

Presentation at PC25 Hearing: M Boyd

Plan Change 25

Opening

I live at Karapiro. Kiwifruit orchards surround my property, and more sit across the lake, in full view from my home. I don't just live near orchards — I look at them, every day.

Five years ago, our community fought a resource consent application from Waikato's largest kiwifruit orchardist, seeking approval for artificial crop protection structures — ACPs. The opposition was fierce. Iwi were also opposed. Our community contributed significant money for legal help, because that's what it takes to be heard in this system if you're not the applicant. In the end, the orchardist withdrew their application at the eleventh hour.

That fight showed me that ordinary residents and growers can end up in painful, expensive conflict — and that a good plan change, done properly, is how we avoid repeating it.

I want to be clear that making submissions on PC-25, and standing here today, doesn't mean I'm anti-horticulture, anti-farming, or anti-business. I've had a successful corporate career, including 10 years as a fulltime professional director for businesses, not-for-profits, and Crown entities. Farming matters to my family too as my daughter is a dairy farm owner. I'm here because I understand and care about social licence — about the balance between what's good for profit-oriented businesses and what's good for the community around them.

I'm a layman. I don't have a planning and legal team on my payroll. Unlike some others you'll hear from, my community, my neighbours, and I will have to live with whatever you decide on PC-25. I got involved with PC25 because I was invited into the PC-25 working groups, and I spent time in orchards with council staff, showing them in person what it's actually like to live next to these structures. This is my first time speaking at a plan change hearing. I hope you'll find what I say is grounded, fair, and useful to your decision.

Credit Where It's Due

I think Council has done a genuinely good job with PC-25.

It's thorough, professional, and — as far as I can tell — balanced. It doesn't favour growers, and it doesn't favour neighbours or the community. Where a stakeholder group pushed for something that would have tipped that balance, I believe your staff pushed back — including, at times, against people like me. That's exactly what should happen.

So my submission isn't an attack on the proposed plan. It's a request for a handful of refinements. Where I am pushing back hard is against the industry submission — from NZKGI, Hort NZ, and Federated Farmers, which I'll refer to collectively as “the industry” — because in my view it asks you to abandon the balance this plan has worked hard to find. I also want to note that I think the S42A report is sound, and I'm pleased to see it rejects many of the industry's requests for significant changes to the plan.

The Three Things I'm Asking For

Everything I say today comes back to three simple outcomes.:

1. **Balance** — between growers' need to farm productively, and the right of people to live decently next to that farming.
2. **Fairness** — for everyone, not just whoever has the deepest pockets for planners and lawyers.
3. **Clarity** — rules specific and prescriptive enough to actually be enforced.

My Own Submission — What I'm Asking You to Change

I won't cover every point in my submission today. Where the S42A report gives a rationale I find logical — I'm content to leave that with you in writing.

Shelterbelts near dwellings [7/3]

It's odd that PC-25 requires shelterbelts to soften the view of ACPs from the road — for the benefit of someone driving past. It doesn't require the same protection for a person who lives next to an ACP permanently.

I'm asking that a shelterbelt be required wherever a dwelling sits within 50 metres.

The current 6-metre setback sounds like a lot on paper. Standing next to one, it isn't. Even NZKGI's own handbook describes ACPs as “unattractive” — that's their word, not mine.

Perhaps a compromise position could be that this obligation could attach only if a dwelling exists before the ACPs, whichever comes first — orchard or house. That way, a grower choosing a site knows exactly what they're taking on, and a homeowner building near an existing orchard knows what they're moving next to. I've seen this pattern repeatedly: growers buying ordinary pastoral land — sometimes small lots — and building ACP structures that end up shoehorned in right beside existing homes. Some basic mitigation shouldn't be too much to ask in that situation.

I'm disappointed the S42A report takes the view that mitigation isn't necessary here. As the plan stands today, an existing home on a site under 1 hectare could be as close as 16 metres from a 6-metre-high ACP — that's the height of a two-storey building. I believe that brutalises existing homeowners in the rural zone if they're unlucky enough to have an orchardist buy the property next door.

Measurable, not arguable [7/4]

Plants grow But the proposed Rules are not clear enough.

I'm proposing something simple: the maximum height is 6 metres at any point in the trim cycle. The industry says this isn't “practical.” I'd argue the opposite is true — a rule your own enforcement staff can't actually measure isn't practical for anyone. This isn't a change to the height limit. It's making the existing limit mean something.

The S42A report doesn't provide any real clarity here. It states, at 4.6.14:

“It is recognised that over a trimming cycle (12–18 months) the height of a Shelter Belt will fluctuate depending on the season and growth speed of the specific species. This variable is considered to have de minimis effect if the Shelter Belt is regularly trimmed.”

The key word there is “if.” What if the trim cycle is three years, not twelve months? The shelterbelt would reach 9 metres. Is that de minimis? NO. Even on an 18-month cycle, 7.5 metres — 25% over the maximum — that isn't de minimis either.

