

BEFORE THE HEARING PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

Proposed Plan Change 25

BETWEEN

WAIPA DISTRICT COUNCIL

Local Authority

AND

**WAIKATO FEDERATED FARMERS OF NEW
ZEALAND INC & NEW ZEALAND KIWIFRUIT
GROWERS INC**

Submitter Numbers

16 & 17

HEARING OF WAIPA DISTRICT COUNCIL PROPOSED PLAN CHANGE 25

**HEARING STATEMENT OF ISAAC MCINTYRE AND SIMONE WILLIAMS
ON BEHALF OF WAIKATO FEDERATED FARMERS OF NEW ZEALAND
(INCORPORATED) AND NEW ZEALAND KIWIFRUIT GROWERS
INCORPORATED**

20 – 21 AUGUST 2026



**FEDERATED
FARMERS**
OF NEW ZEALAND



INTRODUCTION

1. My name is Isaac McIntyre. I am employed by Federated Farmers of New Zealand (Incorporated) (Federated Farmers). I am a Senior Policy Advisor based in Hamilton, I am authorised to speak on behalf of Federated Farmers, including Waikato Federated Farmers of New Zealand (Incorporated) (the Waikato Province).
2. I hold the following qualifications:
 - (a) A Bachelor of Resource and Environmental Planning, majoring in Physical Geography from Massey University Palmerston North.
3. I have approximately seventeen years' experience working as an Environmental Planner for local authorities and consultancies. I have extensive experience processing resource consent applications at Waikato Regional Council for numerous activities including municipal wastewater and stormwater discharges, hydroelectric power schemes as well as geothermal power schemes. Other experience includes Senior Infrastructure Planner for Hamilton City Council where I was providing RMA input into large 3 waters projects as well as transportation projects and large-scale subdivisions. I have submitted on several District Plan reviews and Plan Changes as a consultant on behalf of central government clients.
4. My role at Federated Farmers is to provide input on behalf of Federated Farmers for resource management and environmental planning and policy matters such as district and regional plan reviews, plan changes, bylaws and any proposed central government legislation related to the environment.
5. I have read the code of conduct for expert witnesses which is set out in section 9 of the Environment Court Practice Note 2023. and although I note this is a Council hearing, I agree to comply with this code. I am appearing in this hearing as an advocate for the Waikato Province and my statement of evidence is within my area of expertise.
6. The purpose of evidence is to outline the position of Federated Farmers and the Waikato Province on the Section 42A report recommendations on our submission.

7. My name is Simone Williams. I work for Nicklin CE. I am a Senior Planner based in Cambridge, and I am authorised to speak on behalf of New Zealand Kiwifruit Growers Incorporated (NZKGI).
8. I hold the following qualifications:
 - (a) a Post-Graduate Diploma in Resource Studies from Lincoln University; and
 - (b) a Bachelor of Environmental Management and Planning from Lincoln University.
9. I have approximately 14 years' experience in resource management planning across local government and private practice. My planning experience has included the preparation and processing of various resource consent applications for both Council's and private clients. I have also prepared and processed Plan Changes, made submissions on Plan Changes and on District Plan reviews. I have particular experience preparing resource consent applications for horticultural landowners and growers in the Waipā District, including applications relating to artificial crop protection structures, crop support structures and shelterbelts. Some of those applications have been limited notified, proceeded to hearing, and involved mediation before the Environment Court.
10. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.
11. The purpose of evidence is to outline the position of the New Zealand Kiwifruit Growers Incorporated on the Section 42A report recommendations on our submissions and further submissions.
12. This evidence is focused on the following topics that have been grouped together for Waipa District Council's Proposed Plan Change 25:
 - (a) Executive summary;
 - (b) Provide an overview and background to the plan change;

- (c) Response to submissions and section 42A report, which focuses on two key matters:
 - ACPS setbacks; and
 - Height of ACPS and Shelterbelts
- (d) Summary of strategic documents
- (e) Conclusion

CONTEXT

- 13. Federated Farmers is a primary sector organisation with a long and proud history of representing the needs and interests of New Zealand farmers involved in a range of rural businesses. This covers Arable, Meat & Wool, Dairy and Rural Butchers
- 14. Farming has a strong presence in the Waikato region and contributes significantly to the region's economy. Primary production activities from our members make a significant contribution to the economic, social, and cultural well-being of New Zealand.
- 15. Federated Farmers represent a variety of dairy, dry stock and horticulture land users and seeks to uphold and enhance the value of farming to the region. There more than 2000 members located within the Waikato province which incorporates the Waipa District.
- 16. Federated Farmers key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - (a) our members may operate their business in a fair and flexible commercial environment;
 - (b) our members' families and their staff have access to services essential to the needs of the rural community; and
 - (c) our members adopt responsible management and environmental practices.
- 17. Our members want and need district plans that balance environmental, cultural, social, and economic values while ensuring rules are equitable, cost-effective, pragmatic and effects based.

18. They also want district plans that are written in plain English; are easy to use and understand; acknowledge and reward the positive effects farming has on conservation; and recognise the importance of collaborating with communities to achieve desired environmental outcomes.
19. New Zealand Kiwifruit Growers Incorporated (NZKGI) represents the interests of approximately 2,800 kiwifruit growers across New Zealand. NZKGI's role includes advocating on matters that affect the ability of growers to operate efficiently and sustainably, including access to productive land and planning provisions that support horticultural production.
20. In the context of PC25, NZKGI's interest is in ensuring that the Waipā District Plan provides a clear, practical and targeted rules for artificial crop protection structures ("ACPS"), crop support structures and shelterbelts, recognising their functional role in supporting kiwifruit production and other horticultural activities.

SUBMISSION AND FURTHER SUBMISSIONS

21. Federated Farmers made a submission (submitter number 17) to Proposed Plan Change 25. Federated Farmers will now speak in general to the submission points and respond to the relevant sections of the Council Officer's s42A report.
22. NZKGI and Horticulture New Zealand made a joint submission on Proposed Plan Change 25 (Submitter 16) and lodged further submission (Further Submitter FS02). Horticulture New Zealand is not presenting at the hearing. Accordingly, this evidence is presented on behalf of NZKGI only and addresses the submission and further submission points that remain relevant to NZKGI's position.
23. This hearing statement has been prepared jointly because Federated Farmers and NZKGI raise overlapping issues in relation to PC25.

