDP sets out the existing cultural protections provided by the WDP and these remain in place, and unchanged by PC25. Through PC25, crop structures and shelterbelts are specifically referenced in Section 25 – Landscapes and Viewshafts, and any earthworks or construction of buildings is a controlled activity in the identified cultural landscapes (Rule 25.4.1.2). Accordingly, it is considered that there are provisions already in the district plan that provide protection to the identified cultural landscapes⁶ already identified in the WDP.
- 4.8.13 Because the effects on the viewshafts from marae have been confirmed as being low; and as the WDP already provides protection for sites identified in the district plan no changes to the WDP to address this issue are recommended. It is recommended that the submission point (14/2), and the further submission

⁵ Full discussion set out in PC25 s.32 Evaluation Report, section 5.6, paragraphs 5.6.9-5.6.11

⁶ WDP definition: Cultural Landscapes means area identified on the Planning Maps of significance to Māori, including iwi, hapū and whānua and which may contain an inter-related group of heritage features or archaeological sites of significance to Māori and European and includes any cultural site identified in Appendix N9.

point (FS02/30) be accepted in part.

- 4.8.14 **Raukawa Charitable Trust (14/3)** states that Te Ture Whaimana speaks to the identification and protection of sites of significance and seeks that the wāhi tūturu and other sites of significance should be both recognised and protected to uphold the cultural, spiritual and historic relationship with the Waikato River. **NZKGI & HortNZ (FS02/31)** lodged a neutral further submission to submission point (14/3).
- 4.8.15 During engagement with the JMA partners on the preparation of PC25 it became apparent that their focus was wider than and beyond the scope of PC25. With the key focus relating to the identification and protection of sites of significance to Māori throughout the district.
- 4.8.16 Council advised the JMA partners of the narrow scope of PC25 and acknowledged that presently the WDP does not provide a mechanism by which all sites of significance to Māori are identified and afforded protection.
- 4.8.17 The identification and protection of sites of significance throughout the Waipā District should be undertaken as a district wide project through a separate First Schedule process under the RMA. This will ensure that all potential sites, wherever located in the district, could be identified and appropriate protection determined, and with full engagement with all Iwi, hapu and mana whenua of the district. This is not possible or appropriate through PC25.
- 4.8.18 It is also relevant to recognise that as a result of the Resource Management Reform being undertaken by Government, regional spatial plans will be prepared and these will be required to identify sites of significance to Māori. Accordingly, as the Government has indicated that the new resource management legislation will be in place by the end of 2026, it is more appropriate that the matters proposed by this submission point be advanced through this future vehicle. Therefore, it is recommended that the submission point (14/3), and the further submission point (FS02/31) be rejected.
- 4.8.19 **Raukawa Charitable Trust (14/4)** supports the objectives and policies that require that shelterbelts and crop structures in natural landscapes and viewshafts:
- Avoid locating in viewshafts where the views to outstanding natural features, and mountains and heritage items cannot be maintained
 - Shall not detract from the character and amenity of landscapes and viewshafts
 - Are oriented and located to minimise adverse effects on natural landscapes and viewshafts
- NZKGI & HortNZ (FS02/32)** lodged a neutral further submission to submission point (14/4).
- 4.8.20 Raukawa Charitable Trust has not stated any specific relief pertaining to this submission point. It is recommended that the submission point (14/4) and the further submission (FS02/32) be accepted.
- 4.8.21 **Raukawa Charitable Trust (14/5)** seeks the inclusion of the Waipapa ki

Arapuni Wāhi Ahurei Cultural Landscape in the Waipā District Plan as a specific Cultural Landscape Area. **NZKGI & HortNZ (FS02/33)** lodged a neutral further submission to submission point (14/5).

