



Plan (and Policy Statement) Stop Exemption Application

The Resource Management (Consenting and Other System Changes) Amendment Act 2025 halts new and in-progress council plan changes. This applies to all plan changes except for those automatically exempted or granted an exemption through an application to the Minister for the Environment.

This application form is for councils that wish to continue with their plan-making and do not meet the auto-exemption criteria, but do meet the application exemption criteria (s80W). The application will be provided to the minister to determine whether an extension should be granted.

In-progress plan or policy statement changes

Within 90 working days of the law coming into effect, councils must withdraw any notified plan or policy statement changes that have not yet commenced hearings, or do not have a hearing date scheduled within five days of enactment. The only exception to this is where a plan is automatically exempted or is granted an exemption.

The application must be submitted within 90 working days of the law coming into effect.

New plan or policy statement changes

Any council that is seeking to make a new plan or policy statement changes must first seek an exemption using this form. An exemption must be granted before the council notifies a new plan or policy statement change.

This form is not required for plan or policy statement changes which are automatically exempt as per section 80U (Automatic exemptions) of the Resource Management Act 1991.

1. Council information

Council name	Waipā District Council
Contact person	Peter Skilton
Position	Team Leader District Plan
Email / phone	Peter.skilton@waipadc.govt.nz

2. Details of proposed planning instrument

Title of proposed plan or policy statement change	Draft Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures
Title of relevant planning instrument (plan or policy statement being amended)	Waipa Operative District Plan 2017
Link to relevant planning instrument (or attach a copy to the application form)	Waipā District Plan - Waipa District Council
Link to proposed plan or policy statement change (or attach a copy to the application form), if applicable	Please see Section 9 below for the links to Draft PC25 – Section 32 Evaluation Report and appendices.
Stage of process (e.g., council approved, pre-notification, notified, submissions received, etc.)	Council approved for notification: Waipa District Council resolved to proceed to notify Draft Plan Change 25 in June 2025. This draft plan change has been fully prepared and was due to be publicly notified on 30 July 2025. All parties to the plan change process were anticipating the notification to enable formal engagement and the intent for there to be improvements to the existing Rural Zone ruleset that has caused issues for both primary producers and rural landowners.
Date of notification, if applicable	N/A

3. Brief description of the proposed plan or policy statement change and its scope

The purpose of draft Plan Change 25 is to amend the Waipā District Plan provisions to enable the establishment of shelterbelts and artificial crop protection and support structures (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 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.

Presently, as a result of the existing provisions in the district plan:

- Crop protection structures are captured by the definition of building and all Rural Zone performance standards for buildings apply.
- Resource consent applications are regularly required for crop protection structures because they fail to comply with site coverage and/or yard setback requirements intended for buildings in the Rural Zone.
- Resource consent requirement for shelterbelts is triggered when planted species have the potential to grow higher than 6m unless specific setback requirements (e.g. 30m from dwellings) are complied with.
- Increasingly retrospective resource consent applications are required because crop protection structures and shelterbelts are established without checking consent requirements.
- Council only becomes aware of new structures / shelterbelts when complaints are received and this triggers commencement of enforcement action.
- With the exception of national grid transmission lines, crop protection structures and shelterbelts are able to be located in close proximity to electricity and gas infrastructure.
- Resource consent processes (including requirements for hearings and Environment Court procedures) have caused undue delays.

The scope of the draft plan change is tightly contained and does not go beyond the matters relating to shelterbelts and crop structures in the Rural Zone, and where they may establish within the Natural Landscape Areas where the underlying zone is rural. Only the following sections of the district plan are proposed to be changed:

- 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

Noting the proposed definitions and assessment criteria directly relate to the plan change scope.

4. Grounds for exemption request

Section 80W lists the criteria the Minister may consider for granting an exemption. Select any that apply and explain how the plan or policy statement change will meet the criteria. The criteria are:

- better enable the local authority to provide, operate or maintain municipal drinking water, stormwater or wastewater in accordance with the Water Services Act 2021
- rectify any provisions in a plan or policy statement that have had unintended consequences, are unworkable, or have led to inefficient outcomes
- respond to changes made to the RMA
- better enable climate change to be managed
- support the transition of high-risk land so as to better manage the risk of erosion
- better enable any relevant Treaty of Waitangi settlement Act, or deed of settlement and the Crown's obligations under that settlement, to be upheld
- enable a response to be made to a recommendation from the Environment Court
- enable work to be progressed that, for any other reason, the minister considers appropriate.

The following information sets out how draft Plan Change 25 meets criterion 80W(2)(b) - *rectify any provision in a plan or policy statement that have had unintended consequences, are unworkable, or have led to inefficient outcomes*:

- The existing Rural Zone ruleset has the potential for unintended consequences in the rural area of the district; this occurs through:
 - The district's productive land resources not been fully utilised
 - Network utility operators being unable to access their asset in an emergency or for maintenance/upgrading purposes.
- Evidence shows the existing ruleset as unworkable for the horticulture industry to fully utilise the productive land resource without first obtaining a resource consent.
- Inefficient outcomes in requiring resource consents to establish shelterbelts and crop structures.

