

Proposed Plan Change 25: Shelterbelts and Artificial Crop Protection and Crop Support Structures

Section 32 - Evaluation Report

July 2025

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Executive Summary

Plan Change 25 (PC25) introduces new provisions into the Waipā District Plan that specifically relate to artificial crop protection and support structures, and shelterbelts. This report provides an evaluation of PC25 undertaken by Council in accordance with Section 32 of the Resource Management Act 1991 (RMA).

The objectives of PC25 are to ensure that the Waipā District Plan (WDP) contains provisions that enable the establishment of shelterbelts and artificial crop protection and support structures within the rural zone to:

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

These objectives are considered to be the most appropriate way to achieve the purpose of the RMA.

The provisions of PC25 have been developed to:

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

Changes are proposed to be made to the District Plan as follows:

- Existing definitions are amended and new definitions proposed which relate to the subject matter of PC25.
- Changes are made to Section 4 – Rural Zone provisions which make express provision for shelterbelts and crop structures and specify the performance standards that need to be met to avoid resource consent requirements.
- Minor changes are made to Section 21 – Assessment Criteria to ensure that the subject matter of PC25 is appropriately captured when resource consents are required for shelterbelts and crop structures.
- Minor changes are made to Section 25 – Landscapes and Viewshafts to ensure that the subject matter of PC25 is appropriately captured when shelterbelts and crop structures are proposed in landscape and viewshaft areas identified by the District Plan.

These provisions are considered to be the most appropriate way to ensure that the objectives of PC25 are achieved.



Part A – Proposed Plan Change 25

**Shelterbelts and Artificial Crop Protection and Support
Structures**

Part A – Proposed Plan Change 25

1. Background

- 1.1.1 A large proportion of Waipā district consists of productive rural land. While primarily a traditional pastoral environment (dairy, beef and sheep farming), the rural area also accommodates horticulture, equine and intensive farming activities. All these activities fall under the definition for ‘farming activities’ in the District Plan.
- 1.1.2 Horticulture and crop production is becoming more common throughout the district. Since late 1990s a number of kiwifruit orchards have established within the district. More recently this has included the erection of crop structures. This change in the type and mix of rural activities represents an evolution in the rural working environment and the types of farming activities undertaken in the district.
- 1.1.3 Expansion of horticulture and in particular the increasing prevalence of associated crop structures into Waipā’s predominately pastoral rural environment has raised some concerns around the effectiveness and efficiency of the operative Waipā district plan. The concerns relate to resource consent requirements and changes in rural character associated with crop structures.
- 1.1.4 In the past few years (2022 – 2024) a number of resource consents have been granted for the establishment of artificial crop protection structures and shelterbelts in the Rural Zone. In all cases, building site coverage and setback requirements for the rural zone were contravened.

Plan Change

- 1.1.5 In August 2023 Council resolved to prepare a draft plan change (Draft Plan Change 30) to address minor technical amendments, including crop protection structures and shelterbelts. Under Draft Plan Change 30 (PC30) for crop protection structures and shelterbelts in the Rural Zone was for:
- Maintenance of shelterbelts to a maximum height of 6m;
 - To amend yard setbacks for artificial crop protection structures; and
 - To introduce colour controls for shade cloth materials related to crop protection structures.
- 1.1.6 In 2024 staff undertook a review of information supplied by industry representatives and a concerned landowner, as well as a review of the current district plan provisions and the district plans of other Councils pertaining to crop protection. This resulted in staff recommending to Council that shelterbelt and artificial crop protection structures should be progressed through a standalone plan change. Council resolved in June 2024 to progress with a standalone plan change (Draft Plan Change 25 – ‘draft PC25’).

Engagement

- 1.1.7 Staff commenced engagement processes with Mana Whenua and Iwi in July 2024, and key stakeholders in September 2024 (e.g. horticultural industry, landowners, network utility operators and statutory groups). During September and October 2024 wider engagement

was undertaken, inviting feedback from the rural community (refer to Appendix 1 – *Summary of the engagement undertaken in the preparation of PC25*).

- 1.1.8 As part of the engagement process, staff made a set of draft planning provisions (referred to as ‘the July version’) publicly available (refer to Attachment A, Appendix 1). The feedback received through the engagement period included commentary on the draft provisions, the effects already experienced because of existing orchards and information on the operational needs of orchards.
- 1.1.9 Following the close of this engagement period staff reviewed and responded to the seventy responses that had been received (refer to Attachment B, Appendix 1). Meetings were also held with the horticultural industry groups, rural landowners' group, and gas and electricity network utilities operators. Staff also updated Mana Whenua and Iwi on the cultural issues that had been raised through earlier meetings (refer to Attachment C, Appendix 1).
- 1.1.10 The overall outcomes from this engagement were:
- The need to recognise that crop structures are a necessary part of farming activities that are anticipated and provided for in the Rural Zone.
 - The need to maintain the existing policy direction of the WDP to protect landscape areas and ensure that this is applied to crop structures.
 - The need for specific provisions to apply to crop structures (artificial crop protection structures, artificial screens and crop support structures) and shelterbelts to differentiate them from other farm buildings.
 - The need for specific provision to apply to crop structures and shelterbelts to ensure that any actual or potential adverse effects on amenity, health and safety are avoided, remedied or mitigated.
- 1.1.11 All information pertaining to the development of PC25 is available on Council’s website. This information includes:
- Consideration of options
 - Draft and planning provisions
 - Responses to feedback
- 1.1.12 In response to the engagement completed a revised set of proposed planning provisions were formulated and workshopped with Council in February 2025 (refer to Attachment D, Appendix 1). All engagement undertaken forms the basis of the section 32 Evaluation Report.

2. The Waipā Context

- 2.1.1 The Waipā is geographically one of the smaller districts in New Zealand with an area of 1,473 square kilometres. The district is located immediately south of Hamilton on the Waikato floodplain and is crossed by both the Waikato and Waipā Rivers and bounded by the remnant volcanic mountains of Pirongia, Maungatautari, Kakepuku, Maungakawa and Te Miro. Situated in the heart of the Waikato and on the boundary with King Country the district has a rich Māori cultural heritage.¹

¹ Waipā Long Term Plan 2021-2031, p347.

- 2.1.2 The Waipā District is largely a rural environment with 37 percent of the district comprising of high-class arable farmland (9% of New Zealand's total). The land supports a productive rural dairy sector and a thriving rural and urban population of approximately 56,000 people (2020).² The district's economic wealth is largely derived from the land, its soils support an exceptionally productive rural sector, which is anticipated to remain the key economic sector in the district.³
- 2.1.3 People who live in the Waipā District value the rural character of the district and the many landscapes the district contains.

3. Current District Plan Provisions

- 3.1.1 An assessment of the provisions of the Waipā District Plan that are relevant to shelterbelts and artificial crop protection structures has been completed and is attached as Appendix 2 – Analysis and commentary on existing plan provisions.
- 3.1.2 These provisions confirm that artificial crop protection structures are presently deemed to be buildings that are associated with farming activities; and shelterbelts are anticipated through the provisions for tree planting in the Rural Zone.
- 3.1.3 The key matters associated with how the WDP presently provides for artificial crop protection and support structures, and shelterbelts:
- Artificial crop protection structures are 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 of non-compliance with standards relating to site coverage and yard setbacks.
 - Shelterbelts are not currently listed as being permitted activities in the rural zone and would benefit from being specifically provided for.
 - Standards for shelterbelts to meet as a permitted activity currently restrict any trees / plants to species that cannot grow higher than 6m. Any shelterbelt which contains species which can grow higher than this triggers requirement for resource consent for a restricted discretionary activity if they fail to meet setback standards for planting trees within:
 - 30m of a dwelling or zone boundary
 - 20m of a strategic arterial road
 - 10m of any other road or railway
 - 10m of an overhead power or telephone line
 - 5m of a waterbody

² Ibid.

³ Operative Waipā District Plan, para 1.1.4, Section 1 – Strategic Policy Framework

- Artificial screens and buildings greater than 20m² require resource consent for a restricted discretionary activity in landscape areas identified in Section 25.
- Artificial screens and shelterbelts that are located within 400m of a public road in viewshaft areas require resource consent for a restricted discretionary activity.
- Artificial screens are permitted within viewshaft areas where they are located more than 400m from a public road.
- Shelterbelts are permitted activities in all other landscape areas identified in Section 25.

