

Draft Plan Change 25 Council Responses to September/October 2024 Community Feedback

Council received a great range of feedback matters during the September/October 2024 to the Draft Plan Change 25 – Shelterbelts & Artificial Crop Protection Structures. The following table sets out all the received feedback and Council’s responses under the following topic headings. All feedback is identified in the table using the Have your Say feedback title; or if received as an email is identified under organisations names.

Feedback Topics	
1.	Definitions
2.	Rural Activities
3.a.	Artificial Crop Protection Structures (ACPS): Site Coverage
3.b.	Artificial Crop Protection Structures (ACPS): Height
3.c.	Artificial Crop Protection Structures (ACPS): Materials
3.d.	Artificial Crop Protection Structures (ACPS): Setbacks
4.a.	Shelterbelts: General queries
4.b.	Shelterbelts: Site Coverage
4.c.	Shelterbelts: Shading
4.d.	Shelterbelts: Setbacks
4.e.	Shelterbelts: Maintenance
5.	Views, Landscapes & Viewshafts
6.	Compliance and Enforcement

1. DEFINITIONS
FEEDBACK RECEIVED:
Viewshaft? - Viewshaft is not defined in the terms at the beginning of the document. Would you please explain what is a viewshaft? Kakepuku is listed as sensitive. Does that mean if I can see Kakepuku from my house that this view is protected?
Definitions - Please define: (1) What constitutes a shelterbelt for any purpose, hedge vs shelterbelt? (2) What is a viewshaft? And how are they determined? (3) What is a special Landscape and how are they determined?
Shelterbelt Definition - There is already a definition of shelterbelt vs hedge. However, there is certainly a grey area for rural residential gardens. Example, it is not uncommon for a garden be located near the boundary of a property utilising mixed planting – differing species and heights. These are utilised for visual appeal, screening from neighbours, birdlife, noise reduction etc. These are neither a hedge nor a shelterbelt. Our definition would be they are a garden and would not come under either definition - recommend that some thought regarding clarification be made.
Implications of definitions - Permitted activities, it is unclear why ACPS are included in farming activities definition. Is it intentional that ACPS are captured by both 4.4.1.1a and z?
<p>Horticulture New Zealand (HortNZ):</p> <ul style="list-style-type: none"> • HortNZ propose a number of changes the draft planning provisions for ACPS and shelterbelts (Refer to the full HortNZ feedback document): <ul style="list-style-type: none"> ○ Definitions for artificial crop protection structures; shelterbelts and introduce a definition for Crop Support Structures • ACPS are critical for a number of sectors including kiwifruit, berry, persimmon, apples, pears and nashi. • A Crop Support Structures (CSS) defined as an open structure on which plants are grown. ACPS are distinct from Crop Support Structures (CSS) • CSS are positioned and designed to direct growth to established canopies. They include ‘A’, ‘T’ and ‘Y’ frames, pergolas and fences. • Land use controls imposed by district plans have the most direct impact on the resource management regulatory framework for crop support structures and artificial crop protection structure. • There has been inconsistency in how these structures area controlled under ‘generic’ building or structure rules, due to the broadness of these definitions (and ensuring uncertainty in whether they are a building or not). Accordingly, HortNZ advocates for a separate planning pathway for these structures. • While generally supports the intent of PC25, there is concern that the rules proposed, in particular, for artificial crop protection structures are too restrictive and will likely see retirement of HPL. It also remains unclear if ACPS are defined as a building – policies and rules throughout the plan change would suggest as such. HortNZ supports a separate planning pathway for ACPS. • The definition for ACPS be amended to read: structures with material used to protect crops and/or enhance growth (excluding greenhouses). Note: for the avoidance of doubt, artificial crop protection structures are structures (as per section 2 of the RMA) and not buildings.
New Zealand Kiwifruit Growers Incorporated (NZKGI):

1. DEFINITIONS

- NZKGI propose a number of changes the draft planning provisions for ACPS and shelterbelts (Refer to the full NZKGI feedback document):
 - Definitions for artificial crop protection structures; shelterbelts and farming activities
 - Add definition for Crop Support Structure (CSS).
- District Plans broad definitions of building or structure rules often lead to uncertainties and compliance issues for growers using ACPS.
- Amend the definition of ‘Building’ by adding additional bullet points under “but does not include: Artificial Crop Protection Structures or Crop Support Structures.
- Add a definition for CSS – means an open structures on which plants are grown.
- Amend the definition of ‘Farming Activities’ to align with the National Planning Standards.

WAIPĀ DISTRICT COUNCIL RESPONSE:

- A viewshaft is a viewing corridor from a fixed point to a specific feature.
- All references to special landscapes and viewshafts in draft PC25, are locations that are already specifically identified and mapped by the district plan (Refer to Section 25 – Landscapes and Viewshafts, Waipā Operative District Plan [District Plan - Waipā District Plan](#)). The direction and extents of each of these existing viewshafts were identified following formal landscape analysis as part of previous district plan review undertaken in 2008-2012.
- The district plan does not protect private views to the district’s significant natural features.
- Definitions for both shelterbelts and hedges are already contained in the district plan: shelterbelts are a maximum of 4 rows of trees planted for wind protection and screening; while hedges are a row of trees or shrubs planted for screening. The full extent of what is identified as a ‘rural residential garden’ is not intended to be captured by either the definition. However, if the garden abutted up against a property boundary and along that property boundary was planted a row of trees or shrubs, that area of the garden would be deemed either a hedge or a shelterbelt, and subject to the compliance with the planning provisions.
- Artificial Crop Protection Structures are included in the definition of farming to make it clear (in the same way that reference to glasshouses and packing sheds) that they are taken as being part and parcel of what a farming activity is.
- Council is open to introducing a new definition for Crop Support Structure.
- The purpose of the plan change does not lean itself to wholesale change of the existing definitions for ‘Buildings’ or ‘Farming Activities’. The alignment of the terminology of the ODP with the National Planning Standards will be a separate process.
- It is considered that ACPS do fall within the definition of ‘Building’ in the ODP; it is clear an ACPS is a structure and therefore should not be listed as an exclusion from that definition. This reasoning also applies to crop support structures

1. DEFINITIONS

- Artificial crop protection structures are not captured within and are not accessory to the defined meanings of principal dwellings or shelterbelts.

2. RURAL ACTIVITIES

FEEDBACK RECEIVED:

Protection = Progress - Farming is hard, and those of us who have done it for long enough know that you do what you can to protect what you care for. I'm sure all can appreciate the severity of the changing climate, and the increasing nature of catastrophic events make it even harder to farm profitably and one bad event can be the end of that year's crop and livelihood. Unfortunately, 'lifestylers' don't get this, as their income does not depend on the land they work with. The rural zone is just that – rural, which

Farmland is for farming! - Farming and horticulture are key activities for the Waipā, it's a joke if you live in the country then complain when someone farms or plants/builds a shelter next to you. That's what's the country is for - it's not a place for the rich to have a lifestyle block and think they can then protect 'their' views. If its productive land - don't live there and if you choose to you are choosing to have the risk of your view disappearing. Unfortunately, you are going to get a flood against as the 'lifestylers with 3 paddocks think their farmers and they outnumber the actual productive farmers and growers 20:1 already.

Shelterbelts and ACPS in the Rural Environment - Shelterbelts and ACPS are both tools that are essential to continue producing food, imposing hard restrictions on them makes that extremely difficult.

- Careful consideration should be had to the feedback provided by HortNZ and NZKGI.
- Once a shelterbelt is fully mature, it can obscure ACPS from view, making them blend into the landscape.
- Making it easier for growers to implement ACPS and shelterbelts won't lead to a significant increase in their use across the district, as only a small percentage of the district's land is suitable for crops like kiwifruit
- Horticulture contributes over \$800 million annually to New Zealand's export revenue. A large portion of this income flows back into the local community, enriching us all. Additionally, horticulture provides significantly employment opportunities within the region.
- We've seen, and continue to see, a significant amount of high-quality rural land converted into housing developments, both on the outskirts of cities and even within rural zones. When comparing the visual impact, a well -maintained shelterbelt is far preferable to rows of houses on once-productive farmland.

