

From: [Cate Southworth](#)
To: [info](#)
Cc: [Quentin Budd](#); [Ken Danby](#); mark@wfpkiwi.com; [Paul Gardiner](#); [Mark Chrisp](#)
Subject: External Sender: Resource Consent for Horticultural Shade Cloth (Artificial Screens) within the Rural Zone of the Waipa District
Date: Monday, 5 October 2020 3:34:37 pm
Attachments: [FINAL Application and AEE for Shade Cloths 2 October 2020 FOR ISSUE 5.10.2020 including Appendices.pdf](#)

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Good Afternoon Waipa District Council

Please find attached an application for resource consent for the use of horticultural shade cloth (artificial screens) on Rural Zoned properties within the Waipa District.

We have discussed the application with **Quentin Budd** and **Ken Danby** prior to lodging the application. I have also copied both Quentin and Ken into this email.

- **The Applicant** is Whitehall Fruitpackers Holdings Limited – Attention **Mark Gardiner**
- **The Application Site:** The Application seeks blanket resource consent approval for the use of horticultural shade cloth (existing and proposed) on various Rural Zoned properties within the Waipa District. Specific address details for the Applicants orchards are provided within the application report.
- **Resource Consent Deposit:** Please contact the Applicant (Mark Gardiner) directly to arrange payment of the resource consent deposit. I have copied Mark into this email.

Thank you very much

Kind Regards

Cate

 **Cate Southworth**
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WHITEHALL FRUITPACKERS
HOLDINGS LIMITED

**HORTICULTURAL SHADE
CLOTHS IN THE RURAL ZONE**

Resource Consent Application

5 October 2020

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REPORT INFORMATION

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PART A

Resource Consent Application

FORM 9

APPLICATION FOR RESOURCE CONSENT PURSUANT TO SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To Waipa District Council

1. I, Mark Gardiner of Whitehall Fruitpackers Holdings Limited, apply for the following type of resource consent:

- *Land Use Consent.*

2. The activity to which the application relates (the proposed activity) is as follows (and is more fully described in Part B):

Resource Consent for existing and proposed horticultural shade cloths ("artificial screens") associated with a permitted farming activity (kiwifruit orchards) in the Rural Zone of the Waipa District.

Resource Consent is required in accordance with the following Operative Waipa District Plan Rules:

- **Rule 4.4.2.1(a)** – Minimum building setback from road boundaries (Non-Complying)
- **Rule 4.4.2.1(b)-(d)** – Minimum building setback from road boundaries (Discretionary)
- **Rule 4.4.2.2** – Minimum setbacks from internal site boundaries (Restricted Discretionary)
- **Rule 4.4.2.10** – Maximum building coverage (Restricted Discretionary)
- **Rule 4.4.2.12** – Daylight control (Restricted Discretionary); and
- **Rule 25.4.1(h)** – Artificial Screens (Restricted Discretionary).

3. The sites for which resource consent approval is being sought (comprising a blanket consent for existing and proposed horticultural shade cloths) are Rural zoned properties within the Waipa District.

The address details for the individual properties are as follows:

Property No.	Property Name	Property Address	Legal Descriptions
1.	Hoeka	650 State Highway 26, Newstead, Hamilton	➤ Lot 2 DP South Auckland 90880 (Record of Title SA71D/968)