4. PC25 – Proposed Changes to the Waipā District Plan

4.1. PC25 Objectives

4.1.1 The objectives of the proposed Plan Change 25 (PC25) are to ensure that the Waipā District Plan (WDP) contains provisions that enable the establishment of shelterbelts and artificial crop protection and support structures within the rural zone to:

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

4.1.2 For the purpose of achieving these objectives, PC25 proposes to make changes to the following sections of the WDP:

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

4.1.3 While it is recognised that farming activities are also a permitted activity in the following zones in the WDP Plan Change 25 is not introducing any rules which would change the way farming activities would in general be treated in these zones (ref to Appendix 2):

- Significant Mineral Extraction Zone
- Industrial Zone in the Hautapu Industrial Structure Plan Area, the Bond Road North Industrial Structure Plan Area and the Bardowie Industrial Structure Plan Area
- St Peters School Zone outside of the Core Campus Area
- Marae Development Zone, on sites adjoining the Rural Zone
- Deferred Zones

- 4.1.4 The proposed changes are introduced through the tables set out in sections 4.2 to 4.5 below. The full text of each section of the WDP being changed by PC25 are contained in Appendix 3: Part A – Summary of the plan provisions to be changed and relevant sections to PC25 are contained in Appendix 3: Part B – Existing objectives and policies of the WDP relevant to PC25.

4.2. Part B - Definitions

- 4.2.1. The following changes are proposed to the Definitions section of the WDP:

Definition	Purpose / Reason
Amend the existing definition – Artificial Screens	To reduce the conflicts between artificial screens and fences and to clarify that materials used in screens are required to be comprised of permeable cloth.
Add new definition – Artificial Crop Protection Structure	To define what a crop protection structure is to be taken to be and to provide clarity that it includes artificial screens, and that it does not include: - Greenhouses / glasshouses; - Plastic shade houses; and - Crop support structures
Add new definition – Crop Support Structure	To define what a crop support structure is to be taken to be.
Amend the existing definition – Farming Activities	The definition of farming activity is amended to add reference to artificial crop protection and support structures. This is to make it clear that these structures are within the meaning of what farming activities are taken to be.
Amend the existing definition - Shelterbelts	To correct a spelling error and make it clear that any hedge up to 3m in height is not a shelterbelt, unless in identified Landscape and Viewshaft areas.

4.3. Part D - Zone Provisions: Section 4 – Rural Zone

- 4.3.1. Changes to Section 4 are proposed as follows:

Provision	Purpose / Reason
Amend existing Introduction section 4.1.2	To delete the term “pastoral” from the first sentence to ensure the text aligns with the definition of land based primary production within the National Policy Statement for Highly Productive Land; and that the rural zone is a working environment that accommodates all types of primary production activities and not just pastoral farming.
Amend existing Introduction section 4.1.3	This paragraph is amended to acknowledge that the nature and type of farming activities within the Waipā District and their associated effects are changing.
Amend existing Introduction section 4.12.d.	To add crops structures and shelterbelts to the list of different types of activities provided as being elements that define what the rural character of the Waipā District is.
Amend existing Policy 4.3.2.2	To remove reference to “pastoral” and replace it with “rural” to ensure the text aligns with the definition of land based primary production within the National Policy Statement for Highly Productive Land. The rural zone accommodates all types of primary production activities and not just pastoral farming.
Amend existing Policy 4.3.2.4	To add reference to crop structures to make it clear that these structures are considered to be within the meaning of farm buildings for the purpose of this policy.

Provision	Purpose / Reason
Add New Rule 4.4.1.1.z	To add shelterbelts within the Rural Zone permitted activity list to avoid any scenario where they could be interpreted to be an otherwise unlisted activity.
Add New Rule 4.4.1.3.o	To make it clear that any proposal to remove an existing shelterbelt will require resource consent for a restricted discretionary activity if: ▪ The shelterbelt screens views of existing crop structure from a road or dwelling on an adjoining site; and ▪ The crop structure being screened is located less than 6m from a road or internal property boundary. This rule is necessary to avoid situations where screening of crop structures located close to property boundaries is lost because existing shelterbelts which provided screening are proposed to be removed. Requirement for resource consent enables the effects of removal to be considered on a case-by-case basis.
Amend Existing Rule 4.4.1.4.a.i.	Consequential change to referenced rule numbers to align with proposed changes to Rule 4.4.2.1.
Amend Existing Rule 4.4.2.1	To add a new 6m road boundary setback for artificial crop protection and support structures from all road boundaries; and ▪ Add exemption to road boundary setback where a proposed crop structure is screened by an existing shelterbelt. ▪ Consequential change to rule numbers for state highway and Waikato expressway setbacks. The road boundary is reduced in recognition that existing setbacks applying to buildings are not appropriate for crop structures and have resulted in unnecessary resource consent requirements. The reduced setback ensures that shelterbelts can be established in compliance with permitted standards if needed and also acknowledges other mitigation in the form of reduced heights and cloth colours that apply to permitted crop structures. The 6m setback ensures that potential effects on road safety relating to potential for glare, driver distraction, and sight visibility reduction resulting from structures being located too close to a road are appropriately managed and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.
Amend Existing Rule 4.4.2.2	To add a new 6m internal boundary setback for artificial crop protection and support structures; and ▪ Add exemptions to internal boundary setback where adjoining sites are held in common ownership, a proposed crop structure is screened from adjoining land by an existing shelterbelt; or the encroachment is a deemed permitted activity; and ▪ Consequential change to rule numbers for other internal boundary setback requirements. The yard setback is reduced in recognition that existing setbacks applying to buildings are not appropriate for crop structures and have resulted in unnecessary resource consent requirements. The reduced setback ensures that shelterbelts can be established in compliance with permitted standards if needed and also acknowledges other mitigation in the form of reduced heights and cloth colours that apply to permitted crop structures.
Amend Existing Rule 4.4.2.9	To add text that excludes artificial crop protection and crop support structures from the requirements of this rule. The exemption is needed because a new height rule specific to crop structures is proposed.
Add New Rule 4.4.2.9A	To add a new 6m maximum height requirement for artificial crop protection and crop support structures; and ▪ Add advice notes relative to national grid rules and New Zealand Electrical Code of Practice; and

Provision	Purpose / Reason
	Add reference to new Rule in failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of specifying a maximum height is to ensure consistency with resource consents granted throughout the district and to ensure that reductions in yard setbacks and exemption from site coverage do not result in situations where crop structures unduly dominate neighbouring land where they are located in close to property boundaries.
Amend Existing Rule 4.4.2.10	To add text which excludes artificial crop protections structures from site coverage requirements. The purpose of this change is to avoid unnecessary resource consent requirements by ensuring that resource consent requirements do not arise solely on the basis of the extent of land that may be covered by crop structures.
Add New Rule 4.4.2.57A	To add new rules for planting of new shelterbelts once PC25 becomes operative, and maintenance of all shelterbelts which require: - Maximum height of 6m within 20m of a property boundary; - Minimum 4m setback from property boundaries unless stated exemptions apply; - No restriction of sight visibility from vehicle access, road intersections or railway crossings; - Minimum setback of 10m from electricity lines; - Minimum setback of 10m from gas pipelines; - Maintenance obligations on owners to ensure vegetation does not extend over property boundary, removal of vegetation that falls onto neighbouring sites; - Requirement that maintenance occurs within boundary of the site on which the shelterbelt is located; - Add advice notes relative to New Zealand Electrical Code of Practice, Electricity regulation and Firstgas guidance; and - Add new failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of this standard is to ensure that permitted shelterbelts are planted and maintained to a height and in locations where their adverse effects on road safety, neighbours and infrastructure are appropriately managed and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.
Amend Existing Rule 4.4.2.58	Remove reference to shelterbelts in existing tree planting rule in lieu of new Rule 4.4.2.57A applying to shelterbelts instead.
Add New Rule 4.4.2.88	To add new rule for crop protection and support structures providing standards relating to cloth colours and 10m setback from electricity and gas infrastructure; and - Add advice notes relative to New Zealand Electrical Code of Practice, Electricity regulation and Firstgas guidance; and - Add new failure to comply text to make non-compliance with new rule a restricted discretionary activity. The purpose of this standard is to ensure that permitted crop protection and support structures are designed and located to ensure their visual effects on rural character, and effects on network utilities are appropriately managed, and to require consideration of effects through the resource consent process where one or more of the standards are not complied with.