EXECUTIVE SUMMARY

24. This hearing statement is provided on behalf of Federated Farmers and NZKGI. The statement addresses the section 42A report recommendations on Proposed Plan Change 25 to the Waipā District Plan.
25. Federated Farmers and NZKGI support PC25 in principle. The plan change is necessary because the current District Plan rules does not provide a clear or fit-

for-purpose pathway for shelterbelts, ACPS and crop support structures in the Rural Zone.

26. However, we consider that the section 42A recommendations do not yet strike the right balance. In particular, the recommended setback and height standards for ACPS and shelterbelts remain more restrictive than is necessary to manage effects.
27. ACPS, crop support structures and shelterbelts are functional components of rural production. They are not conventional buildings or anomalous activities in the Rural Zone. They can also provide artificial shelter for crops by reducing exposure to wind and limiting wind rub, which can cause cosmetic damage to fruit. Their effects should therefore be assessed in the context of a working rural environment, rather than against residential amenity expectations.
28. In relation to ACPS setbacks, Federated Farmers and NZKGI seek a more targeted effects-based approach. In our opinion, a blanket 6m setback from road and internal boundaries is an overly broad control. A more appropriate approach is to manage effects where they arise, particularly where an ACPS is located close to an existing dwelling on an adjoining site.
29. The suggested outcome is that ACPS are exempt from the general building setback rule, subject to targeted colour requirements for vertical faces within 30m of road and site boundaries, and a 5m internal boundary setback only where an ACPS is located close to an existing dwelling on an adjoining site, consistent with the Waikato District Plan – Operative in Part to create and would provide greater consistency for rural landowners operating across the Waikato region.
30. In relation to height, Federated Farmers and NZKGI consider that the recommended 6m height limit does not adequately reflect the operational requirements of modern horticultural production or the functional role of shelterbelts. A more enabling height standard is appropriate, particularly where effects can be managed through colour, location, screening, and any relevant overlay provisions.
31. Overall, Federated Farmers and NZKGI seek a more practical, proportionate and targeted effects-based rules. The amendments sought would still manage legitimate effects on rural character, amenity, road safety, infrastructure and

adjoining sensitive activities, but would avoid unnecessarily constraining productive Rural Zone land.

OVERVIEW AND BACKGROUND TO THE PLAN CHANGE

32. Federated Farmers, NZKGI and HNZ made several submissions and further submissions on the Proposed Plan Change 25 to the Waipā District Plan (PC25).
33. PC25 has been prepared to address the way the Waipā District Plan manages shelterbelts, ACPS and crop support structures in the Rural Zone.
34. It is understood that PC25 has arisen in response to the increasing use of these structures in the Waipā District, and the uncertainty created by the way the current District Plan rules applies to them. In particular, ACPS are currently treated as “buildings” for the purpose of bulk and location standards. This has meant that structures associated with otherwise permitted horticultural activities can trigger resource consent requirements for matters such as road boundary setbacks, internal boundary setbacks and site coverage.
35. In practice, this has created uncertainty for landowners, growers, farmers and Council staff. In particular, ACPS can be captured by the District Plan definition of “building”, meaning that general building standards such as setbacks and site coverage may apply, despite the structures having a different form, function and effects profile from conventional buildings.
36. ACPS are not conventional buildings. They are generally open or permeable rural production structures that support horticultural production. Their effects are different from those of dwellings, sheds or other built structures, and it is therefore appropriate for the District Plan to contain provisions that are specifically designed for these structures.
37. Similarly, the existing shelterbelt provisions have interpretation issues, including historical uncertainty as to when shelterbelts require resource consent. It is understood that this was an unintended consequence of the way the rule was drafted, rather than a deliberate policy outcome
38. PC25 therefore provides an opportunity to correct those drafting and interpretation issues and to establish provisions that are more directly aligned with the function and effects of these activities.

39. Our key question for the Hearing Panel is therefore whether the proposed provisions provide a clear, practical and proportionate rules for managing shelterbelts, ACPS and crop support structures in the Rural Zone. In our opinion, PC25 should simplify and clarify the management of these structures, rather than replacing the current uncertainty with provisions that is more prescriptive than is necessary to manage effects.
40. That distinction is important because shelterbelts, ACPS and crop support structures form part of the working rural environment. They are not an exception to rural production, but are part of how rural production is increasingly carried out with modern, technological advancements.
41. This is particularly relevant in the Waipā District, where a significant proportion of the District contains high class soils. According to the Waipa District Plan, the Waipa District records that approximately 37% of the District is classified as containing high class soils, representing over 9% of the high class soils nationally. In our opinion, that reinforces the importance of ensuring that the District Plan enables rural production activities to make efficient and effective use of that soil resource.
42. Our combined evidence therefore approaches PC25 from the starting point is the proposed new rules should not become more complex than necessary.
43. It is evident that the notified PC25 provisions and the Council section 42A report seek to respond to a broad range of matters raised by submitters, including rural production, neighbouring amenity, road safety, infrastructure and landscape considerations. That is understandable given the range of interests involved. However, in our opinion, the final rules must remain proportionate, practical and effects-based, and must not become unnecessarily complex or difficult to administer for ordinary rural production activities.
44. This matter was raised in clause 55 of the NZKGI and HNZ submission, which sought the consolidation of ACPS provisions into a single, clear rule. That is particularly important for the people who need to apply and administer the rules, including rural landowners, horticulturalists, Council processing officers and Council monitoring and enforcement staff.
45. In our opinion, the appropriate starting point is that these structures are located within the most appropriate zone within the District, being the Rural Zone.

46. They may have amenity or visual effects, but those effects must be assessed in that rural production context, not against residential amenity expectations. That approach is consistent with the decision of Independent Commissioner Alan Withy on LU/0147/22 and LU/0252/22, relating to ACPS and associated shelterbelt planting at 582 Parallel Road, Cambridge. That decision is relevant because it considered the same type of rural production structures now being addressed through PC25, within the same District and Rural Zone context. The decision also considered submitter concerns about amenity and visual effects arising from ACPS and associated shelterbelt planting.
47. In that decision, the Commissioner observed that *“the Submitters (from a pragmatic point of view) should not expect the level of privacy and amenities as might be expected in a residential neighbourhood”* and that occupiers of *“a relatively small property in a rural area should expect neighbouring land to be developed and used”* for the proposed rural production purposes. In our view, that reasoning is directly relevant to PC25. The provisions should manage effects, but they should not do so in a way that unnecessarily constrains ordinary and anticipated rural production structures.