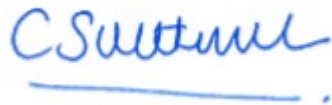
2.	Karapiro	816 Tirau Road, Karapiro	➤ Part Section 13 Gorton Settlement (Record of Title SA37C/413)
3.	Heritage	982 Kaipaki Road, Cambridge	➤ LOT 2 DP 492140 (Record of Title 714541); ➤ LOT 2 DPS 32828 (Record of Title SA31D/867); and ➤ LOT 3 DPS 32828 (Record of Title SA31D/868)
4.	Brotherhood	16 Brotherhood Road, Te Awamutu	➤ Lot 2 DP 304595 (Record of Title 18437)
5.	Duncan / Stephens	3/165 Gorton Road, Karapiro	➤ Lot 2 DP 527059 and Lot 2 DP 498881 (Record of Title 848007)
6.	Y+Z Block	103 Gorton Road, Karapiro	➤ Lot 2 DP 424353 (Record of Title 494675)
7.	Greenhill	525 Green Hill Drive, Te Awamutu	➤ Lot 2 DP 405546 (Record of Title 419464)
8.	Amber Lane	21/D Amber Lane, Karapiro	➤ Lot 1 DP 420383 and Lot 1 DP 409324 (Record of Title 477616)
9.	Lakeview	714 Maungatautari Road, Karapiro	➤ Lot 3 DP 483094 (Record of Title 680930) ➤ Lot 1 DP 483094 (Record of Title 680928)
10.	Gorton Road	94 Gorton Road, Karapiro	➤ Section 12 Gorton Settlement (Record of Title SA49D/926) ➤ Section 11 Gorton Settlement (Record of Title SA1051/244) ➤ Lot 1 DP 85531 and Lot 1 DP 415991 (Record of Title 462223)
11.	McGregor Road	122 McGregor Road, Ohaupo	➤ Lot 2 DP 502579 (Record of Title 753262)
12.	Ngahinapouri	567 Ngahinapouri Road, Ohaupo	➤ Lot 1 DP.450118 (Record of Title 571681)
13.	16 Gorton Road	16 Gorton Road, Karapiro	➤ Lot 2 DP 415991 (Record of Title 462222)
14.	Whitehall Orchard	159 Whitehall Road, Cambridge	➤ Lot 1 DP 501305 (Record of Title 748706) ➤ Lot 2 DP 501305 (Record of Title 748707)
15	Kaipaki Road	1285 Kaipaki Road, Cambridge	➤ Lot 1 DP 517505 and Lot 1 DP 394777 (Record of Title 808629)



*Plans identifying the location and boundaries of each of the above properties, and copies of the Records of Title for each site are provided in **Appendix A**.*

4. There are no other activities that are part of the proposal to which this application relates.
5. No other applications are being sought with respect to the proposal.
6. I attach an assessment of effects on the environment that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
7. I attach an assessment of the activity against the matters set out in Part 2 of the Resource Management Act 1991.
8. I attach an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.

Date: 5 October 2020



Signature: Cate Southworth

Mitchell Daysh Ltd on behalf of Whitehall Fruitpackers Holdings Limited

Address for Service: Mitchell Daysh Limited
PO Box 1307
Hamilton

Mobile: 021 0821 7197

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Contact person: Cate Southworth

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128 Gorton Road
Karapiro, Cambridge 3494

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Email: mark@wfpkiwi.com

Contact person: Mark Gardiner



PART B

Assessment of Environmental Effects

EXECUTIVE SUMMARY

Whitehall Fruitpackers Holdings Limited is one of the largest producers of kiwifruit in the Waikato Region. The company owns a number of kiwifruit orchards throughout the Waikato, and an existing packhouse facility at 94 Gorton Road, Karapiro. The existing packhouse facility is the only kiwifruit packhouse in the Waikato, and packs and stores fruit that is grown both on and off site.

The existing kiwifruit orchards utilise horticultural shade cloths ('artificial screens') as part of their day to day farming practices. The artificial screens protect the fruit and vines from extreme weather conditions (wind, frost and hail damage), and are used to increase the overall productivity of the kiwifruit orchards.

Artificial screens are provided for as a Permitted Activity within the Rural Zone in accordance with Rule 4.4.1.1(i) of the Operative Waipa District Plan (being '*an accessory building to a permitted activity*').

However, an existing technical anomaly has been identified within the District Plan provisions, whereby 'artificial screens' are not excluded from the District Plan definition for 'building' and are therefore required to comply with the Rural Zone performance standards (including the requirements relating to minimum building setbacks, maximum building coverage and daylight control). The artificial screens also require resource consent approval (as a Restricted Discretionary Activity) to be sited within a Landscape and Viewshaft Area.

The Applicant is seeking resource consent approval from the Waipa District Council for a blanket consent that will apply to any existing or proposed artificial screens erected on Rural Zoned properties within the Waipa District. A blanket approval is being sought to negate the requirement to obtain separate resource consent approval(s) each time artificial screens are utilised as part of the permitted farming activities.

It is our assessment that the proposal to grant resource consent for existing and proposed artificial screens is consistent with the Rural Zone provisions and will not result in any adverse effects. The artificial screens are an integral part of the permitted farming activities and are an accessory structure that is anticipated within a working rural environment. No adverse effects with respect to rural character and amenity are therefore anticipated.