4.4. District Wide Provisions: Section 21 – Assessment Criteria and Information Requirements

4.4.1. Changes to Section 21 are proposed as follows:

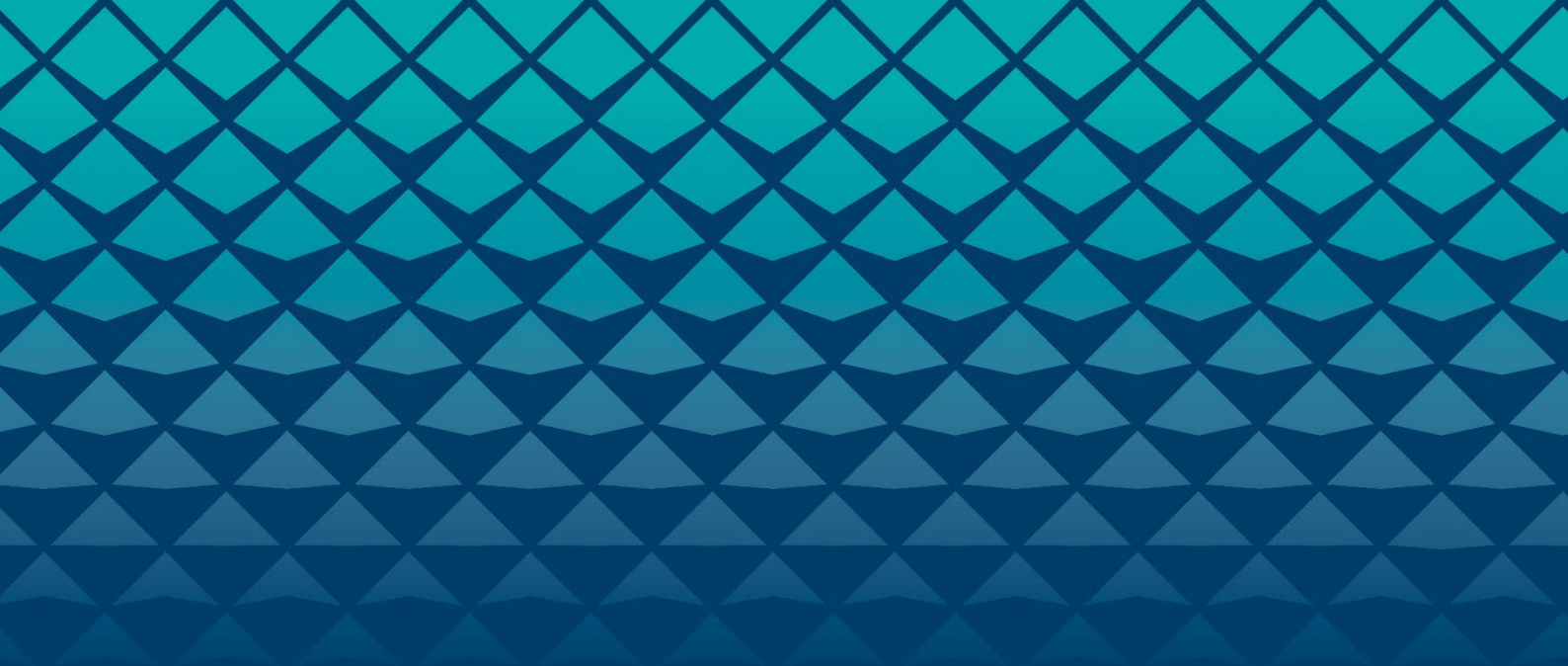
Provision	Purpose / Reason
Add New Assessment Criteria – 21.1.4.6A	New assessment criteria for restricted discretionary activity when proposed crop structures fail the minimum road boundary setbacks requirements.
Add New Assessment Criteria – 21.1.4.13A	New assessment criteria for restricted discretionary activity when shelterbelts failing to meet the standards in new rule 4.4.1.57A
Add New Assessment Criteria – 21.1.4.29A	New assessment criteria for restricted discretionary activity when crop structures fail to meet the standards in new rule 4.4.1.88
Amend Assessment Criteria 21.1.25.10	Amend to include reference to artificial crop protection structures.
Amend Assessment Criteria 21.1.25.14	Amend to reference artificial crop protection, support structures and shelterbelts.

4.5. Part F - District Wide Natural and Cultural Heritage: Section 25 – Landscapes and Viewshafts

4.5.1. Changes to Section 25 are proposed as follows:

Provision	Purpose / Reason
Amend existing Introduction section 25.1.5	Amend the text to include reference to shelterbelts, artificial crop protection structures and crop support structures.
Amend existing Resource Management section 25.2.12	Amend the resource management issue to reference artificial crop protection and support structures; and to correct the spelling of the term 'shelter belt'.
Amend existing Policy 25.3.1.1	Amend the policy to include reference to artificial crop protection structures and crop support structures.
Amend existing Policy 25.3.3.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.3.4	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.3.6	Amend the policy to reference artificial crop protection and support structures.
Amend existing Objective 25.3.4	Amend to text of the objective to provide greater clarity that the reference to 'buildings' include artificial crop protection and crop support structures.
Amend existing Policy 25.3.4.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.4.4	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.5.1	Amend the policy to reference artificial crop protection and support structures and correct the spelling of the term 'shelter belt'.
Amend existing Policy 25.3.5.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Policy 25.3.6.2	Amend the policy to reference artificial crop protection and support structures.
Amend existing Objective 25.3.10	Amend the objective and associated heading to reference artificial crop protection structures, crop support structures and to correct the spelling of the term 'shelterbelt'.
Amend existing Policy 25.3.10.1	Amend the policy to reference artificial crop protection and support structures and correct the spelling of the term 'shelter belt'.
Amend existing Policy 25.3.10.2	Amend the policy to reference artificial crop protection structures and crop support structures.

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



B

Part B – Section 32 Evaluation

Part B – Section 32 Evaluation

5. Introduction

5.1. Part B – Section 32 Evaluation Statutory Requirements

5.1.1. Part B fulfils the statutory requirements of section 32 of the RMA to prepare and publish an evaluation report for PC25. The report examines:

- The extent to which the objectives of PC25 (refer paragraph 4.1.1 above), and changes to existing objectives in the Waipā District Plan (WDP) are the most appropriate way to achieve the purpose of the RMA (s32(1)(a); and
- Whether the proposed provisions, including the amended objectives are the most appropriate way to achieve the objectives of PC25 (s32(1)(b).

5.1.2. In terms of s32(3) of the RMA, PC25 is deemed to be an amending proposal. This means that in determining under s32(1)(b) if the proposed provisions proposed by PC25 are the most appropriate way to achieve its objectives, the required examination must relate to:

- The objectives of PC25 as identified in paragraph 4.1.1, section A of this report.
- The provisions of PC25 as set out in Appendix 3, Part A – *Summary of the plan provisions proposed to be changed*.
- The existing relevant objectives within the Waipā District Plan that will remain if PC25 takes effect as set out in Appendix 3, Part B – *Existing objectives and policies of the WDP relevant to PC25*.

Changes to Existing Objectives

5.1.3. In addition to the objectives identified in 4.1.1, PC25 proposes to make minor changes to two existing objectives (objectives 25.3.4 and 25.3.10). These changes are inconsequential and have the purpose of replacing references to artificial screens with artificial crop protection and support structures and to correct a misspelling of shelterbelt. The changes to these objectives are shown below:

Objective 25.3.4 – to provide for lawfully established farming activities while ensuring the location of buildings (including artificial crop protection structures and crop support structures), driveways and infrastructure does not compromise and where practicable enhances the landscape qualities of visually sensitive hill country and river and lake environs.

Objective 25.3.10 – Ensure that the location of ~~shelterbelts~~ shelterbelts, artificial crop protection structures and ~~artificial screens~~ crop support structures maintains the character and amenity of natural landscapes, and views of outstanding landscape features from identified viewshafts.