RESPONSE TO SUBMISSIONS AND SECTION 42A REPORT

48. It should be acknowledged that Council has undertaken a thorough process in preparing PC25, including engagement with key stakeholders and consideration of a range of submitter views.
49. A total of 19 submissions and two further submissions were received on PC25. Those submissions raised a range of matters, including shelterbelt maintenance and height, ACPS setbacks and colour controls, rural character and amenity, road safety, fire risk, infrastructure, cultural landscapes and viewshafts, enforcement, and the efficient use of productive rural land.

ACPS setbacks

50. The Council officer's section 42A report recommends retaining a permitted activity pathway for ACPS within the Rural Zone, subject to compliance with a number of standards. The setback standards form one of the principal constraints on the practical use of that permitted pathway. The recommended provisions retain a 6m setback from road boundaries and a 6m setback from internal boundaries, subject to limited exemptions. Where those standards are

not met, the activity would require resource consent as a restricted discretionary activity.

51. Federated Farmers and NZKGI remain concerned that those setback standards are more restrictive than is necessary to manage effects. While the Federated Farmers and NZKGI support the overall intent of PC25, the recommended setback approach would still require productive rural land to be held back from use in circumstances where the structure itself forms part of the productive activity. In practical terms, a setback applied to ACPS can operate as a loss of usable growing area. Further, a setback for ACPS does not, of itself, remove the potential visual effect. It may alter the location from which the structure is viewed, but the ACPS will remain visible.
52. Although this section focuses mainly on ACPS, the same issue applies to crop support structures where they are captured by general building setback standards. Crop support structures are functional rural production structures and are more akin to fences or trellis systems than conventional buildings. They are often lower-height structures, typically around or below 1.8m, and are open and permeable in form. In our opinion, general building setbacks should not apply to them also.
53. In our opinion, the recommended setback standards risk treating productive rural land as if it must be held in reserve simply because it is close to a boundary. This concept would be difficult to justify for other rural production activities. Sheep, dairy and other arable farming can each generate their own range of effects, including noise, rural amenity and visual effects. However, those effects are not usually managed by preventing productive use of land within a fixed boundary setback unless there is a clear and specific effects-based reason for doing so. The same principle should apply to ACPS and crop support structures.
54. The Waikato District Plan approach is a useful comparison. Waikato District is a neighbouring rural district with a similar rural production context to Waipā. It has also recently been through a district plan review process and has addressed the treatment of ACPS through that process. That context is relevant because Waipā is also experiencing an increasing presence of horticultural activities within a rural environment that has historically been more strongly associated with pastoral farming.

55. The Waikato District Plan consent order¹ dated 20th March 2024 provides a useful and recent comparison. In that order, the Environment Court approved provisions for ACP structures on the basis that they “*ensure the use of Artificial Crop Protection (ACP) Structures which is integral to the productive use of land for growing crops and which are not uncommon or unanticipated in rural environments*”, and that enablement of those structures “*facilitates the productive use of highly productive land and helps to give effect to the NPS-HPL*”. The order also records that “*the economic benefits of the use of ACP Structures outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves*”.
56. The Waikato District Plan approach is also relevant because it avoids unnecessary complexity. Under their Operative in Part District Plan, ACPS are exempt from the general building setback rule within the General Rural Zone for both road and internal boundaries. Setbacks only apply in the more targeted circumstance where an ACP structure is located adjacent to an internal boundary and there is an existing lawfully established residential unit on the adjoining site within 12m of that boundary. In that circumstance, a 5m setback applies only to the portion of the structure parallel to the face of the neighbouring residential unit. This is a more effects-based approach because it focuses on the location of an existing sensitive activity, rather than applying a blanket setback to all rural boundaries regardless of context. It should also be acknowledged that, where mapped landscape or natural character values are present through policy overlays, those areas are further protected through separate district-wide provisions, rather than through the rural setback rule.
57. For the Hearing Panel’s convenience, Rule GRUZ-S19 of the Waikato District Plan, Operative in Part, is shown in **Figure 1** below.

¹ *Horticulture New Zealand v Waikato District Council* [2024] NZEnvC 063, Consent Order, Topic 11 – General Rural Zone – land use activities

GRUZ-S19	Building setbacks - Artificial Crop Protection Structures	
(1) Activity status: PER Where: (a) Artificial Crop Protection Structures are exempt from GRUZ-S12; (b) Green or black cloth shall be used on vertical faces within 30m of the site or road boundaries; (c) Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit. Advice note: To clarify the application of GRUZ-SX(1)(c) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback - there is no setback required along the balance of the shared boundary. 		(2) Activity status where compliance is not achieved: RDIS Council's discretion is restricted to the following matters: (a) Rural amenity values.

Figure 1: Rule GRUZ-S19 of the Waikato District Plan

58. Further, the section 42A report recommends an exemption to the 6m setback where the structure is fully screened by an existing shelterbelt within the same site. That exemption is helpful in some circumstances, but it assumes that shelterbelt screening is the main pathway for managing boundary effects. In practice, shelterbelts are not always required in conjunction with ACPS. ACPS can provide sufficient protection, and their effects can also be managed through other targeted controls, including recessive colour requirements and a more focused setback where an ACPS is located close to an existing dwelling on an adjoining site, like the Waikato District Council example. Shelterbelts should therefore be recognised as one available mitigation option, not a prerequisite to an enabling permitted activity pathway.
59. For that reason, we do not consider Rule 4.4.1.3.o is necessary. The rule would make the removal of an existing shelterbelt a restricted discretionary activity where that shelterbelt screens an ACPS or crop support structure located within 6m of a road or internal boundary. In our opinion, that would make shelterbelt screening the default mechanism for managing effects. That is not necessary where ACPS and crop support structures can be managed directly through targeted setback and colour standards.
60. That approach is also consistent with how other district plans have addressed the relationship between shelterbelts and modern horticultural structures. For example, in Whanganui District Council Plan Change 36, Horticulture New Zealand opposed tree rules that would unduly constrain orchard activity and the use of productive land, and sought recognition of artificial crop protection structures as part of rural activities. The decision report records that artificial

crop protection devices were included in the definition of rural activities, with effects managed through performance standards. In our opinion, that supports the approach sought here: shelterbelts should not be treated as the only acceptable means of managing effects where ACPS can be managed directly through specific rules, including colour controls and targeted setbacks.