Presently, the matters in the district plan that need to be improved relating to shelterbelts and artificial crop protection and support structures are:

- Artificial crop protection structures are deemed buildings associated with farming activities, but they are not specifically identified in the definition of farming activity. The definition would benefit from amendment to clarify that these are buildings that are expected to occur as part of farming activities in the Rural Zone.
- The establishment of artificial crop protection structures can occur as a permitted activity subject to performance standards being met. Most of these structures trigger requirement for resource consent as restricted discretionary or discretionary activities for non-compliance with standards relating to site coverage and boundary setbacks.
- Shelterbelts are not currently listed as being permitted activities in the Rural Zone and would benefit from being specifically provided for.
- Currently, shelterbelt tree/plant species that cannot not naturally grow higher than 6m do not need to comply with setback requirements and are therefore permitted activities. Any shelterbelt which contains species which can grow higher than 6m triggers the requirement for resource consent for a restricted discretionary activity if they are planted within the following setbacks:
 - 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
- Clarification is needed of what provisions in the Landscapes and Viewshaft areas apply to crop structures

Between July 2024 and March 2025 Council engaged extensively with Mana Whenua and Iwi, horticultural industry groups, local kiwifruit growers, a landowner group, Network Utility Operators, and the wider rural community, the Council's two Community Boards (Te Awamutu Kihikihi and Cambridge) and the Pirongia Ward Committee (refer to S.32, Appendix 1 Summary of the engagement undertaken in the preparation of Plan Change 25). The outcomes of this engagement confirmed that the existing ruleset in the Rural Zone was unnecessarily restrictive and confusing. In this respect:

- Compliance with existing district plan performance standards (e.g. setbacks/site coverage) reduces the available productive rural land that can be used within an artificial crop protection area.
- The preferred shelterbelt species planted naturally grows taller than 6m.
- Adjoining property owners have unexpected (and sometimes difficult) maintenance costs imposed on them through the location of shelterbelts.

- This has led to a number of resource consents granted to reduce the required yard setbacks and increase the site coverage percentage to ensure greater usability of the rural land resource. The counter to this has been concern raised by adjoining landowners about the loss of rural amenity and views. While the district plan only protects identified landscape features the direct amenity of adjoining properties can be affected by crop structures. This is addressed through the minimum setbacks, height and cloth material colour provisions proposed to be applied.
- Network Utility (electricity/gas) Operators have advised that the establishment of both shelterbelts and artificial crop protection structures had the potential to hinder the safe operation and maintenance of their assets. Through draft Plan Change 25, provisions have been included to address both electricity lines and the national gas pipeline networks.

Council staff consider that without the proposed provisions of draft Plan Change 25 the establishment of artificial crop protection and support structures and shelterbelts will continue to have the following consequences:

- Without provisions to protect electricity and gas assets there is the potential for unintended consequences to occur as a result of the network utility operators being unable to access their asset in an emergency or for maintenance/upgrading purposes. This is because:
 - their assets are potentially in danger from being damaged by inappropriately located shelterbelts / crop structures.
 - Human health and safety could be compromised if shelterbelts / crop structures area located to close to network assets.
- The existing provisions have had unintended consequences that have led to inefficient outcomes. Evidence to date shows a clear indication that the existing provisions do not allow the horticulture industry to fully utilise the productive land resource of their chosen rural site in an efficient and effective manner.
- Retention of the existing Rural Zone rules relating to setbacks and site coverage will continue to result in inefficient outcomes for both landowners and Council (in time and cost through the enforcement and resource consent processes). This is because the establishment of shelterbelts and crop structures is necessary to ensure that horticultural operations are protected and the productive land resource is fully utilised. This is a key reason why the horticultural industry, especially NZKGI, have actively engaged with Council on behalf of their growers both prior to and during the preparation of the plan change.
- While the existing setback and site coverage provisions assist with the retention of rural character and amenity (including pastoral vistas) for rural residents, these are not protected through the district plan. Accordingly, the intent of the Rural Zone, being for primary productive activities, must ensure a ruleset that aligns with both the purpose of the RMA, National Directions and the ability for the rural land resource to be used for its intended purpose.

Draft Plan Change 25 - Proposed Provisions to address these issues

- Crop Protection Structures are exempt from site coverage requirements in the Rural Zone.
- Crop Protections and Support Structures will be permitted to be located closer to road and other property boundaries than other buildings (new 6m setback proposed) in the Rural Zone.
- Maximum height and cloth material colour controls to manage effects on rural character and amenity.
- Shelterbelts will be permitted to comprise any species subject to maintenance standards being complied with, including a maximum height control of 6m.
- New setback standards are introduced to provide for on-site maintenance of shelterbelts.
- New setback standards are introduced to protect electricity and gas infrastructure.
- Amendments to ensure consistent use of terminology throughout the district plan.

5. Timing and urgency

Explain any time-critical need to proceed with the plan change before the transition under the RMA reform process.