5.1.4. The evaluation report is structured under the following headings:

- PC25 Objectives Most Appropriate Way to Achieve Purpose of Resource Management Act
- How PC25 Provisions are Most Appropriate to Achieve the PC25 Objectives

5.2. PC25 Objectives Most Appropriate way to Achieve the Purpose of Resource Management Act

- 5.2.1. The legislative direction of the Resource Management Act for changes to district plans is introduced below. This provides the framework within which the objectives of PC25 have been assessed in determining whether they are the most appropriate way to achieve the purpose of the Resource Management Act (refer to Appendix 4 – *Strategic Planning Context/Legislative Direction*).
- 5.2.2. Section 73 of the RMA provides direction for the preparation and change of district plans. Of relevance to PC25 is that Schedule 1 of the Resource Management Act applies.
- 5.2.3. Under Section 74 of the RMA Council must prepare and change its district plan (in this instance PC25) in accordance with:
 - It's functions under Section 31 of the RMA; and
 - It's obligations to prepare and have particular regard to an evaluation report in accordance with Section 32 of the RMA; and
 - The provisions of Part 2 (Purpose and Principles) of the RMA; and
 - Relevant National Policy Statements; and
 - Relevant regulations.
- 5.2.4. The following points are made with respect to Section 74(2) of the RMA:
 - There is no proposed regional policy statement or proposed regional plan relevant to consideration in terms of the subject matter of PC25; and
 - There are no management plans or strategies prepared under other Acts that are relevant to the subject matter of PC25; and
 - PC25 does not change the provisions of the Waipā District Plan as they relate to any relevant entries in the New Zealand Heritage List required by the Heritage New Zealand Pouhere Taonga Act 2014; and
 - PC25 does not seek to impose regulation relating to fishery resources; and
 - There are no project areas or objectives under the Urban Development Act 2020 that are impacted by PC25; and
 - There is no requirement or need for provisions for PC25 to be consistent with the provisions in the district plans of the adjacent territorial authorities. Notwithstanding this, the provisions of PC25 has been informed by, but do not mimic the provisions of other district plans; and

- There are no provisions of the emissions reduction and national adaptation plans under the Climate Change Response Act 2002 that are compromised or affected by PC25; and
 - The provisions of planning documents recognised by iwi and lodged with Waipā District Council are set out in Appendix 4. The five Iwi environmental management plans have been taken into account in preparing PC25, and discussed under section 5.5 below; and
 - In preparing PC25 no regard has been had to trade competition or the effects of trade competition.
- 5.2.5. Section 75(3) of the RMA provides that the Waipā District Plan must give effect to any national policy statement, national planning standard and the Waikato regional policy statement. Refer discussion under the heading national and regional direction in Sections 5.3 and 5.4 below.
- 5.2.6. Section 75(4) of the RMA provides that the Waipā District Plan and must not be inconsistent with a water conservation order or regional plan.
- 5.2.7. PC25 does not proposed to incorporate any material by reference into the Waipā District Plan.
- 5.2.8. There are a number of statutory and non-statutory documents that are relevant to PC25. A discussion of each of the key statutory considerations relevant to these are provided under the headings below.
- Resource Management Act
 - National Direction
 - Regional Direction
 - Mana Whenua and Iwi

5.3. Resource Management Act – Purpose and Principles

- 5.3.1. The purpose of a district plan (and therefore PC25) is to assist Council to carry out its functions in order to achieve the purpose of the Resource Management Act.
- 5.3.2. In this respect the relevant function of Council under Section 31 is to “establish, implement and review objectives, policies and methods to achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources”.
- 5.3.3. Farming activities including crop structures and shelterbelts are land use activities that are provided for by the Waipā District Plan. The purpose of PC25 is to ensure that the provisions of the Waipā District Plan enable and provide for farming activities in a way that ensures their associated effects are appropriately managed. This accords with the functions of Waipā District Council under the RMA.

Purposes

5.3.4. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The objectives of PC25 achieve this purpose in the following ways:

- They enhance the ability for people to use and develop rural land for farming activities, and in particular horticultural use, in a way that enables them to provide for their well-being;
- They provide certainty and flexibility for people wanting to establish crop structures and shelterbelts in association with farming activities in a way that will enables them to provide for their well-being;
- They enable the use of the soil resource for more efficient food production without impacting on the life supporting capacity of the soil resource;
- They ensure that the effects of structures and shelterbelts are appropriately managed through specified performance standards.

Principles – Matters of National Importance, Other Matters and Treaty of Waitangi Principles

5.3.5. Sections 6, 7 and 8 of the RMA require that Council, in achieving the promotion of sustainable management and exercising its functions (including the introduction of PC25) shall:

- Recognise and provide for matters of national importance listed in Section 6; and
- Have particular regard to other matters listed in Section 7; and
- Take into account the principles of the Treaty of Waitangi.

5.3.6. An assessment and commentary of these sections specific to PC25 has been undertaken and is included in Appendix 4.

5.3.7. Based on this assessment it is considered that the objectives of PC25 appropriately recognise and provide for and/or have particular regard to the specified matters in a way that:

- Protects the natural character of wetlands, lakes and rivers and their margins;
- Protects outstanding natural features and landscapes;
- Recognises the relationship of Māori and their culture with their ancestral lands, water, sites, wāhi tapu and other taonga;
- Protects historic heritage;
- Enables the efficient use and development of soil resources for farming activities;
- Maintains amenity values;
- Maintains environmental quality;

- Recognises the finite characteristics of highly productive land.
- 5.3.8. The objectives of PC25 do not alter how the principles of the Treaty of Waitangi are accounted for by the Waipā District Plan. In preparing PC25 consultation and liaison has occurred with iwi and mana whenua. Mana whenua and iwi regarding the proposed provisions and their potential impact on matters of importance to Māori. Provisions of the Waipā District Plan relevant to Te Ture Whaimana, historic heritage and landscapes / viewshafts remain in place unaltered.
- 5.3.9. It is acknowledged that there is a body of work necessary to be undertaken in relation to the identification and protection of sites of significance to Māori in the Waipā District. This work is beyond the scope of PC25.
- 5.3.10. In arriving at a conclusion that the PC25 objectives are the most appropriate way to achieve the purpose of the RMA, it is also necessary to consider national and regional directions under the RMA and consultation undertaken with iwi and mana whenua. Mana whenua and iwi. The objectives of PC25 are discussed in relation to these matters in Section 6 below.

5.4. National Direction

- 5.4.1. National directions are mandated through the RMA in the form of national policy statements (NPS), national environmental standards (NES) and national planning standards. The purpose of national direction is to:
- Provide a consistent approach to how Councils deal with activities that are subject to regulation via national environmental standards; and
 - State objectives and policies for matters of national significance that are relevant to achieving the promotion of sustainable management; and
 - Set out requirements or other provisions relating to the structure, format, or content of district plans.

National Policy Statements

- 5.4.2. An assessment and commentary of the national policy statements relevant to PC25 has been undertaken and is included in Appendix 4. PC25 does not make any changes which would result in the Waipā District Plan failing to give effect to the provisions of any relevant national policy statement. In this respect:
- No changes are made to existing provisions in the Waipā District Plan through PC25 that relate to development near the National Grid (NPS – Electricity Transmission 2008).
 - No changes are made to the existing provisions in the Waipā District Plan through PC25 that would compromise the achievement of freshwater directives as they relate to the functions of the Waipā District Council (NPS – Freshwater Management 2020).

- PC25 seeks to enhance the productive and efficient use of the Waipā District’s highly productive rural land resource for farming purposes, including horticultural purposes (NPS – Highly Productive Land 2022).
- No changes are made to the existing provisions in the Waipā District Plan through PC25 that relate to indigenous biodiversity (NPS – Indigenous Biodiversity 2023).

National Environmental Standards

- 5.4.3. An assessment and commentary of the national environmental standards relevant to PC25 has been undertaken and is included in Appendix 4.
- 5.4.4. PC25 does not make any changes which would result in the Waipā District Plan imposing requirements that duplicate, conflict with, or are more stringent than the provisions of any existing national environmental standard. The following points are made with respect to relevant standards:
- The introduction of setback standards for crop structures and shelterbelts from existing electricity lines is intended to protect these lines and provide for their ongoing maintenance. As the NES – Electricity Transmission Activities applies to existing high voltage transmission lines only, the setback provisions proposed by PC25 are not relevant to and do not conflict with the NES – Electricity Transmission Activities 2009.
 - Shelterbelts are excluded from consideration as commercial forest under the NES – Commercial Forestry. PC25 relates specifically to shelterbelts and as such the provisions are not relevant to and do not conflict with the NES – Commercial Forestry 2017.
 - The existing rule set relevant to activities in the Rural Zone contains objectives, policies and rules to avoid, remedy or mitigate effects on the quality of the district’s ground and water resources. No changes to these existing provisions are proposed by PC25. Accordingly, it is considered that PC25 is not inconsistent with the NES-Fresh Water 2020.