2. RURAL ACTIVITIES
<ul style="list-style-type: none"> • Flexible, practical regulations around shelterbelts and ACPS will ensure that growers can continue to contribute to both the local economy and New Zealand’s food security, while also maintaining the beauty of our rural landscape.
<p>Protection of rural productivity - Any shade-cloth provisions should have consideration for the existing uses in the rural zone to ensure the District Plan achieves its desired objectives. For this reason, it is critical that an adequate setback on to adjoining properties is maintained to ensure that no deleterious effects of shading make the adjoining land unproductive for farming and other rural activity. Similarly, setbacks to shelterbelts are necessary to ensure necessary maintenance and upkeep is contained to the proponent's property, rather than imposing a burden on neighbouring properties and businesses. Consideration should also be given to the species planted to ensure no plants are planted that are poisonous to livestock and native species.</p>
<p>Economic benefit of a few - Economic benefit of a few, don’t overcome adverse effects for many – Waipā is an area of natural landscapes that should be enjoyed by all. These crop protection structures wipe out all existing vegetation, mature trees and biodiversity. There should be restrictions of the size of site coverage allowed e.g. no more than 20 hectares and no adjoining blocks. No mitigation can compensate for this.</p>
<p>Productive Land - Waipā is already making good use of its “productive land” in many types of pastoral farming that don’t have such massive effect on the rural character (large area of covered industrial horticulture are not required).</p>
<p>Protection from Fertilisers - I opposed this be change, I have concerns that these massive high walls of green block views and homes close to new horticultural developments will be impacted by insecticides and fertilisers. Not happy!</p>
<p>Toxic Sprays affecting pasture - The fifteen meters from boundaries and roads is good because of the Toxic Sprays the kiwifruit industry uses. People need to be aware of how bad some of these sprays are to grazing animals (sheep and cattle) and pets-dogs especially. Bees are also badly affected. The use of net structures and tall windbreaks will mitigate only some of the spray. If it’s a windy day, it lands on your grazing pasture. Hi-Cane, Kasumin and Key-Strepto are chemicals that have strict controls.</p>
<p>Alleged spray drift - I see some comments on here talking about spray drift. A recent study has found that shelterbelt planted outside a cloth shelter will provide 100% protection against spray drift. Shelterbelt with a cloth shelter should be promoted in this case - no setback is needed.</p>
<p>Subdivision options - Have horticulture subdivision options been considered to better enable horticulture growth within the District?</p>
<p>Horticulture New Zealand (HortNZ):</p> <ul style="list-style-type: none"> • There are ~1696 hectares of horticultural growing operations in the Waipā district. The highly productive land (HPL) and peat soils within the district, access to markets, state highways and the Port of Tauranga make the region a prime growing area. • Rural character includes the existence of rural buildings and structures which can often be of a utilitarian form. ACPS also form part of rural character. Not all rural landscapes are ‘open’ and including such terminology in a description leads to false conceptions as to what the rural area and character are.

2. RURAL ACTIVITIES

- Shelterbelts are an inherent part of rural production, used for a number of reasons including preventing wind erosion of soils, shelter and shade for stock, and wind and weather breaks for orcharding. They can also reduce the potential for reverse sensitivity issues as they act as a barrier between properties – particularly they are an important mitigation tool for managing spray drift.
- HortNZ propose a number of changes the draft planning provisions for ACPS and shelterbelts (Refer to the full HortNZ feedback document):
 - Amend the introduction and objectives and policies of the Rural Zone
 - Amend the activity status table – *provide a controlled or permitted activity for ACPS ‘with 5m setback where a shelterbelt is also provided before or at the time of establishment and will be maintained so that it will provide a screen to mitigate visual issues’*
 - Amend the activity status table by deleting 4.4.1.1(o) as in the unlikely event a shelterbelt would be removed would result in con-compliance because the ACPS couldn’t meet the 15m setback rule.
 -

New Zealand Kiwifruit Growers Incorporation (NZKGI):

- NZKGI while in support of PC25, is concerned about the effects that may result on growers.
- ACPS increase the productivity of horticultural activities, and when established on highly productive soils, this land use meets the intent of the NPS-HPL.
- While the focus of the plan change appears to be on amenity effects, this must be balanced against objectives and policies that provide for primary production activities as a legitimate and expected activity in the Rural Zone. The current rules in PC25 place too much emphasis on amenity values, which limits the productive potential of rural land.
- Horticulture is a constantly evolving industry, with growers seeking more sustainable and efficient ways to produce high-quality crops. One innovation is the increased use of artificial crop protection structures which support better crop growth with minimal environmental impact.
- NZKGI propose a number of changes the draft planning provisions for ACPS and shelterbelts (Refer to the full NZKGI feedback document):
 - Amend the introduction and objectives and policies of the Rural Zone – by including a new policy – *‘to avoid reverse sensitivity effects and ensure that primary production activities are not adversely affected by the establishment of sensitive activities in the Rural Zone’*.
 - Amend the activity status table to include Crop Support Structures which are akin to a fence, so they should be provided for as a permitted activity. ACPS should be identified as an activity and not have to rely on the farming definition for permitted activity status.

WAIPĀ DISTRICT COUNCIL RESPONSE:

2. RURAL ACTIVITIES

- The purpose of the Rural Zone is to enable rural production, including technical developments for farming activities while managing the environmental effects of those technological developments to ensure changes do not cause adverse effects on other rural activities, such as other types of farming activities or lifestyle living in the rural area.
- The rural landscape is not static and is a changing environment due to market demand and new production opportunities to ensure farming continues to be an important part of our district's economy.
- The proposed 4m maintenance setback provisions for shelterbelts will help in restricting stock access to poisonous plant species.
- When living in the rural area of the district, it must be expected that there will be farming activities (including the establishment of shelterbelts for either stock or plant shelter, farming buildings and structures, and the use of fertilisers, sprays and machinery) occurring on adjoining or adjacent properties.
- Views from private properties are not protected by the district plan. Refer to the information sheet linked below which highlights what to expect - [Country living in Waipā - Waipa District Council \(waipadcc.govt.nz\)](https://www.waipadcc.govt.nz/)
- Shelterbelts and crop protection structures provide spray drift mitigation, and setbacks address a range of effects including spray drift. Waikato Regional Council has rules and requirements for agrichemical spraying in the Waikato region. You can find more information about these rules in their 'Contractor's Guide to Agrichemical Spraying'. <https://www.waikatoregion.govt.nz/assets/WRC/Contractors-Guide-to-agrichemical-spraying.pdf>
- The review of rural subdivision rules is not within the scope of draft PC25. At present subdivision rules are in place to avoid inappropriate subdivision of highly productive land. There is potential for application for subdivision consent to be made for smaller lots under the current rules, with decisions being made on a case-by-case basis with appropriate consideration of the NPS – Highly Productive Land which seeks to avoid subdivision of highly productive land.
- The requirement for a resource consent under Rule 4.4.1.1(o) – Removal of a shelterbelt which is screening an existing ACPS – enables a full assessment to be undertaken on the visual effects of its removal when there is an existing ACPS, along with determining if the ACPS non-compliance, caused as a result of the removal of the shelterbelt, could be mitigated. This could not occur if the removal was a permitted activity, and once the shelterbelt was removed the ACPS non-compliance would become an enforcement matter.
- Because ACPS fall under the definition of 'Farming Activities' as a building/structure associated with a farming activity, there is already a planning pathway for them; it is not considered necessary to provide a separate activity status and planning pathway, however Council is open to hearing alternative viewpoints on this.
- While there is merit in the intent of the proposed reverse sensitivity policy being sought for inclusion, there is also a potential scope issue in introducing a new policy that is not specific to crop protection. PC25 does not include any new rules for sensitive activities. Council prefers to continue to assess reverse sensitivity issues through the existing rule framework and the NPS – highly productive land.