61. In our opinion, that approach better aligns with the purpose of PC25. It recognises that the relevant effect is not the presence of an ACPS near a boundary in itself, but the potential effect on an existing sensitive activity. It also avoids applying setbacks to vacant farmland, working rural land, or boundaries where there is no sensitive activity close to the boundary. For those reasons, I consider the Hearing Panel should consider a simpler and more targeted setback approach for ACPS, based on enabling these structures as anticipated rural production structures, managing visual effects through recessive colour controls, and applying setbacks only where there is a clear effects-based justification.
62. To give effect to that approach, Federated Farmers and NZKGI seek that the recommended setback rules for ACPS and crop support structures be amended. They seek the following rule:
63. *Rule 4.4.2.88 Artificial Crop Protection Structures*
- a) Artificial Crop Protection Structures (ACPS) are exempt from Rule 4.4.2.1 and Rule 4.4.2.2, except as provided in clause (c) below.*
 - b) Green or black cloth shall be used on vertical faces of ACPS located within 30m of any road boundary or site boundary.*
 - c) Setbacks for Artificial Crop Protection Structures do not apply except where they are located adjacent to an internal boundary and there is an existing lawfully established residential DWELLING located on an adjacent site and within 12m of the boundary. In this circumstance, a minimum 5m setback shall apply only to that portion of the ACPS that is parallel to the face of the neighbouring residential DWELLING.*
64. In our opinion, this targeted approach appropriately responds to the effects raised by submitters, including visual effects and neighbouring amenity concerns raised in submission point 7/3, and rural amenity and interface concerns raised in submission 15. Rather than applying a blanket setback to all ACPS regardless of context, the proposed rule focuses on the circumstances where effects are most likely to arise.

65. However, the Council section 42A report recommends specific provisions for ACPS within mapped overlay areas, including landscape and natural character overlays within the District. We accept that those overlay provisions are the appropriate mechanism for managing the particular values identified in those areas.

Height of ACPS and Shelterbelt

66. **ACPS** - Numerous Councils throughout NZ have height limits on ACPS that range from 9 – 15 metres in height with the Western Bay of Plenty District Plan having no height limit. Waikato District Council has a height limit of 15m or 10m within 50m of a road. This applies to any building / structure (including ACPS).
67. A 6m high ACPS, as recommended by the Council Officer's s42A report, is a significant departure from other districts and the direction the industry is going with technological innovation as a primary productive activity. It restricts growers from being able to be innovative with technological change such as emerging drone spraying and drone pruning being a realistic option which maximises production potential on the same footprint of land. e.g. production potential of a 6m high crop vs a 9m high crop on the same footprint of land. Seeking a resource consent for exceeding 6m due to visual amenity effects from adjoining properties adds additional cost for a orchard operator who should have the flexibility to maximise the productive use of rural land as anticipated in the rural zone. This gives effect to the NPS-HPL and is in line with the notion that the economic benefits of these structures outweighs the benefits of maintaining an open rural character given they contribute in part to that character themselves.
68. The Operative Waipa District Plan allows buildings up to 12m high (which includes ACPS). This sets a permitted baseline of 12m when considering resource consents. We seek a height limit of 9m for ACPS. These are permeable structures that do not block sunlight causing shading effects.
69. Appendix 1 shows a 2024 an Environment Court decision on Waikato District Council's Proposed District Plan. The Environment Court decision states that *ACPS are integral to the productive use of land for growing crops and are not uncommon or unanticipated in rural environments. Enablement of these structures also facilitates the productive use of highly productive land and helps give effect to the NPS-HPL.*

70. *The economic benefits of the use of ACPS outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves.*
71. The 2024 Environment Court decision also states, “*The requirement to use recessive colours on the cloth assists in mitigating visual effects*”. We consider the use of green or black cloth on vertical faces within 30m of any road and site boundary helps to mitigate any perceived dominant visual amenity effects and request the following Permitted Activity Rule:
- Green or Black cloth shall be used on vertical faces within 30m of the site or road boundaries.
72. Prioritising the height of ACPS over visual amenity effects is also consistent with the NPS-HPL, which the WDC must give effect to, with Policy 9 stating: *Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.* 6m is a restriction and is contrary to policy 9 of the NPS-HPL which prioritises primary productive use of land before visual amenity effects for people seeking an uninterrupted view of rural landscapes at the expense of the economic benefit of primary productive activities. This also applied to shelterbelts discussed in section 69 of this evidence.
73. It would be reasonable for any ACPS near an airport path (e.g., airport obstacle limitation surfaces) to have height restrictions to avoid adverse effects on the operational functioning of airfields. This would also apply to planted shelterbelts.
74. **Shelterbelts** on New Zealand farms improve livestock thermal comfort and survival by cutting cold winter speeds by up to 50 – 90% and block harsh summer sun for livestock. This protection reduces rates of hypothermia and mortality in newborn lambs and shorn sheep conversely shelterbelts shield dairy and beef cattle from heat stress in summer whilst improving milk production, weight gain and reproductive metrics whilst also minimising cold-stress energy loss in winter. Shelterbelts can also provide protection for ACPS by managing wind rub damage and reduce cosmetic damage to fruit. Given we seek a 9m height restriction as a permitted activity for ACPS, we also seek a 9m height for Shelterbelts.
75. Shelterbelts are associated with the primary productive use of rural land and are a common feature of what defines a rural landscape. In terms of visual

amenity, we refer to section 67 above. The Council Officer's s42A report (Section 4.6.19) acknowledges the numerous reasons for shelterbelts including animal shelter and refers to a 6m height limit since 1997. As discussed in section 67 of this report regarding ACPS, Shelterbelts are a part of the rural character and provide for primary productive activities. Given the direction of technological change since 1997 and the need for increased heights of ACPS; shelterbelts also need to increase in height to protect ACPS where needed and provide appropriate shading for livestock and help manage moisture levels within soil.

76. We draw attention to the Waikato Partly Operative District Plan adjoining the Waipa district that has no limits on shelterbelt heights as they are recognised as part of the rural landscape. We consider shelterbelts like ACPS should be managed through the proposed setback rule discussed in section 53 of this report to manage effects of shading on sensitive adjoining landowners.
77. It would be reasonable for any property near an airport path (e.g., airport obstacle limitation surfaces) to have height restrictions on both a shelterbelt and ACPS to avoid adverse effects on the operational functioning of airfields.
78. Proposed Rule 4.4.2.57A refers to a maximum height of 6m for shelterbelts within 20m of a property boundary. This rule is problematic in a situation when adjoining land to the subject site is held in common ownership as the subject property. There are many cases where a farm spans numerous titles. The technicality in the wording of the rule would require the landowner to seek a resource consent. The matters of discretion would have to consider 'the proximity to, and the effects on adjoining activities' over land owned by the Applicant. Affected parties' approval would be implicit (resulting in any adverse effects being disregarded). We suggest the wording be amended as follows:

4.4.2.57A(a) - The Maximum height of a shelterbelt planted after (date) shall be 9m above ground level within 20m of a property boundary unless it adjoins a site held in common ownership.