National Planning Standards

- 5.4.5. The Waipā District Plan has not yet been changed to reflect the format and definitions prescribed by national planning standards. It is not proposed to incorporate this format or definitions through PC25. This is because:
- The nature and complexity of the Waipā District Plan means that conversion of it to reflect national planning standards (and in particular the definitions standard) is not a simple exercise and as such (beyond implementation of the mapping standard and ePlan requirements) it was not able to be achieved by the 03 May 2024 deadline; and
 - Adoption of the definitions standard into the Waipā District Plan is not formally required until 03 May 2026; and

- The Waipā District Plan is due for full review. It was deemed inefficient to make changes to reflect national planning standards ahead of this review occurring; and
 - The Waipā District Plan has recently been changed to incorporate medium density residential standards mandated by central government at significant expense to ratepayers. There is little political appetite to commit additional ratepayer funds to change the Waipā District Plan when doing so will not serve any particular purpose beyond consistency of format.
 - The repeal of the Resource Management Act 1991 by the Labour Government in 2023 provided direction that the Waipā District Plan would be replaced by a regional plan under the Natural and Built Environment Act. As such it was not deemed efficient or cost effective to make changes to a district plan which was redundant in law; and
 - The resource management law reform being embarked on by the current Coalition Government is sending signals that the Waipā District Plan in its current form will be replaced by a chapter in a national or regional plan. As such it is not deemed efficient or cost effective to make changes to a district plan which may be redundant in a short time.
- 5.4.6. In the preparation of PC25 there has been some feedback from industry groups requesting that the definition of building in national planning standards be incorporated into the Waipā District Plan as part of PC25. The rationale for this is that they have adopted an interpretation that crop structures are not buildings and should not be captured by standards in the district plan that are designed to apply to buildings.
- 5.4.7. PC25 has deliberately retained crop structures as being within the definition of building provided by the district plan. This is because the effects of these structures are well catered for by the existing ruleset applying to buildings. As such reference to crop structures as being buildings was preferred.
- 5.4.8. The adoption of national planning standards needs to be holistic in its application and should not be implemented ad hoc.
- 5.4.9. National Planning Standards need to be introduced into the WDP via a specific plan change. Council is awaiting Government's direction via the RM Reform to determine if such a plan change would be necessary to commence.

5.5. Regional Direction

- 5.5.1. Regional Directions are mandated through Treaty Settlement legislation and through the RMA. These directions and their relevance to PC25 are discussed below under the following headings:
- Te Ture Whaimana o Te Awa o Waikato
 - Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato

Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana)

- 5.5.2. Te Ture Whaimana is the primary direction setting document for the restoration and protection of the health and well-being of the district's awa (Waikato and Waipa Rivers). It prevails over any National Policy Statement if there is any inconsistency. It also forms part of the Waikato Regional Policy Statement and is included as an appendix to the Waipā District Plan.
- 5.5.3. The Waipā District Plan references Te Ture Whaimana as follows:
- The Settlement Acts⁴ require that district plans give effect to Te Ture Whaimana.
 - Te Ture Whaimana is deemed in its entirety to be part of the Waikato Regional Policy Statement which district and regional plans must give effect to.
 - The co-management framework established for the Waikato River represents a new era of environmental management. The regional policy statement, regional plan, district plans, and plans and policy documents prepared under other Acts form part of this framework.
 - Policy direction in the Rural Zone *“to give effect to the directions and outcomes in Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River and the Waipā Accord through District Plan provisions relating to building setbacks, earthworks, farming activities, intensive farming, rural based industries and solid and liquid waste.”*
- 5.5.4. PC25 relates specifically to crop structures and shelterbelts. These are both associated with farming activities which are permitted in the Rural Zone. The standards of the district plan applying to the achievement of Te Ture Whaimana objectives and policies are not being altered by PC25.

Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato (WRPS)

- 5.5.5. In accordance with section 75(3)(c) of the RMA, the Waipā District Plan must give effect to the WRPS.
- 5.5.6. An assessment and commentary of the Waikato Regional Policy Statement as relevant to PC25 has been undertaken and is included in Appendix 4. It is considered that PC25 does not make any changes which would result in the Waipā District Plan failing to give effect to the provisions of the Waikato Regional Policy Statement.
- 5.5.7. The significant resource management issues for the region and relevant objectives for consideration through PC25 include:
- SRMR-I1 – State of Resources

⁴ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act) and Nga Wai o Maniapoto (Waipā River) Act 2012.

- SRMR-I5 – Relationship of tangata whenua with the environment
- SRMR – I6 – Health and Wellbeing of the Waikato River Catchment.
- IM-O1-Integrated Management
- IM-O2-Resource use and development
- IM-O9 – Amenity
- IM-P5 – Maintain and Enhance Areas of Amenity Value
- LF-O4-Values of soil
- LF-O5-High class soils
- NFL – O1 – Outstanding natural features and landscapes

5.6. Mana Whenua and Iwi

- 5.6.1. Section 74(2A) provides that Council when changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with Council.
- 5.6.2. There are five Iwi environmental management plans lodged with Waipā District Council, being:
- Hingakākā-Ngāroto Iwi Management Plan;
 - Ko Tā Maniapoto Mahere Taiao - Maniapoto Environmental Management Plan;
 - Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan;
 - Te Rautaki Tāmata Ao Turoa o Hauā - Ngāti Hauā Iwi Environmental Management Plan; and
 - Tai Tumu, Tai Pari, Tai Ao - Waikato-Tainui Environmental Management Plan.
- 5.6.3. An assessment and commentary of these iwi recognised planning documents as relevant to PC25 has been undertaken and is included in Appendix 4. It is considered that PC25 does not make any changes which would result in the Waipā District Plan being inconsistent with the outcomes sought by these plans. In this respect:
- The existing protection afforded to landscape areas and viewshafts by the Waipā District Plan will continue and will be applied to crop structures and shelterbelts.
 - The life supporting capacity of soil and water resources is not compromised by the provisions of PC25.
 - It is recognised that protection of cultural heritage requires further work to enable identification of sites of significance and management of effects of activities on them. This is a matter beyond the scope of the purpose of PC25.
- 5.6.4. The objectives of PC25 are to ensure the efficient and effective use of rural land for farming purposes continues, and that adverse effects on the environment arising from crop structures and shelterbelts are appropriately managed.

- 5.6.5. Engagement with Mana Whenua and Iwi has highlighted wider matters of concern about how the district plan addresses and protects the cultural values and landscapes alongside permitted rural land use.
- 5.6.6. In this respect an investigation on the potential effects arising from PC25 on the connection of existing marae with maunga and awa in Waipā has been completed (refer Attachment C, Appendix 1). The results of this confirmed that the suite of provisions proposed by PC25 alongside the circumstances of each marae, that potential effects on retention of these connections will be negligible.
- 5.6.7. In summary, the PC25 changes to the Waipā District Plan do not alter the existing mitigation and protection measures in place within the district plan that relate to cultural values and significant landscapes.
- 5.6.8. Council has engaged with Nga Iwi Topu O Waipā (NITOW) and the three Iwi authorities' that Council has joint management agreements (JMA) with, being:
- Maniapoto Māori Trust Board
 - Raukawa Settlement Trust
 - Waikato Raupatu River Trust

Ngā Iwi Topu O Waipā (NITOW)

- 5.6.9. NITOW provides representation for all hapu in the Waipā District. Meetings were held with NITOW to discuss and introduce the provisions of PC25. The full detail of these meetings is outlined in Appendix 1 – *Summary of engagement undertaken in the preparation of PC25*.
- 5.6.10. The key concern highlighted was whether the scale of the artificial crop protection structures permitted by PC25 could block or restrict the connection that existing marae have with the maunga and awa in the district.
- 5.6.11. Analysis of the districts five rural marae, and four other marae outside of Waipā, was undertaken to determine what potential impacts could be caused through the establishment of shelterbelts / artificial crop protection structures on land neighbouring these marae. Following this NITOW advised that the risk of cultural effects arising from crop structures impeding views from marae to maunga and awa will be low because of:
- The proposed height and setback standards
 - Buffers to neighbouring land being provided by the Marae Development Zone and associated whenua Māori
 - Marae being located within landscape areas
 - Marae being elevated above the level of neighbouring land

Joint Management Partners (JMA)

- 5.6.12. Council engaged with Joint Management Partners on PC25 through a regular meeting held monthly with Council's Manager District Plan and Growth. The full detail of these meetings is outlined in Appendix 1 – *Summary of engagement undertaken in the preparation of PC25*.
- 5.6.13. Through this engagement it became apparent that JMA partners were focused on the wider matters relating to the identification and protection of sites of significance to Māori throughout the district.
- 5.6.14. The WDP currently identifies known archaeological and cultural sites⁵ and cultural landscapes along with corresponding provisions to ensure that identified sites and areas are protected from inappropriate activities. It has been acknowledged with JMA partners that the district plan does not provide a mechanism by which all sites of significance to Māori are identified and afforded protection. Further work on this topic is necessary.
- 5.6.15. The purpose and scope of PC25 is narrow. There are a range of existing activities permitted in the Rural Zone may have adverse effects on sites of significance to Māori. JMA partners were advised that the identification and consideration of sites of significance in the district plan as part of PC25 is beyond the scope of the plan change.