- 4.8.22 This cultural landscape stretches approximately 14km along the Waikato River from Waipapa to Lake Arapuni and encompasses the surrounding area. Raukawa Charitable Trust has undertaken substantial work preparing maps and information on the cultural landscape as a tool to both tell Raukawa's stories and explain why this area is significant. This work also forms a framework for environmental management of this landscape area.
- 4.8.23 The Cultural Landscape work was shared with Council during the preparation of PC25, along with a request for it to be included into the plan change. Council advised Raukawa Charitable Trust that because of its narrow scope, it was not possible to include this specific cultural landscape, or other cultural landscapes as part of PC25.
- 4.8.24 This remains the position, and accordingly, it is recommended that the submission point (14/5), and the further submission point (FS02/33) be rejected.

Table 27 : Topic 8 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Cultural Effects		
Raukawa Charitable Trust	14/1	Reject
NZKGI & HortNZ	FS02/29	Reject
Raukawa Charitable Trust	14/2	Accept in Part
NZKGI & HortNZ	FS02/30	Accept in Part
Raukawa Charitable Trust	14/3	Reject
NZKGI & HortNZ	FS02/31	Reject
Raukawa Charitable Trust	14/4	Accept
NZKGI & HortNZ	FS02/32	Accept
Raukawa Charitable Trust	14/5	Reject
NZKGI & HortNZ	FS02/33	Reject

Visual Effects

- 4.8.25 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/25)** seek amendments to the Resource Management Issue 25.2.12 to include the following (red text):

Support structures, and associated screens and shelterbelts can obstruct or result in loss of views to outstanding natural features of the district and detract from landscape values. **However, shelterbelts can also be used to mitigate impacts on medium to long-distance views and landscapes by shielding structures such as ACPS and, therefore, when used in these ways, without blocking views within these environments, views within these environments, can have a positive impact on views.**

- 4.8.26 **Nancy Donald (15/8)** seeks an amendment to Policy 25.3.10.1 to allow artificial crop protection structures in viewshaft areas if they are screened by hedges or shelterbelts. **NZKGI & HortNZ (FS02/41)** lodged a blanket further submission to this submission seeking a decision to reject the submission in total because the provisions will add additional mitigation obligations on the industry. This

further submission point does not seem to correlate with the relief sought by the submission point.

- 4.8.27 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/26)** seeking amendments to Policy 25.3.10.1 by deleting the existing policy (struck through text below) and replacing it with the following text (in red):

Policy 25.3.10.1 – Shelterbelts and artificial crop protection structures and crop support structures locating in viewshafts

~~Shelterbelts, artificial crop protection structures and crop support structures shall avoid locating in viewshafts where the views to the outstanding natural features, and mountains and heritage items cannot be maintained.~~

Artificial crop protection structures shall not be located in viewshafts for outstanding natural features, mountains and heritage items unless the visual effects are appropriately mitigated through vegetative hedges or shelterbelts.

- 4.8.28 The further submission by **Matthew Boyd (FS01/10)** opposes this submission and seeks that the current wording for Policy 25.3.10.1 is retained.
- 4.8.29 **Federated Farmers Waikato (17/13)** also lodged a submission opposing Policy 25.3.10.1 seeking an amendment to it to allow crop structures to be located in natural landscapes and viewshafts where they are screened by vegetative hedges or shelterbelts. **NZKGI & HortNZ (FS02/43)** lodged a further submission in support of Federated Farmers Waikato (17/13), requesting it be adopted.
- 4.8.30 The amendments sought by the submitters to both the Section 25.2 Resource Management Issues and Policy 25.3.10.1 need to be considered within the context that the purpose of Section 25 is to protect the natural and cultural landscapes, and to mitigate the effects of allowing other activities within these identified areas by controlling activity status of these activities and applying standards.
- 4.8.31 While primary production activities are anticipated within the wider rural environment and are located within the identified natural and cultural landscapes those instances need to be managed to ensure that effects on the natural and cultural landscape are mitigated. This is stated in Section 25 – Landscapes and Viewshafts, 25.1 Introduction paragraph 25.1.7, that reads:

It is acknowledged that the natural and cultural landscapes identified within this Plan include productive farmland, which makes an important contribution to the character and values of the landscapes. Rather than being static, these landscapes evolve as a result of changes in farming practices. There is potential for some productive land activities to adversely impact the quality of the values of the landscapes. Accordingly, the Plan seeks to balance the need to protect lawfully established farming activities with the requirement to avoid inappropriate development in these landscapes.