4.4.2.57A(e) - Unless held in common ownership, shelterbelts shall be maintained by the owners at all times so that: ...

SUMMARY OF STRATEGIC DOCUMENTS

National Policy Statement for Highly Productive Land

79. The WDC must give effect to the National Policy Statement – Highly Productive Land (NPS-HPL). Many orchards and general farming activities operate on Highly Productive Land for the economic benefits of nutrient rich soils for such activities.
80. The National Policy Statement for Highly Productive Land (NPS-HPL) is relevant to PC25 because many farming and horticultural activities in Waipā are located on highly productive land. The objective of the NPS-HPL is to protect highly productive land for use in land-based primary production, both now and for future generations.
81. The Council officer's section 42A report acknowledges that crop structures are an integral part of land-based primary production, being the purpose for which highly productive land is protected by the NPS-HPL. The report also records that PC25 enables the use of highly productive land for horticultural land-based primary production to be prioritised and supported, and ensures that crop structures are included as an appropriate use of highly productive land.
82. We agree with that assessment. In our opinion, shelterbelts, ACPS and crop support structures are not conventional built development unrelated to the land. They are functional components of land-based primary production and are increasingly necessary to support horticultural production on highly productive land.
83. Policy 4 of the NPS-HPL provides that the use of highly productive land for land-based primary production is to be prioritised and supported. Clause 3.12 gives effect to that policy through district plan-making by requiring territorial authorities to include objectives, policies and rules that prioritise the use of highly productive land for land-based primary production and encourage opportunities to maintain or increase its productive capacity. Those provisions are directly relevant here because PC25 is a district plan change that will determine how ACPS, crop support structures and shelterbelts are enabled and managed in the Rural Zone.
84. Further, the NPS-HPL also contains specific direction on reverse sensitivity. Policy 9 requires reverse sensitivity effects to be managed so as not to constrain land-based primary production activities on highly productive land. Clause 3.13 requires district plans to identify typical activities and effects associated with land-based primary production that should be anticipated and tolerated in a

productive rural environment. In our opinion, ACPS, crop support structures and shelterbelts fall squarely within that context.

85. We acknowledge the section 42A report's view that the NPS-HPL does not expressly require PC25 to enable the "efficient use" of highly productive land. However, that does not mean the practical use of highly productive land is irrelevant. Where the NPS-HPL requires highly productive land to be protected for land-based primary production, the District Plan should avoid provisions that unnecessarily constrain the practical use of that land for production.
86. This is particularly relevant to ACPS setbacks. A setback may not remove land from the title, but it can reduce the area of land that can practically be used for protected horticultural production.
87. For those reasons, we consider the NPS-HPL supports District Plan provisions that enable ACPS, crop support structures and shelterbelts as part of land-based primary production, while managing actual effects through targeted and proportionate standards. It does not support rules that unnecessarily constrain productive rural land through blanket controls where there is no clear effects-based justification.
88. It would be reasonable to recognise that point 37 above would also apply to vegetative shelterbelts which are a natural feature found within the rural zone to support productive use of productive land. They too form part of the rural character and should not be subject to a height restriction of 6 metres. It would be reasonable for any property near an airport path (e.g., airport obstacle limitation surfaces) to have height restrictions to avoid adverse effects on the operational functioning of airfields.
89. The Waipa District Plan permits buildings in the Rural Zone to a height of 12m. An ACPS is not an impermeable building, rather it is a series of structures with impermeable cloth to support primary productive use of the land. It is inconsistent to allow buildings up to 12m high in the Rural Zone in accordance with the Waipa District Plan whether they are a dwelling or a farm shed but not an ACPS.

CONCLUSION

90. Federated Farmers and NZKGI support PC25 in principle. The plan change is necessary because the current District Plan framework does not provide a

sufficiently clear or fit-for-purpose pathway for shelterbelts, ACPS and crop support structures in the Rural Zone.

91. However, the recommended provisions do not yet strike the right balance. In our opinion, the remaining setback and height standards are still more restrictive than is necessary to manage effects, and risk replacing the current uncertainty with a framework that is overly prescriptive for ordinary rural production structures.
92. ACPS, crop support structures and shelterbelts are not conventional buildings or anomalous activities in the Rural Zone. They are functional components of land-based primary production. They support the efficient and practical use of rural land, including highly productive land, and their effects must be assessed in that working rural context rather than against residential amenity expectations.
93. The key issue for the Hearing Panel is not whether every visual, amenity or operational concern can be eliminated. The issue is whether PC25 provides a clear, proportionate and targeted effects-based framework that enables anticipated rural production activities while managing actual effects where they arise.
94. In our opinion, the recommended 6m setback standard for ACPS and crop support structures remains an overly broad response to the effects being managed, including the visual and neighbouring amenity concerns raised by submitters. A setback may change where a structure is located within a productive site, but it does not, of itself, remove potential visual effects. Nor does it distinguish between boundaries adjoining sensitive activities and boundaries adjoining vacant or working rural land. A more targeted approach, like the Waikato District Plan rules, would better align the rule with the effect being managed.
95. Similarly, the recommended 6m height limit does not adequately reflect the operational requirements of modern horticultural production or the functional role of shelterbelts. In a Rural Zone where buildings of greater height are otherwise anticipated, and where these structures are part of productive land use, a more enabling height standard is justified.
96. The same point applies to shelterbelts. Shelterbelts are functional rural production features and often provide positive screening and shelter benefits.

In our opinion, the shelterbelt rules should therefore be practical and proportionate, including by providing for a 9m permitted height and 3m setback standard for new shelterbelts.

97. Federated Farmers and NZKGI request that the Hearing Panel:

a) reject the section 42A recommendation to retain the proposed 6m road boundary setback for ACPS and crop support structures under Rule 4.4.2.1(c), and replace it with the targeted setback and colour approach set out in this evidence;

b) reject the section 42A recommendation to retain the proposed 6m internal boundary setback for ACPS and crop support structures under Rule 4.4.2.2(d), and replace it with a targeted internal boundary setback that applies only where an ACPS is located close to an existing dwelling on an adjoining site;

d) delete Rule 4.4.1.3.o, which would require resource consent to remove an existing shelterbelt where that shelterbelt screens an ACPS or crop support structure located within 6m of a road or internal boundary;

e) reject the section 42A recommendation to retain the proposed 6m height limit for ACPS under Rule 4.4.2.9A, and replace it with a permitted height standard of 9m;

f) amend Rule 4.4.2.57A to provide for a more practical shelterbelt rule, including a 9m permitted height and 3m setback standard for new shelterbelts; and

g) consolidate the ACPS provisions within Rule 4.4.2.88, so that the relevant setback, height and colour standards are located in one clear rule for plan users.