2. RURAL ACTIVITIES

- Draft Rules 4.4.2.1.c. and 4.4.2.2.d. provide a permitted activity pathway for ACPS to be closer than 15m when screened by an existing shelterbelt. It is considered that resource consent is necessary for proposed shelterbelts so that conditions can be imposed to ensure that the promoted outcomes are realised and maintained overtime.

3.a. ARTIFICIAL CROP PROTECTION STRUCTURE (ACPS) – SITE COVERAGE

FEEDBACK RECEIVED

Site coverage - Areas allowed for ACPS – the current unrestricted coverage means that WDC lose any mechanism/levers to control coverage. Crop protection structures should not cover more than X% if the property is over Y hectares. Our suggestions is 20% over 5ha.

Building Coverage - Exempt from maximum building coverage – there will be no control of size of properties and site covering which is alarming for the future of Waipā. It has potential to wipe out huge areas of the landscape. The present district plan states “minimize adverse effects on rural character and amenities” – why is this most important now?

Horticulture New Zealand (HortNZ) – ACPS are not buildings and should therefore be exempt from building coverage rules.

WAIPĀ DISTRICT COUNCIL RESPONSE

- The rationale for no site coverage control for artificial crop protection structures has come from a review of the approved resource consents (where the approved site coverage percentage has ranged from 30%-80%), rules in other district plans, and the importance to provide for the use of highly productive land.
- To balance the change in site coverage, performance standards (height, setback, permeability, material colours) for ACPS are applied in the ruleset. This provides a range of tools to manage the size and scale effects of the structures without unduly impacting the use of highly productive land or dominate adjoining properties.
- It is recognised that there is potential for localised effects to arise from removal of site coverage controls where land use change sees more orchards and crop protection structures introduced. Given controls that are proposed for landscape areas and the overall size of Waipā’s rural area compared to land that has been converted it is considered that the over the life of the district plan there is limited potential for wholesale landscape change to occur which would justify requirement for resource consent for site coverage matters.

3.b. ARTIFICIAL CROP PROTECTION STRUCTURES (ACPS) – HEIGHT
FEEDBACK RECEIVED
Height of standalone vertical shelters - Why is a 6m height required? Industry uses 8m vertical shelters
Height for vertical shelter - The draft plan stipulates a 6m maximum height for vertical shelters. Have you sought industry input for this restriction? The industry uses vertical shelters on up to 8m depending on the topography and predominant wind for the orchard. The vertical shelters are implemented to protect both the vine and the fruit from sustaining damage. By limiting them to 6m would mean some locations would not be able to provide the necessary protection for the crop.
<p>Horticulture New Zealand (HortNZ): In promoting a new rule set for ACPS sets out the height of the structure does not exceed 6m. 6m allows for the height of a crop and for machinery to operate.</p> <p>Proposes a new rule for ACPSs:</p> <p><i>a) the height of the structure does not exceed 6m; and either;</i></p> <p><i>b) Green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written consent of the owner(s) of the immediately adjoining property or the road controlling authority; or</i></p> <p><i>c) the structure is setback 1m from the boundary.</i></p> <p><i>Except no setback shall apply where:</i></p> <p><i>i. Any adjoining site is held in common ownership;</i></p> <p><i>ii. The artificial crop protection structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt.</i></p>
New Zealand Kiwifruit Growers Incorporation (NZKGI): Opposes the 6m height control as ACPS may be over 6m in some instances. Other plans have a range of heights between 8-12m. The height of 9m is sought.
WAIPĀ DISTRICT COUNCIL RESPONSE
<ul style="list-style-type: none"> • The proposed 6m height aligns with the heights of existing consented artificial crop protection structures in the district. • The proposed height offsets potential effects associated with removal of site coverage controls and along with setback requirements and other performance standards will ensure that the artificial crop protection structures do not unduly dominate adjoining properties. • Resource consent application can be made to increase the height of ACPS on a case-by-case basis if this is deemed necessary.

3.b. ARTIFICIAL CROP PROTECTION STRUCTURES (ACPS) – HEIGHT

- The consideration of height controls being different to the standard 12m height maximum in the rural zone has been with the wider consideration of the overall visual bulk of the ACPS; it is considered the lower profile, 'level of transparency and along with either setbacks and/or shelterbelts lessens the visual effects of these structures in the rural environment.
- There is also a range of height proposed through other district plans for ACPS, ranging from 6m – 12m.

3.c. ARTIFICIAL CROP PROTECTION STRUCTURES (ACPS) – MATERIALS
FEEDBACK RECEIVED:
<p>Colour requirements - Why are colour requirements needed if you are using vegetative shelterbelts around the outside of ACPS? They won't be seen. White cloth better promotes growth. Cloth is also used internally throughout an orchard – does this also have to meet colour requirements?</p>
<p>Shade Cloth Colour - White stands out like snow in the desert. Green is like a giant neon billboard especially when the sun shines at or through it and there are many shades of dark green none of which blend in with nature on the scale needed. Black (not being a colour) is the only choice if you want to have the least effect on the visual environment.</p>
<p>Cloth colour of ACPS in special landscapes and viewshafts - Colour of ACPS in special landscapes and viewshafts should have to comply with the N6 Colours. Only acceptable colour would be black. White is totally unacceptable in these areas. Allowing white canopies in Special Landscape areas would result in the N6 being regarded as a farce and its highly likely landowners will ask for white to allow as part of the N6 because of the precedent set. This is obviously not desirable. The green cloth is highly visible and often reflective. Consideration be given that if a RC is approved the only acceptable colours would be black for both vertical and canopies (horizontals).</p>
<p>Micro Plastics - How can the Waipā Council support and promote the use of artificial screens at a time when the rest of the world is desperately trying to eliminate non-essential use of plastic? The Council is debating freeing up its use on a nuclear scale when there is a totally natural way to achieve the same. The Council is very much aware of the public dislike to the artificial screens. If growing Kiwi fruit or any crop requires such massive change to the environment to be productive is this the right place to grow such crops? Kiwifruit production requires a considerable quantity of water so it is often planted adjacent to our waterways, it also requires a massive amount of chemical spraying, that along with micro plastics and visual pollution the council should be asking itself if this is what the people of Waipa really want. Is this the best way forward for our children, all for the gain of a very few who don't necessarily reside in Waipa.</p>
<p>Microclimate - Has any consideration been given to the impact of shade cloths on the local microclimate? Altering the microclimate through artificial through artificial means, such as via shade cloths, can have major environmental impact on protected species, the ability of adjoining rural properties to undertake the permitted activity found in rural zones (e.g. through impacts to grass growth), and in some cases create heat islands. Moreover, has any analysis been undertaken on the potential impacts to wind patterns, stormwater, precipitation, and other environmental considerations. In light of climate change, where municipalities around the world are undertaking enormous effects to mitigate heat, it is important this is being considered in these provisions.</p>
<p>Impact to flying species - What analysis has been undertaken to determine the impact that these extensive, structures have on flying species? For examples, the critically endangered longtail bat resided in the Waikato. Has the impact of shade cloths on this species been considered and how have these proposed provisions taken that impact into consideration? The same goes for other flying birds, animals, and insects.</p>

3.c. ARTIFICIAL CROP PROTECTION STRUCTURES (ACPS) – MATERIALS

Shelterbelts - In 2020 one orchardist applied for Resource Consent to erect canopies and structures for 13 of his properties in the Waipā district. The public pushback to this was massive and consequently the Resource Consent was withdrawn. Is the Waipā DC considering that the general public does not want to see its green paddocks covered in plastic? Waipa could end up being the largest producer of microplastics in our food chain?

Horticulture New Zealand (HortNZ): Proposes a new rule which captures cloth requirements for ACPSs. The colour of vertical cloth materials is not support in its entirety.

New Rule:

a) the height of the structure does not exceed 6m; and either;

b) Green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written consent of the owner(s) of the immediately adjoining property or the road controlling authority; or

c) the structure is setback 1m from the boundary.

Except no setback shall apply where:

i. Any adjoining site is held in common ownership;

ii. The artificial crop protection structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt.

New Zealand Kiwifruit Growers Incorporation (NZKGI): Vertical cloth materials should only be limited in colour choice when in proximity to a boundary unless a shelterbelt exists to screen the cloth from the boundary.

