

Before an Independent Commissioner

Waipa District Council

in the matter of: An application for a retrospective land use consent to construct vertical and horizontal (overhead) artificial kiwifruit shelters at 582 Parallel Road, Cambridge.

to: **Waipa District Council**

Applicant: **Kiwifruit Investments Limited**

Statement of Evidence of Parmvir Singh Bains for the Applicant

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Background

1. My name is Parmvir Singh Bains and I am a director of Kiwifruit Investments Ltd which is the applicant for resource consents at 582 Parallel Road, Cambridge.
2. I have worked in the kiwifruit industry since 2008. I had been on the Eastpack Packhouse EET (Eastpack Entity Trust) Forum for 2.5 years. I have managed a portfolio of 120 ha of Kiwifruit Orchards in Bay of Plenty and was a shareholder in another Kiwifruit Orchard in Te Puke.
3. Kiwifruit Investments Ltd purchased the site at 582 Parallel Road in December 2021. The company owns the land. The unconditional offer was signed in March 2021 with a settlement in December 2021.
4. Te Puke is called the Kiwifruit Capital of the world, and majority of the Kiwifruit grown in New Zealand is in Bay of Plenty Region. A land shortage and labour issues has caused us to come out of Te Puke.
5. In the Waikato, the biggest kiwifruit orchard is operated by Whitehall Fruit Packers on Kaipaki Road. There are other kiwifruit orchards also in the area with 2 others on Parallel Road.
6. The property at 582 Parallel Road was a grazing block when we bought it and historically asparagus was being grown here on this site. I will be managing this orchard on behalf of my company.
7. Mr and Mrs Jennings bought their property some time in January 2022 after we bought the surrounding land.

8. The former owners of the Jennings property 598 Parallel Road had asked us to purchase their land. We made an offer but it was not accepted so they sold on the open market.
9. We asked our agent to ensure that any purchasers knew what we were going to do on the land at 582 Parallel Road and he has confirmed that he spoke to their agent and that the kiwifruit orchard development was told to purchasers. I have asked for an email confirming that situation.

Retrospective consent

10. The main three varieties of Kiwifruit grown in New Zealand are; Hayward, Gold G3 and Ruby Red R19. Hayward is the original older green variety that does not require any overhead shelter protection. The Gold and Red varieties are susceptible to wind rub in fruit sizing period. The overhead shelter also enhances and improves growth and productivity. We are planting the Ruby Red variety on the property at present. We have planted 15 ha already and have 8.5 ha to go. Once completed there will be approximately 23.5 ha of canopy on this site.
11. I am also managing the new orchard that is being established at 383 Parallel Road. That orchard is owned by GDP Orchards Ltd. There will be a total of 69 ha of kiwifruit canopy at that orchard. I did not know to apply for a resource consent there either but that consent has already been granted.
12. In Bay of Plenty, there is no resource consent required for overhead shelter as this is not deemed as building as per Waipa district council rules. The overhead shelter contractor who has built this structure on this site has built overhead shelters in many orchards in many other regions of North Island. We also have meetings with local growers and took their advice on the location for growing Kiwifruit. I had no idea that resource consent was needed.
13. I went to India on 11 March 2022 to get married. When I came back on 5 May 2022, I went to 582 Parallel Road Cambridge to have a look at what had been happening on the property straight from the airport.
14. There was a bore drilled near the corner of Jennings and our property. My water consultant said I needed to do a 72 hours continuous running test on the bore as per

council requirements. My water consultant advised me to notify neighbours because the pump would be going for that whole time. This was the first time I met Nick Jennings.

15. When I spoke to Mr Jennings on that day he said he knew there was a kiwifruit orchard going in next door. He was glad it wasn't going to be cows. I understand that Mr Jennings also said the same to John Holwerda when they spoke on site. That was when I was in India.