98. Overall, Federated Farmers and NZKGI seek targeted amendments that would make PC25 simpler, clearer and more workable. Those amendments would still manage legitimate effects on rural character, amenity, road safety, infrastructure and sensitive activities, but would avoid unnecessarily constraining productive rural land.

99. For those reasons, we request that the Hearing Panel adopt a more practical and targeted effects-based rules for ACPS, crop support structures and shelterbelts, consistent with the purpose of PC25, the productive function of the Rural Zone, and the direction of the NPS-HPL.

Appendix 1 - Environment Court Decision, [2024] NZEnvC 063 – Waikato District Council

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 063

IN THE MATTER OF appeals under clause 14 of Schedule 1 of
the Resource Management Act 1991

BETWEEN HORTICULTURE NEW ZEALAND

(ENV-2022-AKL-000043)

FEDERATED FARMERS OF NEW
ZEALAND

(ENV-2022-AKL-000051)

Appellants

AND WAIKATO DISTRICT COUNCIL

Respondent

Court: Alternate Environment Judge L J Newhook sitting alone under s
279 of the Act
Last case event: 14 March 2024

Date of Order: 5 April 2024

Date of Issue: 5 April 2024

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:



- (1) The Interpretation and GRUZ – General Rural Zone chapters in the Proposed Waikato District Plan be amended in accordance with Appendix 1 to this order (additions marked as underlined and deletions as ~~strike through~~);
- (2) The Federated Farmers appeal with respect to subtopic 11.2: Residential and seasonal workers accommodation is otherwise dismissed; and
- (3) The Horticulture New Zealand appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent determination relates to two appeals against the decisions of Waikato District Council on the Proposed Waikato District Plan (**PDP**) in relation to submissions by Horticulture New Zealand (**Horticulture NZ**) and Federated Farmers of New Zealand (**Federated Farmers**) seeking various amendments to definitions, objectives, policies and rules relating to rural activities in the General Rural Zone (**GRUZ**).

[2] On 17 January 2022, an Independent Hearing Panel on behalf of the Respondent made decisions on the relief sought by both Horticulture NZ and Federated Farmers with respect to the GRUZ chapter of the PDP.

[3] Horticulture NZ and Federated Farmers subsequently filed the appeals seeking, amongst other relief:

- (a) Horticulture NZ: amendments to the definition of ‘farming’, amendments to policies GRUZ-P5, GRUZ-P16 and GRUZ-P14, and amendments to Rules GRUZ-S1, GRUZ-S2, GRUZ-S8, GRUZ-S9 and

GRUZ-S12 in the Interpretation and GRUZ chapters of the PDP decisions version; and

- (b) Federated Farmers: amendments to GRUZ-S2 and the insertion of a new permitted activity rule in the GRUZ chapter of the PDP decisions version to provide for the maintenance and replacement of existing buildings and structures, and the erection of new buildings and structures ancillary to agricultural production activities, within an identified natural feature or landscape.

[4] These parts of the two appeals have been assigned to the following subtopics in Topic 11: General rural zone – land use activities:

- (a) Subtopic 11.1: Strategic direction and rural activities;
- (b) Subtopic 11.2: Residential and seasonal worker accommodation; and
- (c) Subtopic 11.3: Artificial crop protection structures.

[5] Bathurst Resources Ltd & BT Mining Ltd, Fruhling Trust, Pukekohe Vegetable Growers Association, Meridian Energy Ltd, Te Whakakitenga o Waikato and Anna Noakes have given notice of an intention to become a party to these appeals under section 274 of the Act.

Agreement reached between the parties

[6] Since the appeals were filed, Horticulture NZ, Federated Farmers and Council have engaged in constructive discussions and have reached an agreement on changes to the Interpretation and GRUZ chapters of the PDP decisions version (**the agreed amendments**). The agreed amendments will fully resolve Horticulture NZ's appeal and resolve Federated Farmers' interest in subtopic 11.2.

[7] The agreed amendments to the PDP are set out in **Appendix 1** to this order (additions marked as underlined and deletions as ~~strike through~~).

Section 32AA evaluation

[8] Section 32AA of the Act requires a further evaluation of any changes to a proposed plan change since the initial section 32 evaluation report and the IHP's decision.

[9] It is agreed by all parties to the two appeals that the agreed amendments to the Interpretation and GRUZ – General Rural Zone chapters of the PDP decisions version as outlined in Appendix 1, satisfies the concerns raised in the appeals for the following reasons:

Topic 11.1 – Strategic direction and rural activities

- (a) They ensure consistency with the overarching direction provided at an objective level, with clause (3) of GRUZ-O1 seeking that the GRUZ 'provide for' community facilities and rural commercial activities, among other matters;
- (b) They are consistent with the common drafting approach to policy wording in the rest of the PDP which uses the verb 'enable' where the following activity is permitted, and 'provide for' when the activity is generally anticipated, albeit either only permitted at a small scale, or with a clear consenting pathway as a controlled or restricted discretionary activity;
- (c) They ensure the policies in the GRUZ chapter are not misused as a tool to restrict legitimate farming-related buildings in order to protect hypothetical sensitive activities which might locate on adjacent rural-zoned sites at some point in the future;
- (d) They avoid reverse sensitivity effects by recognising that new sensitive activities should not be established in locations where they would be exposed to unacceptable amenity effects generated by rural buildings on adjacent sites;

- (e) They ensure the definitions in the PDP are consistent with the wording used in the NPS;
- (f) They achieve the key policy outcome in clause (2)(a) of GRUZ-P16 which is to manage the effects of building size and location on existing sensitive activities;
- (g) They ensure the PDP framework provides a clear demarcation between the permitted, occasional use of a paddock for a landing strip to facilitate aerial spraying or fertiliser spreading, and the use of farmland as a small-scale aerodrome or permanent base for a commercial aerial contracting operation;