WAIPĀ DISTRICT COUNCIL RESPONSE

- There is no requirement in PC25 that artificial crop protection structures are screened with shelterbelts.
- Resource consent applications can be made to have different colours, screening of materials would be relevant in making a decision.
- Shelterbelts and crop protection structures can be established independently or together.
- The proposed cloth colours, and where these are applied to the frame of an artificial crop protection structure aligns with how other district plans control cloth colours.
- Council understands, the use of different cloth colours is an industry requirement to ensure optimal growth of the specific crop, and therefore, providing a ruleset for colours will ensure the productive use of the land along with managing effects of the use of coloured cloth in the rural environment.
- While it is acknowledged the introduction of coloured cloth into the existing rural environment is a change, this can be mitigated through the planting/maintaining existing shelterbelts. Providing a ruleset to control how the coloured cloth can be applied will also assist in reducing the potential for visual effects.

3.c. ARTIFICIAL CROP PROTECTION STRUCTURES (ACPS) – MATERIALS

- Appendix N6 – Natural Landscape and Viewshaft Colour Chart in the Operative District Plan set out the accepted colours palette for buildings (roofs, facades and exterior walls) within the natural landscapes and viewshafts (Rules 25.4.2.2. and 25.4.2.3. Colour of buildings). Draft PC25 is proposes dark green or black on the sides (vertical), and dark green, black or white cloth on the roof (horizontal) of artificial crop protection structures. It should be noted that resource consent will be required in all instances for ACPS landscape areas. In light of this the colour of cloth materials should not be prescribed, instead as part of any resource consent application colours may be promoted as a mitigation measure. Prescribing a colour range as an RDA performance standard may result in unintended consequence. Council will consider removal of cloth colour requirements in light of this.
- Microplastics is a global issue, and an issue with a wider reach than the intent of draft PC25 which is to provide greater clarity on the use of accepted horticultural technologies already used for crop protection while balancing the use of these structures in the District’s rural environment. Nevertheless, it is important to understand what the industry is doing in the management of the materials used on crop protection structures (erection, maintenance and end of life management of the cloth). There is no direction relative to microplastics in the Waikato Regional Policy Statement, similarly there is no national direction in play on this issue either. In the absence of this direction Council is not in a position to develop its own policy relative to the avoidance of the deposition of microplastics in the environment. This is a matter that has national consequence, and which should be led by central government.
- Whether the establishment of artificial crop protection structures in an area would cause a change to the local ‘microclimate’ may need discussion between the horticultural industry, and regional and central government. This matter needs to be considered in terms of the purpose of the RMA to promote sustainable management and the role of the Waipā District Plan in achieving this.
- The cloth material to be used on these structures will be permeable to air, water and sunlight, as such there is unlikely to be any stormwater management issues as would be the case if glasshouses or plastic clad greenhouses were being established.
- There is awareness that the orientation, height, density and length of a shelterbelt does affect the air turbulence on the leeward side of a shelterbelt.
- Effects of ACPS on flying species, is a matter to be raised with the horticultural industry and the regional council.
- New rules would only apply to existing artificial crop protection structures if it was determined that they were not lawfully established and assigned existing use rights.

3.d. ARTIFICIAL CROP PROTECTION STRUCTURES – SETBACKS
FEEDBACK RECEIVED:
<p>CPS setbacks - Why are 15m internal and road boundary setbacks needed for CPS when AUC has no setbacks, WBOP have 6m setbacks and Waikato DC have 12m setbacks. The proposed setbacks in this plan change are the largest.</p>
<p>Productive land wastage - Why is a 15m setback needed for a CPS if it is behind a new row of shelterbelt that will eventually obscure the view of the CPS? This setback plus the shelterbelt setback from a road and internal boundaries creates productive land wastages (i.e.: 4m internal setback for shelterbelt + 15m setback for CPS = 11m of land between the two that is unable to be productively used).</p>
<p>Shelter Set Back - Under the RMA, the govt wants High quality land not to be wasted, current Waipa setbacks proposals waste high quality land</p>
<p>15metre setback is needed - Good on the Council for proposing 15m setbacks because of all the TOXIC chemicals used by Kiwifruit orchards. We don't want them on our pasture for grazing animals. I not a lifestyler but grow animals for food on my productive grazing land. 15metres is a much-needed buffer zone when these guys spray in windy conditions.</p>
<p>Firstgas seeks the following provisions are incorporated into PC25 before its public notification: - Providing for the placement of any support structures for artificial crop protection structures within 10m of the Gas Transmission Pipeline as a permitted activity, with written approval from Firstgas being one of the standards that needs to be complied with for a permitted activity status. Should the activity fail to comply with this standard, the activity should have a restricted discretionary status where a resource consent would need to be obtained from Waipā District Council.</p>
<p>Horticulture New Zealand (HortNZ): While supporting the permitted activity approach proposed for ACPS, the proposed setback requirements are unrealistic and would result in a loss of HPL. Proposes a new rule for ACPS:</p> <ul style="list-style-type: none"> a) <i>the height of the structure does not exceed 6m; and either;</i> b) <i>Green or black cloth is used on any vertical faces within 30m of a property boundary, including a road boundary, except that a different colour may be used if written consent of the owner(s) of the immediately adjoining property or the road controlling authority; or</i> c) <i>the structure is setback 1m from the boundary.</i> <p><i>Except no setback shall apply where:</i></p> <ul style="list-style-type: none"> i. <i>Any adjoining site is held in common ownership;</i> ii. <i>The artificial crop protection structure is screened from any adjoining site (not in common ownership) by an existing shelterbelt.</i>
<p>New Zealand Kiwifruit Growers Incorporation (NZKGI):</p>

3.d. ARTIFICIAL CROP PROTECTION STRUCTURES – SETBACKS

- A 15m setback would result in a significant loss of productive land and will not substantially change the visual outcome of the ACPS even at 15m. If the Council wanted to address the visual outcome of the ACPS, then the rule should allow for incentives which enable the ACPS to be built closer to the boundary. These incentives should include the establishment of a hedge (such as a pittosporum) or a shelterbelt planted at 1m from the boundary. In this case, a 5m setback is recommended to allow for a 1m setback for a vegetated shelterbelt/hedge and a 4m allowance for access between the shelterbelt and ACPS.
- the effect being address by the setback could be more effectively achieved by a black or green artificial crop protection structure or a vegetative shelterbelt, then a pathway that incentivised this approach would be useful.

WAIPĀ DISTRICT COUNCIL RESPONSE:

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- The proposed rule set provides circumstances when setback for an ACPS can be reduced (as well as the 4m setback for a shelterbelt on an internal boundary) without requirement for resource consent.
- A setback can be reduced to zero if the artificial crop protection structure is to be located behind and screened by an existing shelterbelt.
- A resource consent will be required to reduce the setback when there is no existing shelterbelt, or it is proposed to plant a shelterbelt so to ensure that screening outcomes are actually established and maintained overtime.
- The proposed 15m internal and road boundary setbacks for artificial crop protection structures aligns with the minimum setback already provided for buildings/structures in the Rural Zone which have been in place for a number of years through successive district plans.
- Setbacks near roads are needed to maintain safety and avoid distractions.
- Setbacks adjacent to property boundaries are necessary to maintain rural character and avoid potential boundary conflicts with neighbouring landowners.
- Prescribing setback requirements for artificial crop protection structures does not inhibit the use of high-quality land for productive purposes. PC25 does not impose any controls which seek to limit the extent to which highly productive land can be used for productive purposes. Crop protection structures may enhance the productivity of land but are not necessary to enable the land to be used for productive purposes.
- All rural land is able to be used for productive purposes. The proposed changes to site coverage will enable greater coverage of existing productive sites to increase a site's productivity.
- Setbacks apply to buildings and structures only.

