

In the Matter of: The Resource
Management Act 1991

AND

In the matter of: Proposed Plan Change 25
to the Waipā District Plan

AND

In the Matter of: Hearing Direction #1 from
the Hearings Panel

PROPOSED PLAN CHANGE 25 – SHELTERBELTS AND ARTIFICIAL CROP PROTECTION AND SUPPORT STRUCTURES

Rebuttal Evidence from Alice Morris, Senior Policy Planner – Waipā District Council

1. My name is Alice Jane Morris, and I am the author of the s.42A report for Proposed Plan Change 25 – Shelterbelts and Artificial Crop Protection and Support Structures (PC25). I hold a bachelor of Regional Planning from Massey University; I have over 30 years of resource management experience; and have been employed by Waipā District Council since 2024.
2. The purpose of this rebuttal evidence is to respond to the joint hearing statement from Waikato Federated Farmers of New Zealand and New Zealand Kiwifruit Growers Incorporated (NZKGI) filed with Council on Wednesday, 12 August 2026, in relation to PC25.
3. In accordance with Point 5 of Hearing Direction #1 I have reviewed the shared hearing statement and have determined that formal rebuttal is required in relation to new relief with respect to Rule 4.4.1.3.o, Rule 4.4.2.57A, and Rule 4.4.2.88 on the basis that they are outside the scope of the original submissions.
4. In addition to this, the content of the shared hearing statement also raises a number of issues which I consider would benefit from being clarified by the authors at the hearing. These issues relate to:
 - Purpose of Hearing Statement
 - Environment Court Consent Orders

Purpose of Hearing Statement

5. The shared hearing statement is unique in that it is a document that has been prepared by the representatives of two separate submitters.
6. It is not clear if the statement is intended to be read by the Hearing Panel as a submission advocating the position of the submitters or as expert planning evidence to the provisions of Proposed Plan Change 25.
7. In my opinion, the shared hearing statement should be treated as a submission because:
 - it confirms that the authors are authorised to speak on behalf of Federated Farmers and NZKGI; and
 - the content of the hearing statement presents the position of the Federated Farmers and NZKGI, rather than it being the expert planning opinion of the authors.

Scope of Submissions

8. The shared hearing statement seeks relief that was not originally sought by their submissions. This specifically relates to:
 - Rule 4.4.1.3.o;
 - Rule 4.4.2.57A;
 - New Rule 4.4.2.88;

Rule 4.4.1.3.o

9. This rule requires a resource consent for *“removal of any existing shelterbelt which is screening an existing artificial crop protection structure or crop support structure for a road or a dwelling on an adjoining site, which results in non-compliance with Rule 4.4.2.1.c or Rule 4.4.2.2.d”*.
10. NZKGI in their submission supported this rule and did not seek any relief relating to it. Federated Farmers did not submit on this rule.
11. In paragraphs 59 and 97(d) of the shared hearing statement it is stated that *“... we do not consider Rule 4.4.1.3.o is necessary”* and they seek that the rule be deleted. This relief is not within the scope of the original submissions.

Rule 4.4.2.57A

12. This rule provide a number of standards relating to the planting of shelterbelts as a permitted activity. This includes standards (a) and (e) which refer to shelterbelt heights and maintenance in terms of property boundaries.
13. In paragraph 78 of the shared hearing statement, it is stated that:

“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.

14. I don't consider that the rule is problematic. Property is defined by the District Plan as *“means adjoining land in the same ownership held in one or more certificates of title.”* The use of the term *“property”* in this rule is deliberate and means that the rule does not apply in situations where land is held in common ownership. Because of this no change to the rule is necessary.

15. This is not a matter that is raised by the original submissions of NZKGI or Federated Farmers and therefore out of scope of the submissions.

New Rule 4.4.2.88

16. New Rule 4.4.2.88 as notified proposes standard for crop structures which specify requirements for the colour of permeable cloth and separation requirements from electricity and gas lines.

17. NZKGI submission and relief sought to this rule sought two changes to the rule as notified which relate to screening and the incorporation of setback and height provisions into this rule. Federated Farmers did not submit on this rule.

18. Paragraph 63 of the shared hearing statement requests that the rule reads:

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.*

19. Clause b) is not within the scope of the of the original relief sought and should not be considered.

20. It is recognised that parts of Clause c) are within the scope of relief sought on Rule 4.4.2.2 (as addressed by paragraphs 4.7.41 to 4.7.48 of the Section 42A report).

21. Amendment of the rule as sought by paragraph 63 would result in other uncontested provisions of this rule relating to infrastructure setbacks being deleted. This, alongside the inclusion of clause b) is outside the scope of the original submission by NZKGI.

Environment Court Consent Orders

22. The shared hearing statement appends a consent order of the Environment Court that resolved appeals made by Horticulture New Zealand and Federated Farmers of New Zealand to the Proposed Waikato District Plan.

23. Paragraphs 55, 69 and 71 of the shared hearing statement refer to this consent order and quote reasoning contained within it as being a decision of the Environment Court.

24. The consent order in paragraphs [9] and [11] makes It clear that:

- The reasons set out in [9](a) – [9](v) are why the parties considered that the concerns raised by their appeals were satisfied; and
- The court has made the order under s279(1) of the Resource Management Act, *“such order being by consent rather than representing a decision or determination on the merits.”*

25. I wish to clarify that the consent order is a record of agreement between the parties and is not a decision of the Environment Court on the merits of the appeals.



Alice Morris
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Waipā District Council