Topic 11.2 – SWA

- (h) They better align the outcomes anticipated for seasonal worker accommodation (**SWA**) with the existing outcomes for minor residential units in the GRUZ chapter;
- (i) The limitation on the scale of the SWA facility to be no larger than a minor unit (which is otherwise permitted), combined with the standard rules on boundary setbacks, manage reverse sensitivity, amenity and character effects on the wider rural environment;
- (j) They maintain rural density and amenity/character outcomes by ensuring that sites between 1-5ha do not contain both a minor residential unit and a SWA;
- (k) They are consistent with the policies in the NPS-HPL, especially with respect to the policy direction on prioritising and supporting the use of highly productive land for land-based primary production;
- (l) They avoid a potentially significant cost in terms of the lack of appropriate enablement for seasonal workers in close proximity to where their employment is located;

- (m) The addition of the new provisions create no difference in environmental effects because the scale of buildings and the intensity of activity is the same;
- (n) They ensure a suitable level of on-site amenity is provided for SWA;
- (o) The floor area based metric for SWA is more certain and more readily enforceable and thus a more effective method;
- (p) The agreed package of provisions are considered to appropriately provide for SWA to meet a specific housing need and to enable the provision of labour in close proximity to horticultural operations. This therefore supports the utilisation of highly Productive Land for rural production;
- (q) Where neighbouring residential units are located within 12m, they ensure that there is reasonable separation between the dwellings and the structure, whilst not unduly restricting the use of such structures when adjacent to vacant farmland;
- (r) Adequate controls on potential landscape effects are maintained for minor residential units and non-habitable farm buildings in landscape areas, through providing either a permitted (subject to activity standards) or restricted discretionary consenting pathway;

Topic 11.3 – ACP Structures

- (s) They ensure the use of Artificial Crop Protection (**ACP**) Structures which is integral to the productive use of land for growing crops and which are not uncommon or unanticipated in rural environments. Enablement of these structures also facilitates the productive use of highly productive land and helps to give effect to the NPS-HPL;
- (t) The requirement to use recessive colours on the cloth assists in mitigating visual effects;

- (u) The economic benefits of the use of ACP Structures outweighs the benefits of maintaining an open rural character, especially where such structures in part contribute to that character themselves; and
- (v) They are the most effective method as they avoid adding further complications to the complexity of rule GRUZ-S12 with a series of exemptions and additional internal boundary ACP Structures clauses.

Consideration

[10] In making this order the Court has read and considered:

- (a) The Horticulture NZ and Federated Farmers notices of appeal dated 1 March 2022; and
- (b) The Joint Memorandum of the parties dated 14 March 2024.

[11] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[12] The Court is satisfied that the changes sought are within the scope of both Horticulture NZ's and Federated Farmers' submissions and appeals.

Order

[13] The Court orders, by consent, that:

- (a) The Interpretation and GRUZ – General Rural Zone chapters in the Proposed Waikato District Plan be amended in accordance with

Appendix 1 to this order (additions marked as underlined and deletions as ~~striketrough~~);

- (b) The Federated Farmers appeal with respect to subtopic 11.2: Residential and seasonal worker accommodation is otherwise dismissed;
- (c) The Horticulture NZ appeal is otherwise dismissed; and
- (d) There is no order as to costs.



L J Newhook
Alternate Environment Judge



Appendix I: Tracked change version of amendments to the Interpretation and GRUZ – General Rural Zone chapters

Part I: Introduction and general provisions / Interpretation

Term	Definition
Farming	Means: (a) Any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and includes: (b) Processing, as an ancillary activity of farm produce grown on the same site, such as cutting, cleaning, grading, chilling, freezing, packaging and storage; (c) Any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores; (d) ~~Loading areas for helicopters and airstrips for top dressing and spraying the same site~~ <u>Intermittent use of airstrips and helicopter loading areas for fertiliser application, agrichemical spraying, and pest control as part of farming activities;</u> and (e) On-farm agricultural and horticultural research activities; It excludes: (f) Intensive farming; or (g) Further processing of those commodities from (a) into a different product.

Part 3: Area-specific matters / Zones / Rural zones / GRUZ – General rural zone

GRUZ – General rural zone

GRUZ-P5 Other anticipated activities in rural areas

~~Enable~~ Provide for activities that ~~provide~~ for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values.

GRUZ-PI4 Density of residential units and seasonal worker accommodation.

- (I) Maintain an open and spacious rural character by:
- (a) Limiting residential units and seasonal worker accommodation to those associated with farming and productive rural activities;
 - (b) Limiting residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;

- (c) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit; and
- (d) Limiting seasonal worker accommodation to no more than one facility per Record of Title that is at least ~~20ha~~ 1ha in area.

GRUZ-PI6 Building scale and location.

- (1) Provide for buildings and structures where they are necessary components of farming and rural-related activities including rural industry, rural commercial, and extractive activities.
- (2) Manage the size and location of buildings and structures to:
 - (a) Maintain adequate levels of outlook, daylight, and privacy for adjoining existing sensitive land uses and public reserves; and
 - (b) Maintain rural character, amenity, and landscape values, in particular where located in areas with high landscape values, the coastal environment, and adjacent to waterbodies.

Rules

Land use – activities

GRUZ-R18	Seasonal worker accommodation
(1) Activity status: <u>PER CON</u> Activity-specific standards: (a) Is used solely for part of the year to meet labour requirements for primary production; (b) Comprises of communal kitchen and eating areas and separate sleeping and ablution facilities; (c) <u>The buildings used for seasonal worker accommodation shall not occupy more than 120m² in total; Accommodates no more than 12 workers; and</u> (d) <u>Is located on a Record of Title of at least 1ha; and</u> ~~Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.~~ (e) <u>Where located on a Record of Title that is 5ha or less, the Record of Title shall not already contain a Minor Residential Unit.</u> <u>Advice note: Seasonal Worker Accommodation is subject to the Code of Practice for Able Bodied Seasonal Workers.</u>	<u>(2) Council's control is reserved over the following matters:</u> (a) <u>On-site amenity for occupants.</u> <u>Any application arising from this rule shall not be limited or publicly notified.</u> <u>(2) (3) Activity status where compliance not achieved with (a) and (b); and (c) where the Record of Title is more than 5ha: RDIS</u> Council's discretion is restricted to the following matters: (a) The effectiveness of methods to avoid, remedy, or mitigate the effects on existing activities, including the provision of screening, landscaping, and methods for noise control; and (b) <u>On-site amenity for occupants. The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by the Department of Building and Housing 2008.</u>

published by Dept of Building and Housing 2008.	<u>(4) Activity status where compliance not achieved with (c) and the Record of Title is between 1-5ha: DIS</u> <u>(5) Activity status where compliance not achieved with (d) or (e): NC</u>
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Land use – building