4.a. SHELTERBELTS – GENERAL
FEEDBACK RECEIVED:
A concerned neighbour - By saying 'mainly horticulture', does that mean the rules apply to all shelterbelts? A developer wants to put up a shelterbelt to hide his industrial intentions on rural land. Would there be different rules for his shelterbelt? A shelterbelt for industrial purposes would have a different purpose (noise protection and sight protection) than a horticultural shelterbelt (wind shelter). Should this be considered in the changes?
Existing Shelterbelts - Will existing shelterbelts be identified and mapped onto the council maps to avoid retrospective penalties being applied to these, to make it clear in council LIM reports.
Shelterbelts on LIM Reports - Council will need to map ALL existing shelterbelts, so everyone is aware of responsibilities prior to buying or developing a property.
“Existing shelterbelt” definition - What size/ height/ age is an “existing shelterbelt” to utilise the no setback exceptions?
Horticulture New Zealand: Shelterbelts are critical for primary production, providing shelter from wind turbulence; a barrier between productive activities and adjoining properties, minimising any visual effects on neighbours.
<p>New Zealand Kiwifruit Growers Incorporation (NZKGI):</p> <ul style="list-style-type: none"> • Shelterbelts are crucial for primary production, providing shelter from wind turbulence. • They also act as a barrier between productive activities and adjoining properties, minimising any visual effects on neighbours • Seek provisions that support the use of shelterbelts and hedges for both their functional benefits and visual screening while minimising the loss of productive land through excessive setback requirements.
WAIPĀ DISTRICT COUNCIL RESPONSE:
<ul style="list-style-type: none"> • The rules in draft PC25 will apply to all new shelterbelts regardless of what the intended purpose of the shelterbelt is for or who is planting it. • It is not proposed to identify or map existing shelterbelts. • Resource consents which authorise the establishment of shelterbelts and artificial crop protection structures will be identified on a Land Information Memorandum (LIM) Report. • The Draft PC25 rules will only apply to new shelterbelts planted after PC25 becomes operative. Any complaints about existing shelterbelts will be considered on a case-by-case basis using the existing use right provisions of the Resource Management Act.

4.b. SHELTERBELTS – SHADING

FEEDBACK RECEIVED:

New Shading Requirements - Could you please explain what the rationale is behind the proposed shelterbelt shading requirements regarding the shading of paved roads. Where has this requirement come from and what will property owners wanting to plant a shelter need to provide to demonstrate compliance. This rule seems very ambiguous and as there is a proposed 4m requirement for internal boundaries would it not be clearer to propose a set distance for external/road boundaries. This would make it clear for landowners and easier for Council to enforce?

Crash History? - What was the rationale behind implementing the shading requirement associated with shelterbelts near roads? Is there evidence, such as crash history data, that links existing shelterbelt shading to road safety risks? Could we review this study or supporting documentation?

Shading of the road - The rationale and intent of controlling road shading is unclear. Does not appear to be supported by evidence. Will be impractical to enforce.

Shelterbelt shading - How are you going to monitor/ enforce the shading requirements? Are you expecting shading plans? Would prefer a set distance.

Shading Requirement - What would a landowner have to provide to prove that the shelter will meet this requirement once mature? This proposed change would provide inconsistencies across the district as this requirement is site specific based on where the road is in relation to the sun on 21st June. This would result in some landowners losing the ability to utilise productive land while their neighbour across the road can due where the road is and the location of the sun. It would be fairer and easier to enforce (for council) if it is a required setback much like is proposed for the internal boundaries.

Shading - In your webinar the explanation regarding shading was rather confusing? Is the shading only pertaining to a dwelling? What provision is to be taken regarding the shading of neighbouring land and enjoyment of one's property? How will this affect future dwellings if there is not currently a dwelling already there? Your example diagram gave figures of shading of shelterbelts up to 10m in height. Shelterbelts are often much higher. Is there no maximum height restrictions planned for shelterbelts on boundaries?

Setbacks based on shading - Watching the webinar, you state that the first objective is to "maintain the efficient and effective use of rural land for farming purposes". The proposed setback rules based on shading of a paved road counteract the council's objective above. By using a setback rule based on forestry requirements (with no explanation as to why you have proposed this) will see the loss of productive land on a lot of properties. It seems counterintuitive to lose good productive land all because you do not want to shade the road. Driving around Cambridge (the town of trees) there are several locations where rows of big oak trees shade the road, but this is not an issue? What are landowners supposed to do with the strip of land between the boundary and the shelter? It is waste of good productive land and also created inconsistencies with land values for properties in the same area. Council needs to provide a better rationale for this requirement not just that it has been pulled from

4.b. SHELTERBELTS – SHADING

forestry requirements. Shelterbelts are not forestry. They are maintained to protect the crop and plants but are also atheistically pleasing for road users. Road boundaries should have a defined setback.

Shelterbelts and roads - Supportive of the new 21 June rule but this should apply to existing shelterbelts as well. Shading is an issue whether the shelterbelt is old or new. If this rule is not to be applied to existing shelterbelts, then the existing rule 4.4.2.58 should apply (10m from a road). The rule was there for a reason – shading and safety. None of these issues have disappeared so why would existing shelterbelts have no rules, its nonsensical.

Rule 4.4.2.57Ac. - Regarding maintenance is totally nebulous and likely to be unenforceable except in extreme cases. Shading on a specified date is measurable, 10m from a road or a height of a tree is measurable. Debris to be cleaned up isn't? When, how quickly, to what standard? WDC simply won't enforce this as its too grey – which is exactly what the horticulturists anticipate as its not enforced today.

Horticulture New Zealand (HortNZ) – Rule 4.4.2.57A sets out a number of requirements for shelterbelts including shading specifications between certain hours. Shading dwellings and restricting visibility are both aspects that require controls.

New Zealand Kiwifruit Growers Incorporation (NZKGI): the shading rules could create uncertainty of compliance with growers, farmers and other neighbours as it is not easily distinguished what the setback would be by reading this rule. It is also acknowledged that this rule id derived from NES Forestry. However, it must be acknowledged that forestry is grown to much higher heights (20+m) than shelterbelts, and shelterbelts will not contribute the same extent of shading. Therefore, this rule is not needed.

Waipā District Council's Transportation Unit:

- Shelterbelt placement can create maintenance and road safety issues when located adjacent to public roads including the following:
 - Leaf fall, tree roots blocking culverts and side drains, creating drainage issues.
 - Overhanging branches obstructing on to public roads.
 - Trees obstructing visibility at intersections and entranceways – making it difficult to view oncoming traffic.
 - Shading from shelterbelts / shelter structures making road surfaces slippery and could cause the road surface to deteriorate at a faster rate. Experience shows that road surfaces that stay damp are more likely to exhibit early surfacing failure.
 - Shelter belts/tree maintenance operating adjacent to public roads and effects on other road users. Examples include the need for traffic management on public roads while trimming equipment is used, trimming debris scattered onto roads by equipment, heavy tractors running on road berms to facilitate trimming, aged shelter trees falling onto roads.
 - Shelterbelts/ structures inadvertently planted / erected on road reserve and adjacent owners refusing to maintain or remove the same when required. This places a cost burden on ratepayers.
- Rule 4.4.2.57A(a)ii. *Shade a paved public road between 10am and 2pm on 21 June:*
 - more guidance on how the rule would be measured, monitored, and enforced. For example: would the measurement for shading be from the middle of the road, or the road boundary given the road topography?

4.b. SHELTERBELTS – SHADING

- How would the shading rule be enforced and monitored across the district particularly as shelterbelts grow over time and land changes ownership?
- Note that frequently the road carriageway will not always be central in the road reserve meaning that adjacent shelterbelts can be located much closer to the public road boundary.
- Rule 4.4.2.57A(a)iii. *Restrict sight visibility from any vehicle access, road intersection (refer to Rule 16.4.2.4), or railway crossing (refer to Rule 16.4.2.7) :*
 - support the above rule regarding shelterbelts restricting sight visibility from any vehicle access, road intersection or railway crossing.
 - Would recommend maintaining a rule for setbacks inside the property for any other shelterbelt/ shelter structure adjacent to the road boundary to allow vehicle entrances and adjacent intersections to retain traffic sightlines on to the public road.