Advice received from iwi -

- 5.6.16. Clause 4A to the first schedule of the Resource Management Act provides that before notifying a proposed plan change, Council must:
- (a) Provide a copy of the draft plan change to iwi authorities consulted under Clause 3(1)(d); and
 - (b) Have regard to any advice received on the plan changed from those iwi.
- 5.6.17. The Final draft s.32 Evaluation Report for PC25 was sent to Iwi (JMA partners) on 30 April 2025 for their consideration and to provide any advice. During May 2025 Council followed up twice on whether further information was needed by the Iwi Authorities, and attended the regular meeting held between the JMA Partners and Council's Manager District Plan and Growth. In response to Council's Section 32 Evaluation Report, feedback was received from Waikato Tainui and Raukawa Settlement Trust.
- 5.6.18. Waikato Tainui advised they were generally satisfied that the "Council has made genuine attempts to address concerns raised during the consultation phase and that environmental considerations have clearly been prioritised". Waikato Tainui also acknowledged the concerns previously raised by Raukawa regarding the

⁵ WDP defines Cultural Site – means any wahi tapu or wahi taonga or any place that contains koiwi tangata. Cultural sites may also be archaeological sites as defined in this Plan and marae or other specific sites of significance to Tangata Whenua.

identification of sites of significance to Māori and the relevance of Te Ture Whaimana. These matters have already been addressed in the s.32 Evaluation Report, with the detail of the analysis contained in Appendices 1 and 4 respectively.

- 5.6.19. Raukawa Settlement Trust advised that while their main concern is with the identification and protection of sites of significant to Māori throughout the district. They accepted that the inclusion of the cultural landscapes within the district plan is outside the scope of PC25. However, they remain interested in discussion how the values identified in the cultural landscapes can be introduced into the district plan.

5.7. Non-Statutory Documents

- 5.7.1. The four 'non-statutory documents' listed below assist Council in responding to and informing planning for and management of the urban growth needs of the district. Alongside the national direction these provide guidance for management of the rural and natural environments, and partnerships with tangata whenua / mana whenua at subregional and local levels:

- Future Proof Strategy (2024) ('Future Proof') - this is the subregional growth strategy to manage the needs and demands of urban growth while protecting the rural environment, the natural environment and rural resources.
- 2050 Waipā Growth Strategy (2017) ('Waipā 2050') - sets out the framework for the planning and management of growth for the district and responds to both the Future Proof Strategy, and the direction set through the Waikato Regional Policy Statement. This strategy provides an integrated approach to managing the district's growth by recognising, protecting and enhancing the features of Waipā that make the district a special place, setting a pattern for the future growth of settlements in the district and ensuring growth integrates with infrastructure provision for a more cost-effective approach to development.
- Waipā's Environmental Strategy (2010) - identifies the key principles for sustainability and provides strategic direction at a district level relating to environmental wellbeing, biodiversity, climate change, urban design protocol, heritage and waste management. It is identified that this strategy will be reviewed with a focus on better protection, enhancement and management of the environment and life-sustaining resources.
- Ahu Ake, Waipā Community Spatial Plan (2025) ('Ahu Ake') - is district's 'umbrella' strategy providing the blueprint for how Waipā is to look like in 30+years and sets out how that will be achieved by setting out decade-by-decade implementation plan. Through this implementation plan it is intended that the Waipā 2050 and the Environmental Strategy will be reviewed and updated.

- 5.7.2. All four strategies provide direction and indication of the anticipated growth patterns and expected outcomes from a district through to a subregional perspective. The management of rural land and resources are provided for through the focus on how urban growth and settlement patterns are to be determined, in particular the direction to limit growth into the highly productive land in the region.

5.7.3. The objectives of PC25 align with the purpose of all four strategies, by ensuring the efficient and effective use of rural land for farming purposes continues, and that effects from the artificial crop structures and shelterbelts are managed.

5.7.4. PC25 will not compromise the anticipated outcomes set out in these documents for the retention and protection of the rural environment as a rural resource for future generations.

5.8. Summary

5.8.1. The objectives of PC25 are to have provisions relating to shelterbelts and artificial crop protection and support structures in the Rural Zone of the Waipā District Plan that ensure:

- (a) The efficient and effective use of rural land for farming purposes is maintained; and
- (b) Adverse effects on the environment arising from shelterbelts and crop protection structures are appropriately avoided, remedied or mitigated; and
- (c) That the district plan accounts for changing land use patterns in a manner consistent with national direction; and
- (d) Unnecessary resource consent requirements are avoided.

5.8.2. Following examination of the relevant legislative direction it is concluded that the PC25 objectives are the most appropriate way to promote the sustainable management of natural and physical resources insofar as they relate to shelterbelts and crop structures.

5.8.3. The reasons for this are that the objectives:

- Are relevant to Council's functions under the RMA;
- Enable people to use and develop land for farming purposes in a way that enables them to provide for their well-being;
- Do not give rise to any situation where the existing settled provisions of the Waipā District Plan are changed in a way which results in:
 - the principles of sustainable management (including matters of national importance) being compromised;
 - the requirements of national and regional directions (including Te Ture Whaimana) are not given effect to;
 - failure to take into account relevant planning documents lodged with council that are recognised by iwi authorities.
- Do not compromise the achievement of other non-statutory documents that have been developed to guide development and growth within the Waipā District.

6. How PC25 Provisions are Most Appropriate to Achieve the PC25 Objectives

6.1. Section 32(1)(b) of the Resource Management Act 1991

6.1.1. Section 32(1)(b) of the Resource Management Act 1991 requires an examination of whether the provisions of PC25 are the most appropriate way to ensure that the objectives of PC25 are achieved. This is done by:

- Identifying other reasonably practicable options for achieving the objectives; and
- Assessing the efficiency and effectiveness of the PC25 provisions in achieving the PC25 objectives noting that this is to include:
 - Identification and assessment of the benefits and costs of the effects anticipated from implementation of the provisions (including opportunities for economic growth and employment); and
 - quantification of the benefits and costs (if practicable); and
 - assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the PC25 provisions; and
- Summarising the reasons for deciding on the provisions.

6.1.2. Appendix 5 - *Assessment of options to achieve the objectives of PC25* set out the examination that has been completed to fulfil the requirements of Section 32(1)(b).

6.2. Identify and Assess Reasonably Practicable Options

6.2.1. The planning outcomes sought by the PC25 objectives are to:

- Ensure the continued use of the district's rural land resource for primary production that uses in-situ soils.
- Ensure that the Waipā District Plan contains provisions that give effect to the National Policy Statement for Highly Productive Land.
- Provide appropriate mitigation measures to mitigate effects arising from the establishment of artificial crop protection or support structures and the location of shelterbelts on cultural values, identified landscapes and viewshaft areas.
- Provide appropriate mitigation measures to mitigate effects arising from the establishment of artificial crop protection or support structures and the location of shelterbelts on adjoining properties, transportation, rail networks, electricity transmission lines and the national high pressure gas pipeline within the district.
- Ensure that all necessary supporting and consequential amendments are made in the district plan to improve plan administration and avoid unnecessary or unintended resource consent requirements.

- 6.2.2. Section 32(1)(b)(i) of the Resource Management Act 1991 requires this report to identify ‘*other reasonably practicable options*’ to achieve the objectives of PC25. These can include retaining the status quo, non-regulatory methods and regulation.
- 6.2.3. This part of the report outlines the processes undertaken and examines other reasonably practicable options considered to achieve the objectives of PC25. In developing the PC25 provisions, several matters were examined before the various options were identified. these included:
- Identifying matters arising from feedback from internal council teams, Mana Whenua and Iwi and external stakeholders;
 - Researching parameters set through resource consents granted for artificial crop protection structures and shelterbelts in the Waipā District, and
 - Examining how other councils have provided for artificial crop protection structures and shelterbelts in their district plans.