Description of Project

16. After planting the vines, it is 21 months before the first harvest. Winter planted plants grow a canopy over the summer periods and next year in winter that canopy is then pruned and tied down. The canopy for following year and the crop is grown and harvest happens in February and March following year. New canes grow up strings above the canopy and then the cycle goes on.
17. We use industry experts to advise us on the growing. These experts are from packhouse Grower Representatives and they advise us about managing the orchard. That includes about pest and disease controls methods. The local supplies store has grower support representatives. We use Farmlands and Horticulture to advise us about products and on chemicals and fertilisers. We also get advice from the Zespri Grower representative. We engage soil experts to advise us on soil conditions and they write us with fertiliser advice. Zespri conducts grower field days to keep growers up to date.
18. The height of the overhead shelter is 6m which is what is needed to grow canopy. Timber poles attach on the kiwifruit growing structure with strings which the new canes grow along. The overhead shelters protect the crop from birds, light hail damage, wind damage and prevent spray drift that might affect other parts of our land or neighbouring land.
19. We will be employing full time and part time staff on the property. On average over the year we will employ about 25 full time equivalent workers.
20. We have seen that the kiwifruit orchard opposite us on Parallel Road has vertical shelter cloth running north – south down the kiwifruit blocks. We understand that is

permitted under the district plan because the vertical shelter is not connected to a roof. It doesn't occupy much area of the orchard and it is less than the height limit in the rural zone.

21. We will also establish that vertical shelter cloth running from west to east across our orchard. It will help to keep down wind until the shelter hedging is fully grown and while we are waiting for this consent. So long as we don't connect the shelter to the roof it is permitted on the property as the poles themselves are permitted and also the vines are permitted. It seems very strange that putting on the roof cloth and connecting the side structures is enough to change the development into a single large building.
22. Since planting the hedging at the north of the Jennings property we have decided to move the artificial shelter back so that it is 14m from the Jennings boundary. That is because we need that extra distance between the hedge and the shelter for vehicle access. In our application and on the site plan the artificial shelter was going to be 6m from the Jennings property, but that was when we were going to put the shelterbelt trees closer to the boundary.

Shelter Hedging

23. The hedging trees are planted to stop the wind damage, spray drifts and to improve overall security of the properties. We normally plant shelter hedging on the boundary with other properties. That is the industry norm. I am surprised that Council's planner has said the hedging would be further from the boundary if the artificial shelter was also further. That is not right. The shelter hedging would always be planted either on or near the boundary of the orchard.
24. I will be planting Cryptomeria hedging along the road boundaries at the other orchard at 383 Parallel Road and 4m inside the internal boundary the same as for this application. Again that 4m setback is to recognise concerns raised by some neighbours, although in that application there was no notification.
25. My contractors have planted the Cryptomeria hedging along the road frontage to 582 Parallel Road and also along boundary with Jennings property. The hedging is 400mm inside our boundary along the road so that it is still on our land when it is fully grown. It is planted 4 metres inside our land along the Jennings eastern boundary

and 10 metres inside our land along the northern boundary. Pittosporum Karo hedging is 4 metres inside our land along the western boundary from the Jennings property.

26. If we had to move the artificial shelter back to where the district plan setback is along the western boundary, we would plant green kiwifruit in the space between. We can't afford to have a big space of land with nothing growing in it. The space between the boundary hedging and the artificial structures would definitely have kiwifruit planted there.
27. We have planted these trees at least 4 metres off the eastern boundary with the Jennings property to give them a buffer and also to access the trees from both sides for future maintenance. Normally the neighbour will deal with maintenance on the other side. The 4m distance allows the tractor to mow and to trim the hedging. Once the hedging is fully grown there will still be 3m approximately and that is enough for the tractor to go down and turn around.
28. I was aware from talking to Nick Jennings and from their submission that they didn't want the shelter hedging right on the boundary as it was too close. I know that the shelter hedging can be planted right on the boundary. There is already some tall planting on the west and east boundaries of the Jennings property.
29. The hedging plants on the eastern and northern boundaries with the Jennings property are *Cryptomeria japonica* (Egmont variety). The Egmont plants are faster growing and will be stronger when they get big. They are better to withstand wind and bad weather. Egmont plants grow 1m to 1.5m every year when there is enough water and sunshine.
30. There is less existing plants on the northern boundary with Jennings. There we have planted the *Cryptomeria* with 1.2m spacings between plants. On that northern hedging we have put *Casuarina* plants in between the *Cryptomeria*. The *Casuarinas* are already 1.5m tall and will grow about 1.0m per year. By next year those trees will be about 2.5m high. Eventually they will be removed as the *Cryptomeria* will crowd them out as it grows high. We will probably remove the *Casuarinas* when they get to about 4m high. By that stage you won't be able to see any of the other shelter because of the angle of view. We intend to replant these trees so they are 10m from

the Jennings northern boundary and a total of 30m from their house. We understand that means that the hedging will be permitted on that boundary.