I accept that plants are growing things. But this kind of looseness doesn't exist elsewhere in our district plan — building height limits, for example, aren't allowed to drift with the seasons. Our community lives with the downside of ambiguous, wishy-washy wording on a regular basis. We regularly ask WDC for enforcement action over perceived breaches of rules or resource consent conditions, and the response is often some version of “the wording isn't clear, it could be interpreted multiple ways.” Even where the intent was clear in briefing documents, applications, or decision reports, what matters in the end is what the rule or condition actually says. If it isn't clear and isn't measurable, it's worthless — and in this case, orchardists will argue the wording isn't clear, and nothing will be enforced unless it's extreme.

PC-25 is meant to create certainty, so I'm asking that this rule's wording be significantly improved. Whatever the final rule says, it should **ensure shelterbelts are never higher than 6 metres**, or close to it. If some leeway is needed for a regular trimming cycle, I'd suggest that **cycle should never exceed 18 months** under any circumstances. Clear. Measurable. Enforceable.

Closing the loopholes in the wording [7/5]

There's an exemption in the draft for when an existing shelterbelt on a neighbouring, separately owned property already screens the ACP. I'm pleased the S42A report improves the wording, and I'd like it to go further: it should be clear that the **visual screening must exist at the time the ACP is constructed**, not “eventually, once it grows.”

Exemptions need a process [7/6]

The draft allows exemptions but doesn't say who grants them, or how. Without some kind of application process, that's an open door for abuse. Given the scale of capital growers already invest in developing an orchard, asking for a proper, documented exemption process isn't onerous — in planning terms.

The S42A report supports my view in part, and I think the improved wording is a step forward, but it **still doesn't clarify who decides**. The term “fully screened” is used — but does the orchardist decide? The neighbour? WDC? As it's written today, the orchardist is effectively handed the approval stamp, with no oversight.

The Industry Submission — Where I Disagree

Up to the point I read the industry's submission, I'd found this whole process genuinely positive. After years of consultation, and Council's careful work to find a fair middle ground, the industries submission reads like an attempt to throw a lot of that out.

I understand NZKGI, Hort NZ, and Federated Farmers are funded by grower levies, and that lobbying on behalf of growers is literally their job. But a single-minded advocate, by definition, isn't weighing the interests of the wider community as their priority. That's not their role. It's yours. I want to walk you through the points where I think their submission tips the balance too far.

“Some areas” — vague on purpose? [16/9] FS01/1

The industry proposes adding the word “some” to a key clause. That's not a small wording tweak — it removes precision and creates room to argue later about what counts. There's no stated reason for it. I'd ask you to reject it, and I note the S42A report supports that position.

Zero setbacks [16/15]

This deeply concerns me. The industry is proposing zero setbacks. PC-25 was built to give growers certainty and protect the people around them; this proposal throws that balance away entirely. Resulting in exponential affects- visual, spray, shade. The S42A report, thankfully, agrees with my views.

Height increases — 6m to 9m [16/16, 16/17]

The industry wants the ACP height limit raised from 6 to 9 metres, and the same for shelterbelt trees. Both would significantly increase shading and visual effect. I'd point out this isn't a hard ceiling on growers — anyone who genuinely needs to go above 6 metres already has a normal pathway: apply for resource consent, like anyone else asking to exceed a height limit.

The industry argues resource consent adds cost. My understanding is that establishing a new kiwifruit operation, with canopies, ACPs, and licensing, can cost well over \$1 million per hectare. Against that, the industry's concern about resource consent cost lacks credibility. They also argue that if a 12-metre building can be built, a 9-metre ACP isn't unreasonable. I think that comparison doesn't hold up — the industry's

whole position elsewhere is that ACPs aren't buildings. The two arguments contradict each other, and neither is evidence-based or balanced.

They have also argued that in the future orchardists might want greater height – basically a “yet to be determined”. My response to that is in rural NZ there has been an undeniable trend- we are becoming more concerned and sensitive regarding environmental effects. I would argue that providing greater height latitude because its possible new techniques might be developed would fly right in the face of the certainty of greater sensitivity to environmental effects.

On shelterbelt height specifically — earlier drafts of this plan included shading calculations, and all parties agreed those added real complexity. The industry can't reasonably ask for taller trees with no shading controls; you can't have it both ways. I note the S42A report supports my view here too.

Setback reduction — 4m to 3m [16/18, 16/19]

The same logic applies. The current 6-metre height and 4-metre setback is a carefully balanced number for shelter belts — it accounts for shading, function, and fairness. The S42A report supports a change to 3 metres and gives a rationale for it, but I think it misses two things.

First: the rule addresses height, but says nothing about spread. The most commonly used shelterbelt species in New Zealand, *Cryptomeria japonica* (Japanese cedar), can reach a spread of up to 8 metres at maturity. At a 3-metre setback, if the neighbours side of the hedge isn't trimmed, we end up back where we already are today — neighbours forced to trim an orchardist's shelterbelt themselves. At 4 metres, that risk is minimal; at 3 metres, it becomes a real problem. I'd ask for wording that ensures shelterbelts cannot encroach onto neighbouring properties. Not just “general maintenance” language.