Identification of Options

- 6.2.4. Three reasonably practicable options have been considered as means to achieve the objectives of PC25. These are:
- Status Quo retained; and
 - Highly Permissive Ruleset; and
 - Crop structures and shelterbelts are provided for subject to management of their associated environmental effects.
- 6.2.5. These three options and their associated costs and benefits relative to each of the objectives of PC25 are detailed in Appendix 5, Part A – *Option consideration against PC25 objectives*. The following analysis sets out which of the three options has been determined to be the most appropriate to achieve the objectives of PC25. The following conclusions are reached with respect to each of the three options:

Option 1 – Status Quo:

- Is the cause of the current inefficiencies in the district plan rule set associated with the establishment of artificial crop protection structures and planting of shelterbelts.
- Fails to achieve the objective of PC25 to ensure the efficient and effective use of rural land for farming purposes will be maintained. The existing planning framework is already identified as being deficient through consistent granting of resource consents for dispensation from site coverage and setback requirements.
- Compromises consistent administration of the district plan and will continue to trigger resource consent requirements for non-compliance with performance standards.
- Shelterbelts continue to be planted in species type and locations contrary to the requirements of existing rules.

- Continued ignorance of rules and proliferation of retrospective resource consent application.

Option 2 - Highly enabling provisions for artificial crop protection structures, artificial screens, crop support structures and shelterbelts:

- Aligns with the direction of the National Policy Statement for Highly Productive Land (NPS - HPL) and promotes a permissive approach towards horticultural crop protection, with no setbacks or other controls imposed over crop protection mechanisms.
- The permissive nature of Option 2 would not enable effects on neighbouring properties, road safety, gas / electricity infrastructure and landscape values to be addressed through performance standards. This could compromise achievement of existing rural objectives and policies.
- Allowing artificial crop structures and/or shelterbelts to establish with no provisions to manage the scale, colour, location and maintenance (of shelterbelts), have the potential to generate adverse effects on transportation networks, utility infrastructure, neighbouring properties and landscape values without ability for effects in all cases to be avoided or mitigated through appropriate site design responses.

Option 3 - Amendments to the WDP to provide for artificial crop support and protection structures, and shelterbelts while mitigating effects on the rural environment:

- Aligns with the direction of the National Policy Statement for Highly Productive Land (NPS-HPL) in not unnecessarily restricting the use of rural land for productive purposes.
- Aligns with purpose of the Rural Zone being to provide for “*land uses of a predominately production or rural working nature*”⁶ and gives effect to the NPS-HPL.
- Prioritises the use of highly productive land for primary production, including horticultural activities that are ‘*reliant on the soil resource of the land*’ such as those supported by permeable and unfloored crop protection structures.
- Enables the application of performance standards to proposals for crop structures and shelterbelts to ensure that actual and potential effects are appropriately managed through the resource consent process in the event of non-compliance.
- Aligns with the explanation of how the district’s rural character is defined.⁷
- Balances reverse sensitivity effects and anticipated primary production activities in a working rural environment. Represents the shift in land use trends diversifying to other primary production activities such as horticulture

⁶ Section 4.1.12.d, Section 4 – Rural Zone, Waipā District Plan.

⁷ Section 4.1.12.d, Section 4 – Rural Zone

(e.g. kiwifruit, blueberries, asparagus and various other crops are now grown in the district).

- 6.2.6. Option 3 is considered to be the most appropriate option to achieve the objectives of PC25. Under this option artificial crop protection and support structures and shelterbelts are provided with a permitted activity pathway, with appropriate controls being in place to manage effects on rural character, neighbouring properties, road safety, infrastructure and landscape values (refer to Appendix 5, Part B – Analysis of the formulation of provisions to achieve Option 3).

6.3. Evaluation of Proposed Provisions

- 6.3.1 Having determined that Option 3 is the preferred approach, an analysis of proposed provisions of PC25 and how they are the most appropriate to achieve the objectives of PC25 is set out in Appendix 6 – Analysis of the specific planning provisions proposed in accordance with Option 3 to achieve the objectives of PC25. The tables in sections 6.4 – 6.7 provide the key matters of consideration for the proposed provisions. The full set of provisions set out in the ePlan, being amended through PC25 are set out in Appendix 7 – Tracked-Change Version of the WDP setting out the proposed changes through PC25.
- 6.3.2 Section 32(1)(c) outlines that the evaluation report must also contain a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the proposal. The anticipated effects are not considered to be significant due to the context of the existing rule set for the Rural Zone and Section 25 – Landscapes and Viewshaft Areas, and how artificial crop protection and support structures, and shelterbelts are proposed to be managed within the sections respective rule sets.

6.4. Definitions

- 6.4.1 New definitions are proposed for the following terms:
- Artificial Crop Protection Structure
 - Crop Support Structure
- 6.4.2 Amendments are proposed to existing definitions for the following terms:
- Artificial Screens
 - Farming Activities
 - Shelterbelts
- 6.4.3 The table below discusses the proposed changes to the definitions section of the Waipā District Plan with respect to why they are considered to be the most appropriate way to achieve the objectives of PC25.

Consideration / Discussion
Options Considered Refer Appendix 6 for discussion on various options considered for each of the definitions being added / amended.
Relevant PC25 Objectives Achieved 1. Ensure the efficient and effective use of rural land for farming purposes is maintained. 2. Avoid unnecessary resource consent requirements.
Efficiency and Effectiveness – Benefits of Effects Anticipated from Implementation PC25 Clear definitions ensure that relevant provisions of the district plan can be consistently applied to development proposals for crop protection and support structures and shelterbelts resulting in environmental and economic benefits.
Efficiency and Effectiveness – Costs of Effects Anticipated from Implementation of PC25 No environmental, economic, social or cultural costs are considered to arise from the provisions of PC25 relating to definitions.
Summary The changes proposed by PC25 to the definitions are necessary to ensure that implementation of the district plan does not result in any unintended consequences. In this respect the changes are considered to be the most appropriate to achieve the objective of PC25 because they: ▪ Provide clarity on the expected form and purpose of structures; ▪ Enable consistent administration of the district plan; ▪ Avoid conflict and confusion when determining what provisions are to be applied to development proposals; ▪ Provide clarity to the intent and extent of structures and shelterbelts anticipated and provided for by the District Plan.

6.5. Section 4 Rural Zone

6.5.1 Changes are proposed to the Rural Zone provisions as set out below:

- Amendments to introduction text
- Amendments to existing policies (4.3.2.2 and 4.3.2.4)
- New permitted activity added (shelterbelts)
- New restricted discretionary activity (removal of shelterbelts)
- Amendments to road boundary setback rule (Rule 4.4.2.1)
- Amendments to internal boundary setback rule (Rule 4.4.2.2)
- Amendments to maximum height rule (Rule 4.4.2.9)
- New rule for maximum height of crop protection and support structures (New Rule 4.4.2.9A)
- Amendments to site coverage rule (Rule 4.4.2.10)
- New rule for specific provisions applying to shelterbelts (New Rule 4.4.2.57A)
- Amendment to tree planting rule (Rule 4.4.2.58)
- New rule for specific provisions applying to crop protection and support structures (New Rule 4.4.2.88)

6.5.2 The table below discusses the proposed changes to the rural zone section of the Waipā District Plan with respect to why they are considered to be the most appropriate way to achieve the objectives of PC25.

Consideration / Discussion
Options Considered The PC25 provisions were developed based on implementation problems associated with the existing plan provisions and a review of provisions applying in other district plans. The provisions were further refined following feedback from landowners and industry groups. Refer Appendix 6 for discussion and reasoning for the individual provision that are proposed to apply in the Rural Zone.
Relevant PC25 Objectives Achieved 1. Ensure the efficient and effective use of rural land for farming purposes is maintained. 2. Ensure adverse effects on the environment arising from shelterbelts and crop protection structures are appropriately avoided, remedied or mitigated. 3. Ensure that the district plan accounts for changing land use patterns in a manner consistent with national direction. 4. Avoid unnecessary resource consent requirements.
Efficiency and Effectiveness – Benefits of Effects Anticipated from Implementation PC25 1. Shelterbelts are explicitly recognised as permitted activities. 2. Crop structures are permitted to be located closer to site boundaries and are not subject to site coverage controls. 3. Specific standards apply to the design and location of crop structures and the location / maintenance of shelterbelts which ensures that environmental effects of them on road safety, neighbours, rural character, and infrastructure are controlled through the resource consent process in the event of non-compliance. 4. Shelterbelts are planted in locations where ongoing maintenance is able to occur on-site in a manner that promotes health and safety and does not impose obligations on adjoining landowners.
Efficiency and Effectiveness – Costs of Effects Anticipated from Implementation of PC25 1. Neighbours may experience loss of outlooks and views over neighbouring properties because structures are permitted to be built closer to property boundaries and cover larger land areas. 2. Landowners are not able to protect all of the available cropping areas of their properties because of setback requirements. 3. The permitted maximum height of structures is less than what can occur for other buildings in the Rural Zone. 4. Landowners are not able to plant shelterbelts on their property boundaries. 5. Resource consent processes are initiated where non-compliance with performance standards occurs.
Summary The changes proposed by PC25 to the provisions of the rural zone are necessary to provide explicit recognition that shelterbelts and crop protection and support structures are anticipated and provided for in the Rural Zone. Shelterbelts are permitted activities in the rural zone, while providing specific standards to manage the environmental effects of them on road safety, neighbours, rural character, and infrastructure. In this respect the changes are the most appropriate to achieve the objective of PC25 because they: ▪ Provide clarity on anticipated building envelope for crop structures; ▪ Avoid doubt and confusion when determining the provisions to be applied to shelterbelts; ▪ Enable consistent administration of the district plan; and

Consideration / Discussion

- Provide clarity to the permitted nature, size, design and location of structures and shelterbelts that are able to be established as of right in the rural zone.