- 4.8.32 Objective 25.3.10 already references shelterbelts and artificial screens, and PC25 does not proposed to change the intent of the objective or its associated policies.
- 4.8.33 The changes, proposed through PC25, to Section 25 – Landscapes and Viewshafts is to update the terminology to ensure the correct referencing of crop

structures is made as a result of PC25, and to ensure where ‘building’ is reference that it also includes the three crop structures.

- 4.8.34 Activities within the identified landscapes and viewshafts need to comply with the activity status and standards applying to those areas, and non-compliances considered to ensure such activities do not compromise the identified landscape values. Therefore, it is not considered appropriate to provide ‘exceptions’ as proposed by the submitters.
- 4.8.35 In addition to this the landscape values (including views toward them) are such that mitigation of structures through screening by vegetative hedges and shelterbelts is not in all instances an appropriate outcome.
- 4.8.36 It is recommended that the submissions and further submissions (16/25 and 16/26), (15/8), (17/13), (FS02/41 and FS02/43) be rejected; and that further submission (FS01/10) be accepted.
- 4.8.37 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/27)** lodged a submission point seeking a permitted activity status for crop structures in landscape areas under Rule 25.4.1.1.h. if the following permitted activity standards are met. The proposed standards being:
- Dark green or black cloth shall be used on all vertical faces.
 - Green or black cloth shall be used horizontally where the slope is over 10 degrees.
 - The structures shall be set back 5m from the road boundary unless screened with natural shelter.
 - Where a continuous cover of white cloth is used horizontally, the natural shelter shall be provided to separate blocks so that the maximum continuous cover in any one block is 5 hectares.
- 4.8.38 The further submission by **Matthew Boyd (FS01/11)** opposes the submission and relief sought by submission point (16/27). (FS01/11) seeks that the submission point is rejected and that the current wording for Rule 25.4.1.1.h. is retained
- 4.8.39 **Federated Farmers Waikato (17/14)** lodged a similar submission point to NZKGI & HortNZ (16/17) seeking the permitted activity status if specified standards were met. The standards proposed by Federated Farmers Waikato being:
- Dark green or black cloth shall be used on all vertical faces.
 - Green or black cloth shall be used horizontally where the slope is over 100.
 - A setback at least 50m of MHWS
 - Structures are set back 5m from the road boundary unless screened with natural shelter.
 - Where a continuous cover of white cloth is used horizontally, the natural shelter shall be provided to separate blocks so that the maximum continuous cover in any one block is 5 hectares.
- 4.8.40 **NZKGI & HortNZ (FS02/44)** lodged a further submission in support of this submission point by Federated Farmers insofar as the activity should be a permitted activity, requesting that that the relief being sought is adopted.
- 4.8.41 Presently, artificial screens are identified as a restricted discretionary activity in the four landscape areas, and within 400m of a public road when located in a

viewshaft or the SH3 Scenic Corridor. The only location where artificial screens are permitted is when they are in a viewshaft or the SH3 Scenic Corridor and more than 400m from a public road.