GRUZ-S1	Number of residential units and seasonal worker accommodation within a lot
(1) Activity status: PER Where: (a) One residential unit within a Record of Title containing an area less than 40ha; (b) Within a lot Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units; (c) One seasonal worker accommodation shall be located within a Record of Title containing an area of ~~20ha~~<u>1ha</u> or more (this is in addition to the residential unit in GRUZ-S1(I)(a); and in addition to a Minor Residential Unit in GRUZ-S2(I)(a) <u>provided the Record of Title is more than 5ha</u>); (d) Any residential unit(s) under GRUZ-S1(I)(a) and (b), or seasonal worker accommodation under GRUZ-S1(I)(a)(c) must not be located within any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; - or (iv) High Natural Character Area.	(2) Activity status: DIS Where: (a) A residential unit that complies with GRUZ-S1(I)(a) or (b) and is located within an area listed in (d); or (b) Seasonal worker accommodation that complies with GRUZ-S1(I)(c) and is located within an area listed in (d). (3) Activity status: NC Where (a) A residential unit that does not comply with GRUZ-S1(I)(a) or (b); (b) Seasonal worker accommodation that does not comply with GRUZ-S1(I)(c).

GRUZ-S2	Minor residential units
(1) Activity status: PER Where: (a) One minor residential unit not exceeding 120m² gross floor area (excluding accessory buildings) within a Record of Title lot. (b) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall: (i) Be located within 100m of the existing residential unit; (ii) Share a single driveway access with the existing residential unit. (c) Any minor residential unit ~~must not be~~ located within any of the following landscape or natural character areas <u>shall have a maximum height of 7.5m and a Light Reflectance Value of less than 35%:</u> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; or (iv) High Natural Character Area. <u>(d) Any minor residential unit must not be located on a Record of Title that is 5ha or less and that already contains seasonal worker accommodation.</u>	(2) Activity status where compliance is not achieved with GRUZ-S2(1)(c): RDIS <u>Council's discretion is restricted to the following matters:</u> (a) <u>Effects on the identified landscape or natural character values, including cultural values associated with those landscapes or natural features, including consideration of:</u> (i) <u>The proximity and extent to which the proposal is visible from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point;</u> (ii) <u>The extent to which the proposal avoids being located on ridgelines or visually prominent locations, and any natural elements such as landforms and existing or proposed vegetation within the site that mitigate the visibility of the proposal;</u> (iii) <u>The appropriateness of the scale, form, design and finish (materials and colours), including consideration of any adverse effects of reflectivity, glare and light spill;</u> (iv) <u>The extent to which the proposal will result in adverse cumulative landscape effects;</u> (b) <u>Whether the proposal supports the continuation of farming activities in the rural zone.</u> <u>(2)(3) Activity status where compliance is not achieved with GRUZ-S2(1)(a)-(b): DIS</u> <u>(4) Activity status where compliance is not achieved with GRUZ-S1(1)(d): NC</u>

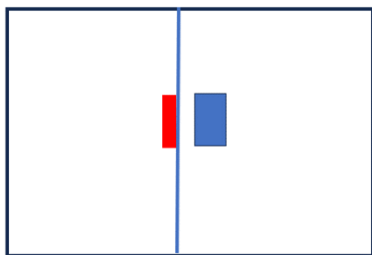
GRUZ-S8	Height in relation to boundary
(1) Activity status: PER Where: (a) A building or structure (excluding <u>Artificial Crop Protection Structures</u>, poles or	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:

aerials) must not protrude through the height in relation to boundary rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.	(a) Height of the building; (b) Design and location of the building; (c) Admission of daylight and sunlight to the site and other site; (d) Privacy on any other site; and (e) Amenity values of the locality.
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GRUZ-S9	Building coverage
(1) Activity status: PER Where: (a) The total building coverage must not exceed: (i) 2% of the site area or 500m² (whichever is larger) for sites smaller than 10ha; (ii) 5,000m² for sites larger than 10ha. (b) GRUZ-S9(1)(a) does not apply: (i) To a structure that is not a building; or (ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building. (c) No site coverage limit applies to Artificial Crop Protection Structures that meet the following standards: ~~(i) Green or black cloth shall be used on vertical faces within 30m of the site boundary;~~ ~~(ii) (i) Green, black or white cloth shall be used on horizontal surfaces.~~	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matter: (a) Design, scale and location of the building.

GRUZ-S19	Building setbacks – Artificial Crop Protection Structures
(1) Activity status: PER Where: <u>(a) Artificial Crop Protection Structures are exempt from GRUZ-S12;</u> <u>(b) Green or black cloth shall be used on vertical faces within 30m of the site or road boundaries;</u> <u>(c) Setbacks for Artificial Crop Protection Structures do not apply except for where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit.</u>	(2) Activity status where compliance is not achieved: RDIS <u>Council's discretion is restricted to the following matters:</u> <u>(a) Rural amenity values.</u>

Advice note: To clarify the application of GRUZ-SX(1)(c) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary.



GRUZ-S20

Buildings (excluding residential units) within an Outstanding Natural Feature; Outstanding Natural Landscape; Outstanding Natural Character Area; or High Natural Character Area

(1) Activity status: PER

Activity-specific standards:

- (a) Be non-habitable;
- (b) Shall have a maximum height of 5m;
- (c) Shall have a maximum area of 50m²;
- (d) Shall either be located within 100m of an existing residential unit; or shall not be located within 400m of another building;
- (e) Shall have a Light Reflectance Value of less than 35%.

(2) Activity status where compliance not achieved: RDIS

Council's discretion is restricted to the following matters:

- (a) Effects on the identified landscape or natural character values, including cultural values associated with those landscapes or natural features, including consideration of:
 - (i) The proximity and extent to which the proposal is visible from public places and roads (including unformed legal roads), ease of accessibility to that place, and the significance of the view point;
 - (ii) The extent to which the proposal avoids being located on ridgelines or visually prominent locations, and any natural elements such as landforms and existing or proposed vegetation within the site that mitigate the visibility of the proposal;
 - (iii) The appropriateness of the scale, form, design and finish (materials and colours), including consideration of any adverse effects of reflectivity, glare and light spill;

	(iv) <u>The extent to which the proposal will result in adverse cumulative landscape effects;</u> (b) <u>Whether the proposal supports the continuation of farming activities in the rural zone.</u>
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