Without the progression of draft Plan Change 25, there will continue to be:

- Requirement to, and cost of obtaining a discretionary activity resource consent for crop structures, and
- Uncertainty for both the primary production sector (predominantly horticulture) and the rural community overall will remain.

Notification of draft Plan Change 25 will enable all parties with an interest in the topic to formally submit and have input into the final set of specific and relevant planning provisions for shelterbelts and crop structures in the district plan.

The progression of the draft plan change will also ensure that more efficient and effective planning provisions and processes are in place sooner. Otherwise, the following will continue:

- The inability for some primary producers to efficiently use their rural land resource effectively without having to obtain a resource consent.
- Crop structures will continue to be required to comply with all performance standards that apply to buildings (e.g. 25m yard setback; 3% site coverage).
- Non-compliant species types will continue to be planted for rural shelterbelts which will trigger on going requirement for retrospective consents.
- Shelterbelts will continue to be planted, and crop structures established in locations where electricity and gas assets could be compromised
- Because of the stringent limited notification test in the RMA, there will continue to be potential for affected people to appeal decisions on resource consent applications. This causes undue time delays and financial costs of all involved.
- Council continues to field enquiries regarding new horticultural investment which in most cases will trigger a requirement for resource consents (both new and retrospective). It is anticipated that this demand will not lessen any time before 31 December 2027.

6. Alignment with Government priorities

Explain how the proposed plan supports national direction, legislative intent or critical local needs.

Draft Plan Change 25 aligns with the Government's priorities by:

- Enabling the district's primary producers' sectors' growth and development by supporting the diversification of primary sector activities.
- Minimising uncertainty and economic disruption when new primary production activities establish.
- Providing a less costly and/or litigious process through the provision of relevant and workable planning provisions.
- Removing unnecessarily complicated and costly resource consent requirements for artificial crop structures and shelterbelts in the Rural Zone.
- Improving the functionality of the Rural Zone provisions of the Waipa District Plan.
- Ensuring shelterbelts and crop structures do not unreasonably infringe on the rights of the neighbouring owners to use and enjoy their own land.
- Improving the ability of landowners to realise their private property rights without unnecessary intervention.

7. Consequences of not proceeding

Describe the risks or impacts if the exemption is not granted (such as housing shortfalls, hazard exposure or legal obligations).

Without the progression of draft Plan Change 25 to notification, the existing resource consent burden and uncertainty for both the primary production sector (predominantly horticulture) and the rural community overall will remain.

8. Benefits of proceeding

Describe the benefits (if any) of proceeding with the exemption.

The draft Plan Change 25 proposes to introduce standards specific to shelterbelts and crop protection structures in the Rural Zone that will reduce resource consents requirements through:

- Reducing yard setbacks and removing site coverage to ensure greater usability of the rural land resource;
- Permitting shelterbelts species that have the potential to grow over 6m in height;
- Greater certainty for adjoining property owners on the:
 - location, height and colour of crop structures;
 - location and maintenance of shelterbelts;

The draft Plan Change 25 proposes to introduce standards that are designed to provide protection for electricity and gas infrastructure and to improve the safety of road users.

9. Supporting documents

Include any relevant maps, reports, legal advice or community engagement summaries. It would be helpful to understand if any stakeholder consultation, including tangata whenua engagement, has occurred on the proposal. If available, you may wish to supply a s32 report.

If you are seeking to publicly notify a draft planning instrument, a detailed summary of the draft planning instrument is required.

Please use the links below to view the following supporting documents for Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures:

- Section 32 Evaluation Report
[PC25 - S.32 Evaluation Report](#)
- Appendix 1 – Summary of the engagement undertaken in the preparation of PC25
[PC25 - S.32 Appendix 1](#)
- Appendix 2 – Analysis & Commentary on existing plan provisions
[PC25 - S.32 Appendix 2](#)
- Appendix 3 – The existing plan provisions of the WDP relevant to PC25
[PC25 - S.32 Appendix 3](#)
- Appendix 4 – Strategic Planning Context/Legislative Direction
[PC25 - S.32 Appendix 4](#)
- Appendix 5 – Assessment of Options to Achieve the objectives of PC25
[PC25 - S.32 Appendix 5](#)
- Appendix 6 – Analysis of the specific planning provisions proposed in accordance with Option 3 to achieve the objectives of PC25
[PC25 - S.32 Appendix 6](#)
- Appendix 7 – Tracked Change version of the WDP setting out the proposed changes through PC25
[PC25 - S.32 Appendix 7](#)

Please note, these links will expire on 1 December 2025, 9:21 AM

10. Outcome requested

- ☒ Full exemption to continue or notify the proposed plan or policy statement change
- ☐ Partial exemption (specify portions, sections or purposes excluded from the national moratorium)
- ☐ Other (for example, some local authorities may need permission to vary the plan change as it progresses)

11. Declaration

I declare that the information provided in this application is accurate and complete.

Name	Wayne Allan
Position	Group Manager District Growth & Regulatory Services
Local authority	Waipa District Council
Signature	
Date	1 October 2025