

Appendix 5 HortNZ submissions re artificial crop protection structures

Table 1: HortNZ submissions relating to artificial crop protection structures missing from numbering and assessment

| Sub No. | Provision | Reason | Relief sought |
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| 419. Doesn't appear in Council list of HortNZ submission | 22.3.7.1 P2 Building setbacks | HortNZ supports the distinction between habitable and non-habitable buildings and particularly supports the proposed setbacks for habitable buildings in the rural zone. Should HortNZ's submission on the definition of building be rejected, HortNZ seek that artificial crop protection structures be excluded from building setback rules. As previously described, to maximise viability, cultivation and planting often occur within 1m of the site boundary. The proposed setbacks would not be achievable for any existing or many future horticultural operations. HortNZ seeks that artificial crop protection structures be excluded from this rule and that a new rule be inserted to address effects specific to these structures. | Amend the definition of building Or Amend Rule 22.3.7 P2 (a)A non-habitable building (excluding artificial crop protection structures) located on a Record of Title less than 1.6ha must be set back a minimum of: (i)7.5m from the road boundary ; (ii)17.5m from the centre line of an indicative road ; (iii)12m from every boundary other than a road boundary . And Insert new rule as set out below. |
| 419. Doesn't appear in Council list of HortNZ submission | 22.3.7.4 P4 Building setbacks | HortNZ seek that artificial crop protection structures be excluded from building setback rules for the same reasons set out immediately above. | Amend the definition of building Or Amend Rule 22.3.7 P4 (a)A non-habitable building (excluding artificial crop protection structures) located on a Record of Title 1.6ha or more must be set back a minimum of: (i)12m from the road boundary ; (ii)22m from the centre line of an indicative road ; (iii)12m from every boundary other than a road boundary . And Insert new rule as set out below. |
| 419 Doesn't appear in Council list | 22.3.7.1 PX Building setbacks | HortNZ seek that a new rule be inserted to address effects specific to artificial crop protection structures. | Insert new Rule 22.3.7 PX Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures |

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| of HortNZ submission | | | |
| 419 Doesn't appear in Council list of HortNZ submission | 22.3.7.1 RD1 Building setbacks | HortNZ seeks that this rule be amended to include reference to the proposed new rule above. | Amend Rule 22.3.7.1 RD1 (a)A building that does not comply with Rule 22.3.7.1 P1, P2, P3- or P4 <u>or</u> PX (b)Council's discretion is restricted to the following matters: (i)amenity values; (ii)effects on traffic. |

HortNZ submissions made on artificial crop protection structures addressed in s42A Report

| Sub No | Provision | Reason | Relief sought |
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| 419.10 | New Rule PX Artificial crop protection structures | <p>HortNZ has sought an exclusion of artificial crop protection structures from the definition of building.</p> <p>Should this be rejected, HortNZ seeks the insertion of a suite of rules to address effects specific to these structures. The standards proposed in this submission have been adopted in the Proposed Opotiki District Plan and are similar to controls in Western Bay of Plenty District Plan. Restricting colours to green and black along the vertical surfaces will assist in reducing glare and minimising potential amenity effects.</p> | <p>Insert new Rule: Artificial crop protection structures that meet the following conditions:</p> <p>(a) Green or black cloth shall be used on vertical faces within 30m of the site boundary Green, black or white cloth shall be used on horizontal surfaces.</p> |

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| 419.13 | RDX Artificial crop protection structures | HortNZ has sought an exclusion of artificial crop protection structures from the definition of building. Should this be rejected, HortNZ seeks the insertion of a suite of rules to address effects specific to these structures | <u>Artificial crop protection structures that do not comply with Rule 22.3.X</u> <u>Council's discretion is restricted to the following matters:</u> i) <u>Amenity values;</u> ii) <u>Effects of glare on traffic</u> |
| 419.28 | 22.3.5 Daylight admission | HortNZ has lodged a submission on the definition of building as it relates to artificial crop protection structures. Should that submission point be rejected, HortNZ seeks that artificial crop protection structures be excluded from Rule 22.3.5. In order to be economically viable, cultivation and planting often occur right up to the site boundary. To ensure high quality production, it is necessary that these structures cover the entire crop. As such, it would be impossible for these structures to meet the permitted standards. HortNZ seeks that a separate rule be inserted to address concerns relating to potential effects of artificial crop protection structures. This could include restricting the colour of material to green or black for permitted activities. It is noted that shelter belts can produce similar as an ACPS and are anticipated within the Rural Zone | Option A: Amend the definition of Building Or Option B: Amend Rule 22.3.5 to specifically exclude ACPS A <u>building</u> (excluding artificial crop protection structures) must not protrude through a <u>height control plane</u> rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the <u>site boundary</u> . And Insert new Rule 22.3.5 PX as set out below |
| 419.29 | PX | HortNZ has lodged a submission on the definition of building as it relates to ACPS. Should that submission point be rejected, HortNZ seeks that a new rule be inserted to address effects specific to ACPS. The permitted standards proposed in this submission have been adopted in the Proposed Opotiki District Plan. | Insert new Rule 22.3.5 PX Artificial crop protection structures Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures |
| 419.30 | 22.3.6 P1 Building coverage | HortNZ has sought that artificial crop protection structures be excluded from the definition of building. Should this be rejected, HortNZ seeks that artificial crop protection structures be excluded from the building coverage rule. Artificial crop protection structures are open structures – any materials used are necessarily permeable | Amend the definition of building And Amend Rule 22.3.6. P1 to insert an additional clause: (iii) except that this rule shall not apply to buildings associated with rural production activities or rural industries and services and shall not apply to artificial crop protection structures. |

