

Draft Plan Change 25 Shelter Belts and Artificial Crop Protection Structures

To: Waipa District Council
From: Simone Williams – Barker & Associates Limited
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1.0 Submission Details

1. NZKGI supports Plan Change 25 in part based on the reasons outlined in this document.
2. The submission relates to Plan Change 25 in its entirety.
3. NZKGI does not consider it can gain an advantage in trade competition through this submission.
4. NZKGI wishes to be heard in support of its submission.

2.0 NZKGI Submission

5. NZKGI supports in part Plan Change 25 (PC25), provided that the potential impacts on horticultural productivity and land use are properly mitigated. Without adequate mitigation measures, NZKGI opposes PC25.
6. NZKGI's support for PC25 is subject to incorporating plan provisions that provide:
 - a) Clear and robust expectations for a rural working environment where ACPS are recognised as a positive contribution to maximizing the productivity of horticultural activities.
 - b) Rules that are user-friendly for growers, farmers, and neighbours, making them easy to understand and implement;
 - c) An incentivised pathway that encourages the use or planting of hedges and shelterbelts, allowing for reduced setbacks for ACPS and enabling more efficient use of highly productive land;
 - d) Alignment with the objectives, policies and clauses in the National Policy Statement for Highly Productive Land (NPS – HPL); and
 - e) A more flexible rule for Landscape, Viewshaft, and Natural Landscape areas that permits the use of ACPS, provided they are appropriately mitigated or screened from public view.

3.0 Reasons for Submission

7. NZKGI is concerned about the below effects that may result from Plan Change 25 (PC25) on growers within the district if not properly addressed:
 - Reverse Sensitivity:
 - Artificial Crop Protection Structures (ACPS):
 - Shelterbelts:

Reverse Sensitivity

8. The horticulture sector is facing increasing issues with reverse sensitivity as more people move into productive areas without realistic expectations about the activities involved in primary production. Additionally, innovations and more efficient growing methods, such as artificial crop protection structures ('ACPS') and newer technologies, are challenging the traditional public view of horticulture.
9. 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.
10. District Plans require a well-defined management framework that incorporates realistic setbacks and promotes the use of hedges and shelterbelts as effective mitigation tools for reverse sensitivity issues. This approach helps minimise the loss of productive land while ensuring better compatibility between productive activities and surrounding properties.
11. NZKGI seeks better protection of primary production activities by ensuring setbacks and mitigation measures, such as hedges and shelterbelts, are incentivised into the plan to minimise conflicts between rural production and residential amenity. For example, the planting of a hedge is preferred over the increased setbacks, enabling more efficient use of the soil. At present the area within the setbacks is wasted. These provisions will help the proposed rules better align with Policy 3.13 in the NPS HPL for managing reverse sensitivity effects.

Artificial Crop Protection Structures (ACPS)

12. 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 (ACPS), which support better crop growth with minimal environmental impact.
13. However, district plans broad definitions of building or structure rules often lead to uncertainties and compliance issues for growers using ACPS.
14. In Waipa, it is acknowledged that 37% of the soils found within the Rural Zone are high-class soils (LU Classes 1, 2 and 3). Noting that this percentage excludes Peat Soils, which have been recognised in the NPS- HPL as Class 3. These contribute to over 9% of the high-class soils nationally.
15. ACPS increases the productivity of horticultural activities, and when established on highly productive soils, this land use meets the intent of the NPS – HPL, which promotes the efficient use of land for primary production. The NPS-HPL prioritises the protection and sustainable use

of highly productive land, ensuring its long-term availability for agricultural purposes. However, when large setbacks are introduced from boundaries, this potentially undermines the intent of the higher-order Policy 9 and Clause 3.12. For example, a 15-metre setback to ACPS within a 40-hectare title results in a loss of 3.7 hectares of land that is no longer in production. This setback disproportionately affects smaller titles, further limiting their productive capacity. Additionally, the kiwifruit rows themselves are not established to the full extent under the ACPS and must allow for their own setbacks, contributing to a further loss of productive land. The cumulative effect of these requirements reduces the efficiency of land use, conflicting with the purpose of the NPS-HPL.