Second: Most kiwifruit orchardists use similar machinery, from a small pool of contractors. I contacted one of Waikato larger shelter belt trimmer and I asked him this week how much clearance his machinery needs to operate. His answer: 3 metres, minimum. If a mature, trimmed tree, trimmed both sides, is roughly a metre wide. That's half a metre already encroaching into a 3-metre working gap. It doesn't work in the real world. I'd ask that real-world research be done before this rule is finalised.

Viewshaft wording [16/26]

The proposed wording here adds ambiguity and subjectivity. Vaguer wording is easier to argue, which makes the rule unenforceable later. I'd ask that it stay as drafted.

Special landscape areas [16/27]

The industry wants ACPs permitted in special landscape and viewshaft areas, without assessment.

These zones are a small part of our district, and they're special for a reason: iconic landscapes, cultural value, tourism value. If you live there, you already accept tighter rules — you need resource consent for almost any building work. In Waipā's special landscape areas, white is a prohibited house or roof colour, and the green typically used on shelterbelt cloth isn't even on the approved palette.

That's the deal people living there already understand. Any grower with land in these areas today knows their ACP will be individually assessed for effects — that's how it works now, and it should stay that way. What the industry is asking for is blanket pre-approval, no assessment required, in the very places we've all agreed deserve the most protection. I don't think that reflects an understanding of why these zones matter. I'm relieved the S42A report supports my view on both viewshafts and special landscape areas.

Three Things That Cut Across All of This

On the industry's broader arguments:

They argue for rules that aren't “too prescriptive.” My interpretation: keep the rules loose, the way they are today, so they stay difficult to enforce.

They argue for keeping “compliance easy.” Most orchards are NOT cottage industry businesses— these are large, complex, capital-intensive businesses, for whom compliance is an everyday activity.

They argue that a high proportion of Waipā's land has high-class soils, and that this should earn them greater latitude with the rules. I'd argue the opposite: if the soils are better, the scale of orchards — and the effects of ACPs and shelterbelts — will only be greater. That means we need more care in getting the balance right, not less, so we're not regretting that latitude in a few years.

I think their comparisons to other districts' plans are one-sided — cherry-picking examples where other regions allow more latitude, while ignoring regions with rules similar to those PC-25 proposes.

I found the process of developing PC-25 thorough, thoughtful, and largely balanced. I've found the industry's submission and evidence to be full of cherry-picking, one-sided arguments, and contradictions — comparing horticultural structures to pastoral farming, which doesn't hold up. Farm fences are almost always under 1.8 metres. If ACPs want to be compared to pastoral farming fencing, perhaps that's the starting height we should be talking about.

On setbacks: I'd ask you not to be swayed by the industry's framing of setbacks as *onerous*, or their comparisons to pastoral and arable farming. I have yet to see a 6-metre-high sheep, or cow. Livestock aren't a permanent fixture on a boundary — they might graze a particular paddock once a month. And where a farmer does want to build something permanent, like a feed pad or an implement shed, they have to abide by setbacks too. We already accept setbacks and limits everywhere in rural and urban life: riparian buffers, nitrogen limits, building setbacks, water take limits, — every one of these reduces how intensively land can be used, and we accept them because balancing one landowner's productivity against everyone who shares that space isn't a new idea. It's a basic one. Setbacks for ACPs and shelterbelts do the same job: less shading, easier maintenance, less spray drift, less visual impact for neighbours and for other farmers alike. I'd ask the commissioners to set aside the industry's framing of setbacks as forced, unproductive reserves.

On clear definitions' a shelterbelt measured at 6 metres — measured when? An ACP required to sit 6 metres from the boundary — measured from the post in the ground, or the top of the structure, which often leans outward toward the boundary? That's not hypothetical. It's exactly the kind of gap that turns into a dispute, or an enforcement case Council can't actually win.

Closing

PC-25 exists mainly because the industry asked for ACPs to become a permitted activity, with no individual assessment required. Most of this process has been about finding a sensible line: growers get real freedom to operate, and everyone else can trust the effects on them will stay manageable and fair. I believe the draft plan and the S42A report get that line right, in the main. I believe the industry's submission moves it much too far in one direction.

I'll close by returning to the three things I asked you to hold onto:

1. **Balance** — sensible setbacks of 4 and 6 metres, 6-metre heights, fair colour rules, and robust assessment in our special landscape areas.
2. **Fairness** — *not being swayed simply because one side has more resource than the others.*
3. **Clarity** — rules with no room left for argument. A rule nobody can enforce isn't really a rule.

Reading through these submissions, you'll find a lot of “6 metres versus 9,” “high effects versus no effects.” My last ask is : before you decide, go and stand next to it yourself. Stand beside a 6-metre ACP and picture your home right there, next to a two-storey structure with no mitigation. Picture it at 9 metres — three storeys. Stand under a shelterbelt over 6 metres tall in winter and watch what the shade does, and imagine you're the farmer or homeowner next door — then imagine it's 9 metres. Look at an existing orchard and picture it with ACPs with zero setback. Walk the edge of Lake Karapiro and picture ACPs filling that view.

Thank you for your time, and for the chance to be part of this process.