WAIPĀ DISTRICT PLAN RESPONSE:

- Draft PC25 modifies how and where shelterbelts are planted to balance the productive use of the land with the avoidance of impacts on adjoining neighbours and transport networks.
- The rules intend to provide greater flexibility for planting of shelterbelts than would occur from a standard setback applying to all boundaries. The 4m setback from internal boundaries enables maintenance of shelterbelts from within the site. Council is receptive to extending this maintenance setback to also apply along road boundaries
- A number of responses have sought that a standard setback (instead of shading) be applied to shelterbelts and that maintenance setback be applied along road boundaries. Council is willing to consider amendments along these lines, however any setback requirements need to address adverse effects.
- The requirements regarding the shading of paved roads align with the National Environmental Standards for Commercial Forestry shading standard. More information can be found here: <https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standards-for-commercial-forestry/>
- Excessive shading of the road surface, particularly in winter can compromise road surfaces. Reducing the extent and duration of shading can improve the longevity of road surfaces and reduce maintenance costs for Council over time.
- Enforcement will be on a case-by-case basis. Generally, once shading of a neighbouring dwelling or road occurs this will signal that maintenance is needed.
- Shading plans are not expected as it will be for the landowner to ensure that where they are planting a shelterbelt will meet their protection needs in a way that ensures adverse effects on either adjoining dwelling or paved roads are avoided.

4.b. SHELTERBELTS – SHADING

- Technology is readily available to determine shading effects at the time of planting. It is assumed that industry representatives would have access to this information to assist growers in planning their shelterbelt locations.
- The proposed rules intend to mitigate potential for adverse effects of shading from shelterbelts on public paved roads and neighbouring dwellings only, not entire adjoining properties.
- The shade diagram presented in the webinar sets out only a selection of possible scenarios. There are situations where shelterbelts may be proposed to be higher. The proposed shade rule requires that the taller the shelterbelt, the further away from the boundary it would need to be planted to avoid shading effects.
- The protection and use of highly productive land is a requirement under the NPS-HPL. Prescribing shading requirements for shelterbelts does not inhibit the use of high-quality land for productive purposes. PC25 does not impose any controls which seek to limit the extent to which highly productive land can be used for productive purposes. Shelterbelts may enhance the productivity of land but are not necessary to enable the land to be used for productive purposes.
- The shading rule has been proposed to avoid the need for a road setback, however, there is a strong direction from the feedback received to replace the shading standard with a setback, particularly to address on-site maintenance of shelterbelts. Further consideration of the most efficient rule set is being undertaken.
- All rural activities (i.e. farming activities or lifestyle properties) need to operate so as not to cause effects on adjoining properties.
- Council’s Transportation team has confirmed that there are effects on rural roads from vegetated road boundaries; and as a result, shelterbelt placement can create road maintenance and road safety issues when located adjacent to public roads. Like other feedback, setback standards would also be preferred by the Transportation team to facilitate onsite maintenance of shelterbelts.
- Regardless of the height of a tree it will generate shade. Therefore, it is appropriate that PC25 mirrors the requirements of the NPS – Commercial Forestry. If a shelterbelt has the potential to shade a road or dwelling on an adjoining site on the shortest day of the year, then it will likely cause an effect that needs to be controlled through the resource consent process. It is the responsibility of landowners to ensure that their activities do not generate adverse effects. The draft ruleset associated with PC25 intends to ensure that this occurs.

4.c. SHELTERBELTS – SETBACKS

FEEDBACK RECEIVED:

Shelterbelt setback - Does the setback apply to road boundary or the edge of seal? Large rural berms are widely observed in the Rural Zone.

<p>Service Setbacks - 10m setback to overhead powerlines and telecommunications seem excessive when Waipa Networks and other authorities are satisfied with a 2m separation between hedge height and line for trimming and maintenance. Have you sought feedback from Waipa Networks and other authorities regarding this?</p>
<p>Setbacks - Support the provisions of 15 metres from any road boundary, and 15m from any internal boundary.</p>
<p>Poweco seek that:</p> <ul style="list-style-type: none"> • Performance standard 4.4.2.9A is amended to also require compliance with the New Zealand Code of Practice for Electrical Safe Distances 34.2001 (NZECP34). This will ensure safe separation distances are maintained between artificial crop protection structures and overhead electricity lines. • Add a new performance standard that requires any new artificial crop protection structures to not hamper or prevent access for inspection/maintenance works on any existing overhead electricity lines. • Add a new performance standard to 4.4.2.57A(a) that requires shelterbelts to be located so that, at full maturity, they will comply with the growth limits zones specified in the Electricity (Hazards from Trees) Regulations 2003. While it is noted a 10m separation is required (under 4.4.2.57A(a)(v), this doesn't account for the width of the shelterbelt at full maturity. • Add consideration of 'effects on infrastructure and/or utilities' within assessment criteria 21.1.4.29A.
<p>Firstgas seeks the following provisions are incorporated into PC25 before its public notification: Providing for the planting of shelterbelts within 10m of the Gas Transmission Pipeline as a permitted activity, with written approval from Firstgas being one of the standards that need to be complied with for a permitted activity status. Should the activity fail to comply with this standard, the activity should have a restricted discretionary status where a resource consent would need to be obtained from Waipā District Council.</p>
<p>Horticulture New Zealand:</p> <ul style="list-style-type: none"> • The proposed setbacks for shelterbelts will also contribute to a loss in production land. • Generally, boundary shelterbelts are evergreen (internal shelter tends to be deciduous) and around 8m + in height. • Shelterbelts tend to be planted on or close to boundaries to maximise the use of highly productive land and to provide weather controls and reverse sensitivity protections. • A 1m setback from the boundary of the property would achieve the desired purpose of this rule. • The 'Lets Grow Together: A design guide for kiwifruit orchards' developed by Transpower, NZKGI and HortNZ, provides guidance for rules, setbacks and expectations for orchard design that is compatible with National Grid Infrastructure. HortNZ recommends Waipā use this as a basis for providing rules and guidance on managing effects of orchard development on National Grid Infrastructure.

New Zealand Kiwifruit Growers Incorporation:

- The setbacks proposed will contribute to a loss in production land.
- NZKGI seek a 1m setback from boundaries.
- Administering setbacks for power and telephone lines is not needed as these operators allow for shelterbelts to be grown directly under powerlines and require 2m clearance between the hedge and line.

WAIPĀ DISTRICT COUNCIL RESPONSE:

- For all setback rules, measurements are taken from the legal property boundary, including the road setback. This setback is not measured from the edge of the road seal.
- The 10m setback from overhead lines is part of the existing rule framework in the Operative District Plan. There is no proposal to alter this existing rule. However, further consideration on the matters outlined by Powerco will occur through further discussion with the electricity providers/line operators.
- While noting the guidance developed by Transpower, NZKGI and HortNZ, the district plan already provides a ruleset for activities within the National Grid.
- The rule set in the Rural zone to manage buildings within the National Grid Yard (Rules 4.4.2.77 and 4.4.2.78 Buildings and structures within the National Grid Yard). It is not proposed to amend these rules as part of the plan change. ACPS are already captured in the existing ruleset as ‘uninhabited horticultural buildings or structures’.
- It remains unclear how a 1m setback from a boundary would adequately ensure full maintenance of the shelterbelt from within the boundaries of the property on which it is located. If a shelterbelt is a preferred tool to assist with the maximisation of production, and it is required to be regularly maintained a portion of the site’s productive land will be ‘lost’ to accommodate the shelterbelt,
- Accordingly, like the establishment of farm buildings and other infrastructure required to support the productive use of the overall site, the provision of maintenance setbacks is part of the required infrastructure associated with the farming activity and not a ‘loss’ of productive land.

4.d. SHELTERBELTS – MAINTENANCE**FEEDBACK RECEIVED:**

4.d. SHELTERBELTS – MAINTENANCE

Vegetation from shelterbelts - Currently living on a road that has a large amount of existing shelterbelts, could you please provide clarification on 4.4.2.57A.c. "Any vegetation that falls onto adjoining sites is removed". What would the level of vegetation be that would enforce this clause - is it any leaf fall or is it branches/trees that are required to be removed?