- 4.8.42 The five landscape areas identified in the WDP have specific features and different controls depending on the nature of the activity proposed. Under Rule 25.4.1 the buildings which have low profiles (e.g. less than 3m height or less than or equal to 20m² in area) are permitted; and buildings and structures greater in size are identified as either controlled, or restricted discretionary activities.
- 4.8.43 The amendments proposed by NZKGI & HortNZ and Federated Farmers Waikato do not take into consideration the overall protection and mitigation management presently under Rule 25.4.1 and the limitations of what is a permitted activity. The height and square meterage of ACPS well exceed the permitted activity limits anticipated in the landscapes, viewshafts and SH3 Scenic Corridor. The permitted activity standards proposed by NZKGI & HortNZ and Federated Farmers Waikato are matters that should be tested to determine whether appropriate on a case – by – case basis so that the specific nature of the site and its location and associated effects of proposed crop structures can be fully considered.
- 4.8.44 Due to the specific nature of the different landscapes within the district, it is not appropriate to take a blanket approach with the inclusion of crop structures in these identified areas as a permitted activity. No other buildings over 20m² or more than 3m in height are permitted in the landscape area. Therefore, due to the size and scale of crop structures they should continue to be considered as a restricted discretionary activity, and in doing so the cloth colour, setbacks and coverage can be considered against the landscape it is proposed to be located within.
- 4.8.45 It is recommended that the submissions and further submissions (16/27), (17/14), and (FS02/44) be rejected; and that further submission (FS01/11) be accepted.
- 4.8.46 **New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ) (16/28)** seek that Rule 25.4.2.11 be deleted in its entirety because the rule relies on subjective interpretation and would be difficult to consistently implement and enforce; and compliance would be challenging to verify across extensive rural road networks and public viewpoints.

Rule 25.4.2.11 – Shelterbelts in natural landscapes:

Shelterbelts shall not obscure views of significant natural features and landscapes from public space or roads.

Activities that fail to comply with this rule will require resource consent for a restricted discretionary activity with discretion being restricted over:

- *Effects on views from viewshafts including consideration of:*
 - *Location; and*
 - *Effects on views; and*
 - *Species; and*

- *Mature height*
This matter shall be considered in accordance with the assessment criteria in Section 21.

- 4.8.47 Other than a referencing amendment to the advice note to Rule 25.4.2.11 there are no amendments proposed to this rule by PC25.
- 4.8.48 The policies relate to maintaining the values of these significant natural features and landscapes by ensuring that buildings, infrastructure and driveways are not highly visible, finished in colours and materials that do not detract, and that the location of shelterbelts maintain the character and amenity of these features.
- 4.8.49 Accordingly, it is not considered that Rule 25.4.2.11 is either subjective or a challenge to apply and is necessary to ensure that public views of significant natural features from within landscape areas are not obscured. This remains an important and appropriate outcome. It is recommended submission point (16/28) be rejected.

Table 28: Topic 8 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Visual Effects</i>		
Nancy Donald	15/8	Reject
NZKGI & HortNZ	FS02/41	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/25	Reject
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/26	Reject
Matthew Boyd	FS01/10	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/27	Reject
Matthew Boyd	FS01/11	Accept
New Zealand Kiwifruit Growers Incorporation and Horticulture New Zealand (NZKGI & HortNZ)	16/28	Reject
Federated Farmers Waikato	17/13	Reject
NZKGI & HortNZ	FS02/43	Reject
Federated Farmers Waikato	17/14	Reject
NZKGI & HortNZ	FS02/44	Reject

5. CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

- 5.1.1 This report has been prepared in accordance with Section 42A of the Resource Management Act and provides a suitable basis on which to assess the effects of Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures. The report sets out the plan change background, the submission and further submission process, the statutory and policy context surrounding the plan change, and an analysis of submissions and further submissions. Recommendations regarding each submission and further submission have been provided.

5.2 RECOMMENDATION

- 5.2.1 Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 that:
- a) The submissions and further submissions on Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures, are accepted, accepted in part or rejected as outlined in this report and Appendix 1; and
 - b) The amendments to the Waipā District Plan are made as set out in this report, being:
 - i. The amendments to the Waipā District Plan provisions proposed in the plan change documentation and amended as outlined through this report and as shown in Appendix 3.



Report prepared by Alice Morris
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Approved by: Wendy Robinson
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