16. The rules for ACPS in PC 25 appear to have been written with a greater focus on providing amenity values than maximising the production potential of rural-zoned land. This approach is in direct conflict with both the NPS-HPL's objectives and the reality of rural land use. A recent Commissioners' decision for ACPS in the Waipā District (LU/0147/22 and LU/0252/22) granted resource consent with the following conclusion:

"13.3 Furthermore, the submitters (from a pragmatic point of view) should not expect the level of privacy and amenities that might be expected in a residential neighbourhood. The occupiers of what is a relatively small property in a rural area should expect neighbouring land to be developed and used for purposes as proposed in the applications."

This decision emphasises that rural land, particularly highly productive land, should be used for primary production rather than over-prioritising residential amenity values. The expectation is that rural residents should anticipate productive agricultural activities occurring nearby, which aligns with the principles of the NPS-HPL and supports the efficient use of Waipā District's rural land.

17. Overall, ACPS offers significant benefits for horticultural productivity and supports the efficient use of land for primary production. However, the current rules in Plan Change 25 place too much emphasis on amenity values, which limits the productive potential of rural land. Planning provisions should strike a balance that allows for the practical use of ACPS without introducing setbacks that cause unnecessary loss of productive land.
18. NZKGI seeks clearer definitions and more practical rules for ACPS, including reducing unnecessary setbacks, to align with the NPS-HPL and ensure that highly productive land can be used efficiently without compromising its potential.

Shelterbelts or hedges

19. Shelterbelts are crucial for primary production, providing shelter from wind turbulence.
20. They also act as a barrier between productive activities and adjoining properties, minimising any visual effects on neighbours.
21. Like the setbacks for ACPS, the setbacks proposed for shelter belts will also contribute to a loss in production land.
22. NZKGI seeks 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.

4.0 Feedback on Draft Plan Change 25

Without limiting the generality of the above, NZKGI seeks the following changes on Plan Change 25 as set out below:

Additions are indicated by bolded underlining and deletions by strikethrough text.

Provision	Support/ Oppose	Reason	Decision Sought
Definition building	Oppose in part	It should be clear that artificial crop protection structures are a structure – not a building. This would provide a transition to the new National Planning Standards definition for building where such structures are not classed as a building. Crop support structures should also be excluded from the 'Building' definition.	Amend the definition of 'Building' by adding additional bullet points under "but does not include:" <u>Artificial crop protection structures</u> <u>Crop support structures</u>
Definition of crop support structures		A new definition should be added for crop support structures, which are distinct from artificial crop protection structures.	Add a definition: <u>Crop support structures are an open structures on which plants are grown</u>
Definition farming activities		It is noted that this definition will need to be amended to primary production to align with the National Planning Standards.	Amend to align with the National Planning Standards.
Introduction 4.1.3	Support in part		Include the following: Horticulture is also a prominent contributor to the District, <u>and orcharding, in particular, provides a high efficiency, low emissions land use.</u>
Introduction 4.1.12	Support in part	Amend the description of rural character to more accurately reflect the nature of the rural area. It is not accurate to describe flat to rolling terrain, which is primary production land, as being open and largely free from development.	Amend 4.1.12 b): <u>Some areas of open-landscapes containing natural features and scenic vistas, including flat to rolling terrain, volcanic cones, streams, lakes, peat lakes, rivers and wetlands that are largely free from development</u> Amend 4.1.12 d) <u>Large areas of primary production land use and a working rural environment including farm storage sheds, artificial crop protection structures and crop</u>

			<u>support structures, farm animals and widespread use of machinery. The characteristic noises, odours and buildings and structures are part of the rural working nature of the Rural Zone.</u>
4.3.2.x		A new policy is needed to better ensure that reverse sensitivity effects on primary production activities are acknowledged and addressed.	Include a new policy under 4.3.2: <u>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.</u>
4.4.1 Activity Status tables	Oppose in part	A new line should be added for both crop support structures and artificial crop protection structures, which do not have to rely on the farming definition for permitted activities. Crop support structures are akin to a fence, so they should be provided for as a permitted activity.	Add additional lines to 4.4.1.1 (da) <u>artificial crop protection structures that comply with 4.4.2.88</u> <u>db) crop support structures</u>
Section 4.4.2.1 Minimum building setbacks from road boundaries	Oppose in part	A 15 m setback would result in significant loss of productive land. If the effect being addressed here 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. A new rule for artificial crop protection structures is included as 4.4.2.88. It would be more appropriate for all provisions relating to ACPS to be located in that rule.	Amend 4.4.2.1 d) Artificial crop protection structures where green or black cloth is used vertically on the boundary and within 15m of the boundary – 1m Where cloth other than green or black is used – 15m Where an artificial crop protection structure is screened by an existing shelterbelt, which is retained <u>or newly planted shelterbelt</u> – no setback OR c) artificial crop protection structures that comply with 4.4.2.88 and Add setback provisions above to 4.4.2.88
4.4.2.2 Minimum setbacks from	Oppose	A 15 m setback would result in a significant loss of productive land and will not substantially	An <u>Artificial crop protection structure can be setback 5m:</u>