Horticulture New Zealand: the requirement to maintain shelterbelts at all times is supported.

Waipā District Council’s Transportation Unit:

- Shelter belts adjacent to public roads
 - Where shelterbelts are not controlled by rule 4.4.2.57A, we would recommend maintaining a rule for setbacks inside the property for any other shelterbelt/ shelter structure adjacent to the road boundary.
 - This would enable a clear zone for maintenance machinery to operate and not affect other road users, in addition this would allow vehicle entrances and adjacent intersections to retain traffic sightlines on to the public road. It would also protect the road drainage system from roots and debris and provide some protection against shelter trees falling onto the road. This is particularly important for the arterial and collector roads in the district that are seeing increasing traffic volumes.
- Choice of plant species for shelter belts. The following considerations will prevent future maintenance problems:
 - Suitable species to reduce leaf matter that could potentially block drains,
 - Upright habit without sprawling/over-hanging branches,
 - Non-invasive root systems which can otherwise invade pipes under the ground or lift cables,
 - Species that have sucker and seeds that can spread easily creating a nuisance of new growth on the road reserve (Willows and Poplars are problematic in that regard.)
 - Unlikely to drop limbs or debris onto roads.
 - Avoiding trees prone to toppling or wind damage.
 - Trees planted on peat are especially prone to mass die off and toppling.

WAIPĀ DISTRICT COUNCIL RESPONSE:

- While not the literal intention of this rule that it will be ‘any vegetation that falls onto adjoining sites is removed’, as presently written there is the potential for that interpretation. We are reviewing the specific wording to remove any vagueness.
- Maintenance of a shelterbelt should be the full responsibility of the owner whose property it is located on. This is difficult to achieve if the shelterbelt is planted too close to the boundary. Accordingly, the proposed 4m setback from internal boundaries helps mitigate this issue by reducing the extent of vegetation falling or overhanging over adjoining properties and ensuring there is adequate space for maintenance to occur.

4.d. SHELTERBELTS – MAINTENANCE

- The proposed rule set does not propose a road setback, however, there is a strong direction from the feedback received to consider setbacks for shelterbelts to address maintenance and shading effects. Further consideration of the most efficient rule set is being undertaken.

5. VIEWS, LANDSCAPES AND VIEWSHAFTS

FEEDBACK RECEIVED:

Shelterbelts - Shelterbelts and shade cloth should not be permitted to interfere with views and the like of dwellings already established. If someone buys a property overlooking shade cloth etc they have no right to complain as it was there before they bought the property as they knew it was there.

Shelterbelts - when we bought our property and built our house 22 years ago, we bought it for the rural views as far as Mt. Ruapehu and Maungatautari. We hosted 3 family weddings here, as they chose it for the views. A kiwi fruit company bought the land next door and now we are enclosed by 7-8 metre shelter belts. We no longer have our views. They should NOT be allowed to hinder views of existing properties.

Loss of view - Views change and if your neighbour does something that is a rural activity in a rural zone and now the land around you has changed, that is your fault for not understanding that you live rurally in a rural zone.

You don't own the view past your boundary. - If you plant a shelterbelt or even a hedge on your fence line for agriculture or horticulture or even your house property the neighbours do not own the view!!! You live in a rural environment which keeps this country afloat. Rural land is for rural activities, and everyone needs to be mindful of that. Up next "telling dairy farmers that they can only milk between the hours on 8am and 5pm"

Landscape/viewshaft rules for shelterbelts - Why do natural shelterbelts trigger consents within Landscape/ viewshaft areas if they are 400m from a road? These already exists within the rural environment in these locations and form part of a typical rural working environment.

Landscape/viewshaft rules - How do you propose to implement rule 25.4.2.11 – “Shelterbelts and artificial crop protection structures shall not obscure views of significant natural features and landscapes from public space or roads” it sounds like wording of an objective / policy. The wording of this rule is open to interpretation and could be difficult to enforce.

Landscape/viewshaft rules for CPS - There are many existing shelterbelts and orchards within 400m of a public road within viewshafts and landscape areas. If CPS were to be constructed within these sites, they are unlikely to be seen from a public road. Can this activity be made permitted like the other rules?

Rule 25.4.2.11 - Does this rule apply district wide/in all of the Rural Zone or only in identified landscapes? Background supporting this rule is not clear. Is it important or justified to maintain uninterrupted views. Is the rule supported with technical landscape assessment? It seems

5. VIEWS, LANDSCAPES AND VIEWSHAFTS

unreasonable to apply this rule outside of landscape areas simply to maintain views of landscape features from public places which could for instance be a passing view when travelling by road. Broken views are common, and it seems onerous to expect complete views of landscapes from all public places. Objectives and policies and assessment criteria in other rules are likely to provide adequate recognition for views of landscape areas. If there are particular/unique or special views then would it not pay to identify those through landscape assessment and identify the range of threats to the view. Such an assessment may identify that shelterbelts and artificial crop protection structures are not the primary or only threat to views and may provide support for a more nuanced approach rather than a blanket rule.

Shelterbelts killed out view - We built a home on the outskirts of Cambridge (Parallel Road area), in a position that faced 4 'maunga'. We deliberately wated to see Mangakawa, Maungatautari and Pirongia. We paid extensively for the land and placed our home accordingly. I understand that progress is progress (and important), but it is not fair that the value of my property will be impacted now as all we will see is a wall of green hedge!. The other concern is the chemicals, fertilisers and insecticides that get sprayed when our only water supply is roof catchment. Keen to hear the Council's comment on this.

Feeling ripped off - We moved to Parallel Road nearly seven years ago specifically for the surrounding FARMLAND, open spaces and views. Without notification or consent, and against current district planning, a shelter canopy went up to protect kiwifruit, and our outlook has been destroyed. Our view of te Maunga Pirongia, of cultural significance to me, has gone. The navigating of 35kmh corners has become a game of roulette with visibility gone as shelters obscure the road ahead. Even after retrospective consent was given for the canopies with conditions on road boundary setback that had to be changed, nothing has been done. This doesn't bode well for the future if there is no control over shelterbelts being erected. We are resigned to the fact, although still pretty angry, that nothing will now change for us. This monstrosity is here to stay. But let's hope we can stop it continuing to adversely affect others in the future.

Significant natural features - Item 18 states "shelterbelts and crop protection structures in all landscapes and viewshafts areas should not obscure views of significant natural features from public spaces and roads". 1. we have had our view of Pirongia obscured by protection shelters seen from the public road at our gate. Is this allowed. The fields and trees and countryside are a significant part of the Waipa rural character, as stated in the present district plan. Therefore, these structures and shelterbelts should not obscure large areas.

Waipa at a crossroads.... - For a long time, Waipa has been a jewel in the crown of Waikato, a place of green fields and trees and rural character, but in recent years covered orchards have started moving in at an alarming rate. Vast areas of the countryside bear the burden of having groundwater mined, extensive use of highly toxic chemicals, biodiversity and mature trees and habitats demolished to make way for ugly monoculture rewarding a select few and disadvantaging many. To have no restrictions on crop covering allows it to become open season here, where money will win out over everything. It's very similar to the "dairy boom" in Canterbury of the 90s. We have seen the destruction that caused. Waipa needs to think very hard about its future and what that looks like.

5. VIEWS, LANDSCAPES AND VIEWSHAFTS

Horticulture New Zealand:

- Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into rural areas who do not have realistic expectations with regards to the activities that can occur as part of primary production. This combined with innovations and more efficient ways to grow, and newer technologies challenge the traditional view of what horticulture is to the public.
- HortNZ suggests amendments to Section 25: Landscapes and Viewshafts - ACPS and shelterbelts can add to the amenity of an area and area apart of a rural landscape. Shelterbelts and vegetative plantings can aid in screening ACPS or buildings in the rural zone where practicable; and can also be used to mitigate impacts on medium to long-distance views and landscapes by shielding structures such as ACPS.