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| | | <p>to allow water through and to control temperature. As such, these structures do not impact on stormwater run-off.</p> <p>Additionally, it is considered that the proposed limits are too restrictive for the rural environment. A number of large scale buildings are required to support ordinary farming activities. This is particularly relevant for Rural Industry activities such as pack houses and cool stores. HortNZ purports that the presence of large-scale buildings in the rural environment forms part of the rural character and amenity.</p> <p>The s32 report comments that controls of height, setbacks and daylight admission are necessary to control the dominance of buildings on the landscape. However, the report does not provide sufficient explanation for why a 500m² limit is applicable in this instance. Furthermore, HortNZ contends that large-scale buildings, such as storage sheds, cool sheds and packhouses, are activities that are anticipated in the rural landscape</p> | |
| 419.31 | 22.3.6 D1 | A Discretionary Activity status is a further disincentive for rural production activities to locate and expand in the Waikato District | Amend Rule 22.3.6 to Restricted Discretionary Insert the following matters for discretion: a) Effects on character and amenity b) Management of effects of stormwater run-off |
| 419.115 | Definition artificial crop protection structures | As the term artificial crop protection structure is used in the Plan it should be defined. | Include a new definition for artificial crop protection structures: Artificial Crop Protection structures means structures with material used to protect crops and/or enhance growth (excluding greenhouses) |
| 419.116 | Definition building | <p>HortNZ supports the exclusion of structures to protect crops for agricultural use.</p> <p>However, the 4m height restriction is not practical. To be effective, most crop protection structures need to be at least 8m high. These structures are common for many fruit growers, particularly kiwifruit. They are necessary to ensure high quality fruit production through protection from hail, wind and frost.</p> | Amend definition to either: <i>Has the meaning in the Building Act 2004, excluding.....</i> <i>(e) artificial crop protection structures and crop support structures</i> Or <i>(e) a structure that is permeable and no greater than 8 metres in height to protect crops for primary productive use</i> |

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| | | <p>As proposed, all artificial crop protection structures would automatically trigger building coverage, height and setback controls.</p> <p>These structures are permeable to control temperature and allow rain through. Therefore, coverage and platform rules are irrelevant and regardless of height, these structures should not be considered buildings.</p> <p>These structures are a necessary function of horticulture and should be consider a part of the rural environment. It is more appropriate to control for height through rules in the plan.</p> <p>This definition deviates from the Draft National Planning Standards. HortNZ sought changes to the Draft Planning Standard definition to ensure 'permeable' structures were excluded.</p> | <p>Or</p> <p>Means any impervious structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed</p> |
| 419.117 | Definition building coverage | <p>Artificial crop protection structures are permeable by design to manage temperature and allow for rain penetration. Accordingly, there is no impact on stormwater run-off as result of these structures</p> | <p>Amend the definition of building as per the above; OR Amend definition to exclude artificial crop protection structures. <i>Means the proportion of the net site area which is covered by any building.</i> <i>It includes:</i></p> <ul style="list-style-type: none"> a) <i>overhanging or cantilevered parts of buildings or structures;</i> b) <i>covered decks</i> <p><i>It excludes:</i></p> <p><u>.....(e) artificial crop protection structures and crop support structures</u></p> |
| 419.57 | Insert new policy 5.3.X Policy – Rural character and amenity | <p>HortNZ seeks that a new policy be inserted to clearly identify and recognise the rural character and amenity. This is important to ensure the appropriate and effective implementation of the proposed planning framework which</p> | <p>Insert new policy: Rural character and amenity includes the following elements: a. A rural working environment b. Some activities are seasonal in nature</p> |

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| | | seeks to avoid or minimise adverse effects on rural character and amenity. | <p>c. Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes.</p> <p>d. Varying levels of noise associated with seasonal and intermittent rural production activities.</p> <p>e. Relatively open space and low density of development</p> <p>f. Odours, noise and dust typical of rural activities.</p> <p>g. Generally low levels of vehicle traffic with seasonal fluctuations.</p> <p>h. the presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry</p> <p>i. accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape</p> |
| 419.33 | 22.3.7.5 P1 setbacks from water bodies | <p>HortNZ has sought an exclusion of artificial crop protection structures from the definition of building.</p> <p>Should this be rejected, HortNZ seeks that artificial crop protection structures be excluded from this rule. These are permeable structures with materials consisting of fabric and poles. Minimal works are required for the insertion of the poles and so there would be minimal land disturbance and minimal risk of sediment in water bodies.</p> <p>Should the land be subdivided, the structures are easily removable such that the ability to take esplanade is not impeded.</p> <p>Furthermore, the s32 reports do not seem to provide any explanation for the proposed setbacks from waterbodies. The Auckland Unitary Plan provides a setback of 30m from any lake and a 20m riparian setback. It is considered that these would be appropriate in the Waikato District Plan</p> | <p>Amend Rule 22.3.7.5 P1</p> <p>a) Any building (excluding artificial crop protection structures) must be set back a minimum of:</p> <p>(i) 32 30m from the margin of any;</p> <p style="padding-left: 40px;">A. Lake; and</p> <p style="padding-left: 40px;">B. Wetland;</p> <p>(ii) 23 20m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii) 28 20m from the banks of the Waikato River and Waipa River; and</p> |