31. We intend to plant Pittosporum Karo hedging 4m inside our land from the western boundary with the Jennings property. Their landscape expert said that there should be native planting that is more like a lifestyle property. Their land is in the rural zone next to an orchard but we searched for some native hedging. The information told us that Pittosporum Karo would not grow to more than 6m so we planted it believing that it would be permitted where it is planted. Now we understand that there is other information saying Karo can grow higher than 6m. We have already bought the Karo and it is in bags waiting for the consent before we plant it.
32. We have specifically requested consent for that Karo hedging and for the Cryptomeria along the road frontages in a separate consent. That is to ensure that the hedging is consented. All of the hedging, no matter where it is planted will be kept trimmed to below 6m. The hedging along the front is nearer the power lines and it will be trimmed to 3.5m. Many of the hedges in Waipa are planted with Barberry and it will also grow to over 6m if it is not maintained. The previous hedge along the road frontages was Barberry and we pulled it out to plant the Cryptomeria which will be much easier to maintain.
33. We need to trim the hedging on the sides so that it doesn't grow and interfere with the kiwifruit shelters and the vines and so that we can access the rows. The shelter hedging has to be trimmed equally on both sides or else it gets heavy and can be more easily blown over. It would tend to be blown towards the heavy side, which would be towards the Jennings boundary if we didn't let it grow naturally on that side. That is why all shelter hedging is kept symmetrical.
34. Since planting the Cryptomeria in October they have grown from 10cm to 20cm. This is expected growth as the plants look to establish their root systems before growing taller. We have not yet planted the Karo because we are waiting until we have consent, although we have purchased the Karo and they are on-site waiting in bags.
35. Appendix 1 of my evidence has photos showing the planting. The first photo shows the western boundary with Jennings property, looking towards Parallel Road. It shows the new hedge with the existing boundary plants behind. The eastern boundary and hedge is very similar. The other 3 photos show the new northern

boundary hedge. The Casuarinas are planted in between the Cryptomeria and are the taller plants.

36. Appendix 2 of my evidence has photos showing established Cryptomeria japonica variety Egmont that has been planted on a friend's orchard at Waiuku (36 McMiken Road Waiuku Pa). Those trees were planted in September 2000 and were 700mm when planted, which is about the same as the plants in our hedge. The average height of those trees is now 3.5m high after 2 years growth.
37. We will apply fertiliser and will have irrigation to the hedging as it is in our interests for the shelter to grow as quickly as possible.
38. We just want to grow good kiwifruit and make the most of these high quality growing soils. Once the hedging is fully grown no-one will be able to see the orchard inside.

Parmvir Singh Bains

Director: Kiwifruit Investments Limited

7 February 2023



Cryptomeria hedging on western internal boundary looking toward Parallel Road.



Mixed Cryptomeria and Casuarina hedging planted 4m from Jennings northern boundary.



Mixed Cryptomeria and Casuarina hedging planted 4m from Jennings northern boundary.



Mixed Cryptomeria and Casuarina hedging planted 4m from Jennings northern boundary viewed from eastern boundary.



Cryptomeria japonica (Egmont). Planted at 700mm tall in September 2020. McMiken Road Waiau Pa. Photographed by landowner 1/10/2022



36 McMiken Road Waiau Pa. Cryptomeria Egmont. 3.5-4m high.
1 October 2022.



Cryptomeria (Egmont) hedging. 36 McMicken Road Waiau Pa. Planted September 2020. Photo taken 1 October 2022.