New Zealand Kiwifruit Growers Incorporation:

- Shelterbelts can be used to mitigate effects without blocking views;
- Seek amendment to 25.2.12 by adding:
- However, shelterbelts can also be used to mitigate impact on medium to long-distance views and landscapes by shielding structures such as ACPS and therefore, when used in these ways, without blocking views within these environments, can have a positive impact on views.

WAIPĀ DISTRICT COUNCIL RESPONSE:

- Our rural environment is constantly changing to keep up with market demand and new rural production opportunities. The Rural Zone enables rural production while managing the environmental effects of changes.
- Views from private properties out over the rural environment and/or towards significant natural landmarks within the district are not protected by the district plan. Only those specific landscapes and viewshafts identified in the district plan are afforded protection. The existing district plan rules pertaining to significant natural features and landscapes was confirmed through the 2012 district plan review that resulted in the existing Operative District Plan. As part of the district plan review, the identified landscapes and natural features in the district plan were identified, analysed and mapped by technical experts.
- Rules relating to protecting these specific landscapes and viewshafts are set out in Section 25 – Landscapes and Viewshafts in the district plan. This existing rule framework ensures that crop protection, such as shelterbelts are not located in a manner that would block or obscure or reduce the identified visual values. Rule 25.4.2.11 only applies to sites located within the identified significant natures landscapes overlays notated on the planning maps. The majority of these landscapes are located within the Rural Zone.
- Other than replacing the term ‘artificial screens’ with ‘artificial crop protection structures’ and including the artificial crop protection structures alongside shelterbelts in rules the intent of the existing rules in Section 25 – Landscapes and Viewshafts are not proposed to be

5. VIEWS, LANDSCAPES AND VIEWSHAFTS

altered through draft PC25. This is an existing rule in the district plan, the only change to it proposed through draft PC25 is to include artificial crop protection structures alongside shelterbelts, as both have the potential to obscure views, due to height and extent of coverage.

- There is potential that artificial crop protection structures could impact on values within viewshaft and landscape areas. The resource consent process provides a way to allow these impacts to be considered on a case-by-case basis, which could not occur if these structures were permitted in these locations. There is also a resource consent pathway when not complying with Rule 25.4.2.11 with the restrictions being over the effects of the proposal on the views from viewshafts. As a result, this consenting pathway provides the assessment as to whether the shelterbelt/artificial crop protection structures would impact on the identified views and what ‘nuanced’ approaches via conditions of consent would be appropriate to mitigate those effects. Ensuring all non-compliances with the rule were considered on a case-by-case basis.
- Because normal farming activities can cause concern to people who move to into the rural environs Council does have an information sheet available to highlight what to expect - [Country living in Waipā - Waipa District Council](#)
- The rural areas of Waipā have always been evolving as technology, farming practices and the changes in the climate have occurred. This has included the establishment of large feed lots and loafing sheds for livestock, different crops being grown and a variety of orchard and horticultural enterprises.

6. COMPLIANCE AND ENFORCEMENT

FEEDBACK RECEIVED:

Enforcement - How will the council enforce the new regulations when the new developer of Kiwifruit orchards in our district are openly flouting the current rules and do not respect the council rules at all. A statement made to us "we don't care as the council can't make us do anything", and he's right.

Non-compliant crop protection structures - How does the Council propose to deal with Horticulturists whom have ignored the current rules by planting shelterbelts on neighbours boundaries and main arterial routes and close to power lines (shelterbelt is currently less than a metre high) therefore unable to maintain them in the future, and also the erection of crop protection structures 5-7 metres (variable) away from the same boundary. In these instances, they do not comply with some of the current rules, and definitely will not comply with the proposed new P/C 25 rules.

Compliance - Existing shelterbelt grown along neighbours' boundaries are there for the sole benefit of the property that they are grown on. No consideration of the effect to the neighbours has to be considered when planting them. No consultation required. However, the maintenance of the shelterbelt on the adjoining property is the responsibility of that neighbour not that of the property in which the trees are planted. Effectively a 4metre strip has to be set aside for this maintenance all for the benefit of the neighbour. The proposed plan will hopefully address this issue for future plantings. There are many properties who have had ongoing issues with shelterbelts planted on their boundaries and even with agreements in place for maintenance there is little to no enforcement available. Unfortunately, the kiwi orchardist has a long history of noncompliance. How will the new plan deal with the height and maintenance of existing shelterbelts? And what provision will there be for enforcement?

Existing shelterbelt - A current shelterbelt on Gorton Rd is too close to the road under the current rules and is not controlled by Whitehall fruit packer with its current height assessed at over 20m. It is the cause of significant debris on the road after easterly wind and excessive shading of Gorton Rd and adjacent properties. Whilst the proposed change relate to shading on 21 June Whitehall will simply not comply. How long with the property owner be given to make good and who will determine the height that existing shelterbelt will be cut too and maintained at as trees grow every year.

Shelter Belt - The shelterbelt on Gorton Road Karāpiro is up to 20 metres high in parts. Has a significant effect on the road and neighbouring properties directly opposite. By means of shading, no early morning sunshine in the middle of winter encompasses these young family properties. Immediate action is a prerequisite to ensure next winters sunlight can fall on these properties early in the morning.

Existing Shelterbelts - Can you please confirm the rule changes that relate to existing shelterbelts that do not comply to the current rules as they relate to height and distance from a roadway. I understand any new shelterbelt will be controlled by its shading on roads etc though it seems existing shelterbelt will be exempt from any rules. Can you please confirm the specific rule regarding existing shelterbelts?

6. COMPLIANCE AND ENFORCEMENT

Resource consent - Will a resource consent be needed to remove an existing shelter belt?

Shelterbelt removal - It is proposed that a resource consent will be needed for removal. If the council deems the shelterbelt must be removed will the owner be liable for the cost of the resource consent?

Consent for CPS - Why would you need a RC to erect CPS behind a mature shelterbelt in a natural landscape area? It would not change the current view. This rule would contradict the proposed change that outside of the natural landscape area you would be able to erect a CPS behind existing shelter with no RC.

WAIPĀ DISTRICT COUNCIL RESPONSE:

- Where non-compliance with district planning rules is discovered enforcement action under the RMA may be taken by Council. Any complaints relating to existing shelterbelts are managed by Council's Enforcement Team and are considered on a case-by-case basis.
- Enforcement action can include a number of different actions including requirements that retrospective application for resource consent be made.
- The purpose of draft PC25 is to provide greater certainty on how crop protection (shelterbelts and artificial crop protection structures) can occur in the Rural Zone. The proposed provisions through draft PC25 (once PC25 becomes operative) would not retrospectively be applied to existing shelterbelts or artificial crop protection structures unless these were not lawfully established.
- Draft Plan Change 25 intends to provide greater clarity around the planting and maintenance of shelterbelts including location, shading effects, and maintenance.
- The shading and setback provisions of Draft PC25 will not be applied to existing shelterbelts that were lawfully established. Existing shelterbelts will be required to comply with the new maintenance rules in PC25.
- Existing shelterbelts throughout the district may have been planted, and existing over a long period of time. Up until the late 1990s there were no specific rules relating to shelterbelts. Accordingly, only shelterbelts planted since the late 1990s are subject to specific planning rules.
- Once operative, the provisions under PC25 would not retrospectively be applied to existing shelterbelts when those shelterbelts have existing use rights through section 10 of the Resource Management Act.
- In most situations the removal of an existing shelterbelt is permitted and will not require resource consent.
- A resource consent is required under PC25 if the shelterbelt being removed screens an existing Artificial Crop Protection Structure that is located within 15m of a property boundary.
- Draft PC25 standards are set to address situations where shelterbelts could impact on adjoining properties; and if all standards are complied with, no resource consent is required.
- Where a resource consent is required, the applicant is responsible for meeting all costs associated with that application.

6. COMPLIANCE AND ENFORCEMENT

- Council rules cannot cover each and every situation that arises. Landscape and view shaft areas are afforded specific protection by the district plan, and it is important that these are not eroded by inappropriate activities. The resource consent process is the appropriate means to determine whether effects on Landscapes & Viewshafts areas are likely to arise.