6.6. Section 21 – Assessment Criteria and Information Requirements

6.6.1 Changes are proposed to assessment criteria in Section 21 as set out below:

- New assessment criteria (21.1.4.6A) provided for artificial crop structures that fail to comply with setback from road boundary standards in rule 4.4.2.1(c).
- New assessment criteria (21.1.4.29A) for shelterbelts failing to comply with performance standards in new rule 4.4.2.57A.
- New assessment criteria (21.1.4.29A) for artificial crop protection and support structures failing to comply with new rule 4.4.2.88.
- Amendments to existing assessment criteria (21.1.25.10) to change references to artificial screens to artificial crop protection structures.

6.6.2 The table below discusses the proposed changes to the assessment criteria and information requirements section of the Waipā District Plan with respect to why they are considered to be the most appropriate way to achieve the objectives of PC25.

Consideration / Discussion

Options Considered

The PC25 provisions were developed based on implementation problems associated with the existing plan provisions and a review of provisions applying in other district plans. The provisions were further refined following feedback from landowners and industry groups. The new assessment criteria set out the matters that will be considered when resource consent applications for non-compliance with permitted activity standards are being assessed.

Refer Appendix 6 for discussion and reasoning for the individual assessment criteria that are to be considered at the time of a resource consent.

Relevant PC25 Objectives Achieved

1. Ensure adverse effects on the environment arising from shelterbelts and crop protection structures are appropriately avoided, remedied or mitigated.

Efficiency and Effectiveness – Benefits of Effects Anticipated from Implementation PC25

1. Providing certainty on the matters discretion will be restricted to in making decisions and imposing conditions on resource consent applications for crop structures and shelterbelts.

Efficiency and Effectiveness – Costs of Effects Anticipated from Implementation of PC25

1. No environmental, economic, social or cultural costs are considered to arise from the provisions of PC25 relating to assessment criteria.

Summary

The changes proposed by PC25 to the assessment criteria for the Rural Zone and Landscape and Viewshaft Areas are necessary to enable case-by-case assessment of crop structures and/or shelterbelts that do not comply with the performance standards applicable to the proposal.

In this respect the changes are the most appropriate to achieve the objective of PC25 because they:

- Enable appropriate assessment of the effects of proposed structures and shelterbelts as part of the resource consent process without extending consideration beyond the scope of the rule or standard that is not complied with; and
- Provide for the consistent administration of the district plan.

6.7 Section 25 – Landscapes and Viewshafts

6.7.1 Changes are proposed to Section 25 – Landscapes and Viewshafts as set out below:

- Amendment to resource management issues text (25.2.12) to incorporate reference to crop support structures, artificial crop protection structures and artificial screens.
- Amendment to existing policy (25.3.1.1.a) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendments to existing policies (25.3.3.2, 25.3.3.4 and 25.3.3.6) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendment to existing objective (25.3.4) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendments to existing policies (25.3.4.2 and 25.3.4.4) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendments to existing policies (25.3.5.1 and 25.3.5.2) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendment to existing policy (25.3.6.2) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendment to existing objective (25.3.10) and its associated heading to incorporate reference to artificial crop protection structures and crop support structures.
- Amendments to existing policies (25.3.10.1, 25.3.10.2) to incorporate reference to artificial crop protection structures and crop support structures.
- Amendment to existing policy and (25.3.10.3) to change the spelling of shelterbelt.
- Amend exiting permitted activity rule (25.4.1.1.h) to incorporate reference to ‘artificial crop protection structures and crop support structures’
- Amendments of existing rules (25.4.2.2 and 25.4.2.3) to exclude permeable cloth associated with artificial crop protection structures from the colour requirements of prescribed by these rules.

6.7.2 The table below discusses the proposed changes to the landscapes and viewshafts section of the Waipā District Plan with respect to why they are considered to be the most appropriate way to achieve the objectives of PC25.

Consideration / Discussion
Options Considered The PC25 provisions for Section 25 – Landscapes and Viewshafts are being changed to incorporate reference to artificial crop protection structures and crop support structures into the introduction, objectives, policies and rules. Essentially the changes proposed by PC25 are consequential and ensure that existing provisions which relate to artificial screens in landscape areas appropriately

Consideration / Discussion
reference crop structures. There is no change to the overall intent of the objectives, policies and rules of this section.
Relevant PC25 Objectives Achieved Ensure adverse effects on the landscape values of the environment arising from shelterbelts and crop protection structures are appropriately avoided, remedied or mitigated.
Efficiency and Effectiveness – Benefits of Effects Anticipated from Implementation PC25 - All artificial crop structures will continue to be assessed as a restricted discretionary activity. - The continued protection of identified landscapes and viewshafts through the existing plan framework in Section 25 for buildings being applied to crop structures (e.g. setbacks from road boundaries within identified viewshafts). - The continued protection of identified landscapes and viewshafts through the existing plan framework for shelterbelts.
Efficiency and Effectiveness – Costs of Effects Anticipated from Implementation of PC25 - Neighbours may experience a change to their outlooks and views towards identified landscapes because of the limited cloth colours to be applied to crop protection structures. - Landowners are not able to protect all of the available cropping areas of their properties because of setback requirements. - Landowners are not able to plant shelterbelts on their property boundaries. - Resource consent processes are initiated where non-compliance with performance standards occurs.
Summary The purpose of Section 25 to protect and manage effects on the district's outstanding natural features, awa and sensitive hill country. The changes to this section are considered no more than consequential. It is necessary within landscape and viewshaft areas that the establishment of shelterbelts and crop protection and support structures respond to the specific requirements when locating within an identified landscape or viewshaft area. In this respect the changes are the most appropriate to achieve the objective of PC25 because they: - Ensure that existing provisions of this section that relate to buildings and artificial screens will continue to apply to crop structures. - Provide clear direction on how effects arising from shelterbelts and crop protection structures in landscape and viewshaft areas are appropriately avoided, remedied or mitigated.

7. Conclusion

7.1.1 This report is the evaluation undertaken by Council in accordance with the requirements of Section 32 of the Resource Management Act 1991 for Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures.

7.1.2 The outcome of this evaluation report is that:

- The objectives of PC25 are the most appropriate way to achieve the purpose of the Resource Management Act 1991; and
- The proposed provisions of PC25 (policies, rules and other methods) are considered to be the most appropriate way to achieve the objectives of PC25.

Appendix 1 – Summary of the engagement undertaken in the preparation of PC25:

Attachment A - Draft PC25 plan provisions ('July 2024 Version')

Attachment B - Council responses to Have Your Say feedback

Attachment C - Analysis of significant views from Marae to Maunga/Awa

Attachment D - PC25 draft provisions and recommendations ('January 2025 Version')

Appendix 2 – Analysis and Commentary on Existing Plan Provisions

Appendix 3 – The existing provisions of the Waipā District Plan relevant to PC25

Part A - Summary of the plan provisions to be changed

Part B - Existing objectives and policies of the WDP relevant to PC25

Appendix 4 – Strategic Planning Context/Legislative Direction

Appendix 5 – Assessment of options to achieve the objectives of PC25

Part A - Option consideration against PC25 objectives

Part B - Analysis of the formation of provisions under Option 3

Appendix 6 – Analysis of the specific planning provisions proposed in accordance with Option 3 to achieve the objectives of PC25

Appendix 7 – Tracked-Change version of the WDP setting out the proposed changes through PC25