internal site boundaries		<p>change the visual outcome of the ACPS even at 15m.</p> <p>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 insensitive could include the establishment of a hedge (such as a pittosporum) or a shelterbelt planted at 1m from the boundary.</p> <p>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.</p> <p>A new rule for artificial crop protection structures is included as 4.4.2.88. It would be more appropriate for all provisions relating to ACPS to be located in that rule.</p>	<p>If:</p> <ul style="list-style-type: none"> i. The artificial crop protection structure is screened from any adjoining site (not in common ownership) by an existing <u>or newly planted hedge or shelterbelt</u>; <p><u>No setback applies if:</u></p> <ul style="list-style-type: none"> ii. Any adjoining site is held in common ownership; iii. The encroachment is authorised by a deemed permitted activity notice in accordance with s.87BA(2) of the Resource Management Act 1991. <p>c) artificial crop protection structures that comply with 4.4.2.88</p>
4.4.2.9A Height of buildings	Oppose	Artificial crop protection structures may be over 6m in some circumstances. Other plans have a range of heights between 8-12 m.	Amend 4.4.2.9A to <u>9m</u> in height.
4.4.2.57A Shelterbelts	Oppose in part	<p>The rule 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.</p> <p>It is also acknowledged that this rule is 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.</p> <p>Administering setbacks for power and telephone lines is not needed as these operators allow</p>	Road boundary setback: <u>1m</u>

		for shelterbelts to be grown directly under powerlines and require 2m clearance between the hedge and line. Overall, a 1m setback is instead recommended.	
4.4.2.88	Oppose	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. NZKGI considers that all provisions relating to artificial crop protection structures be included in 4.4.2.88 to make the plan more user friendly (setbacks, height and materials etc).	Amend 4.4.2.88 a) Colour of vertical cloth materials <u>when within 15m of a boundary unless a shelterbelt screens the cloth from the boundary</u> Add setback and height provisions as sought with respect to 4.4.2.2 and, 4.4.2.1 and 4.4.2 9A to 4.4.2.88. Add additional matter of discretion: <u>The productive benefits of artificial crop protection structures</u>
21.1.4.13	Support in part	Consideration should be given to the positive effects of shelterbelts.	Amend 21.1.4.13 by adding: <u>The ability of the shelterbelt to mitigate the effects of ACPS.</u>
21.1.4.29	Oppose in part	An additional consideration should be the productive benefits.	Add to 21.1.4.29 <u>The productive benefits of artificial crop protection structures</u>
25.2.12	Support in part	It should also be acknowledged that shelterbelts can be used to mitigate effects without blocking views.	Amend 25.2.12 by adding: However, shelterbelts can also be used to mitigate impacts 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.
25.3.10.1	Oppose in part	ACPS should be able to locate in view shafts if appropriate measures are taken to mitigate visual effects	Amend 25.3.10.1: <u>Artificial crop protection structures shall not be located in viewshafts for outstanding natural features, mountains and heritage items unless the visual effects are appropriately mitigated through vegetative hedges or shelterbelts.</u>
25.4 Rules	Oppose in part		Amend 25.4.1.1h)

			<p>Add a permitted activity rule with standards and an RD where the standards are not met.</p> <p><u>Permitted activity standards</u></p> <p><u>Dark green or black cloth shall be used on all vertical faces</u></p> <p><u>Green or black cloth shall be used horizontally where the slope is over 10°</u></p> <p><u>The structure shall be set back at least 50m of MHWS</u></p> <p><u>The structures shall be set back 5m from the road boundary unless screened with natural shelter</u></p> <p><u>Where a continuous cover of white cloth is used horizontally, the natural shelter shall be provided to separate blocks so that the maximum continuous cover in any one block is 5 hectares.</u></p>
Rule 25.4.2.11	Oppose	This is a very opinionated rule. This would be difficult to enforce as people might have varying degrees of compliance with this rule.	Delete this rule in its entirety.