Furthermore, the shelter belt planting along the external boundaries of each orchard site is generally several metres taller than the existing and proposed artificial screens, and therefore provides a visual screen between the artificial screens and the adjacent rural properties.

No parties are considered to be potentially affected by the proposal to utilise horticultural shade cloth as part of the permitted farming activities within the Rural Zone.

We therefore request that Council process the application on a non-notified basis.



1. INTRODUCTION

1.1 BACKGROUND

Whitehall Fruitpackers Holdings Limited

Whitehall Fruitpackers Holdings Limited (**'the Applicant'**) is one of the largest producers of kiwifruit in the Waikato Region. The company owns a number of kiwifruit orchards at various locations throughout the Waikato, and an existing packhouse facility at 94 Gorton Road, Karapiro. The existing packhouse facility is the only kiwifruit packhouse in the Waikato, and packs and stores fruit that is grown both on and off the site.

Horticultural Shade Cloths

Horticultural shade cloths (**'Artificial screens'**) are commonly utilised within the horticultural sector. They are used to protect all manner of fruit and berry crops (but are generally limited to nashis, blueberries, grapes and kiwifruit within the Waikato Region).

Kiwifruit orchards utilise artificial screens to protect the fruit and vines from extreme weather conditions (wind, frost and hail damage), and to increase the overall productivity of the orchard.

Activity Status

Artificial screens are provided for as a **Permitted Activity** within the **Rural Zone** in accordance with **Rule 4.4.1.1(i)** of the Operative Waipa District Plan:

- **Rule 4.4.1.1 Permitted Activities: (i):** *'Accessory buildings to a permitted activity' (farming).*

However, because the artificial screens are deemed to be 'buildings' in accordance with the District Plan definition, they are therefore also required to comply with the applicable performance standards for buildings in the Rural Zone (including the minimum building setbacks from road and internal site boundaries; maximum building coverage and daylight control requirements).

Failure to comply with the any of the aforementioned Rural Zone Performance Standards triggers the requirement for resource consent (as a Restricted Discretionary, Discretionary or Non-Complying Activity).

Artificial screens also require resource consent approval as a Restricted Discretionary Activity where they are sited within a River and Lake Environ, in accordance with **Rule 25.4.1.1(h)** of the Operative Waipa District Plan:

- **Rule 24.4.1.1(h) Restricted Discretionary Activities:** *'Artificial Screens within a River and Lake Environ.*



The Application

Resource consent approval is being sought for a blanket consent for existing and proposed artificial screens to be located on various properties within the Rural Zone and/or the River and Lake Environs of the Waipa District.

The blanket resource consent also allows for non-compliances with respect to the following Rural Zone Performance Standards (as required):

- **Rule 4.4.2.1(a)** – *Minimum building setback from road boundaries (Non-Complying)*
- **Rule 4.4.2.1(b)-(d)** – *Minimum building setback from road boundaries (Discretionary)*
- **Rule 4.4.2.2** – *Minimum setbacks from internal site boundaries (Restricted Discretionary)*
- **Rule 4.4.2.10** – *Maximum building coverage (Restricted Discretionary)*
- **Rule 4.4.2.12** – *Daylight control (Restricted Discretionary); and*
- **Rule 25.4.1(h)** – *Artificial Screens (Restricted Discretionary).*

Using a bundling approach, whereby the most restrictive activity status applies, the activity status of the application is therefore a **Non-Complying Activity** under the provisions of the Operative Waipa District Plan.

1.2 REPORT STRUCTURE

This document has been prepared to describe the nature of the activities proposed and provide an Assessment of Environmental Effects (“**AEE**”) as required under section 88 of the Resource Management Act 1991 (“**RMA**”). Specifically:

- Section 2 provides a description of the kiwifruit orchard activities and the existing rural environment.
- Section 3 describes the artificial screens (existing and proposed).
- Section 4 provides an assessment of the activity against the relevant provisions of the Operative Waipa District Plan.
- Section 5 provides an assessment of the effects on the environment associated with the proposal.
- Section 6 provides an assessment of the proposal against the relevant policy and planning documents.
- Section 7 analyses the activity under Part 2 of the RMA, and the threshold test for a non-complying activity.
- Section 8 addresses consultation and notification.
- Section 9 sets out the key conclusions.



2. EXISTING ENVIRONMENT

2.1 SITE DESCRIPTIONS

The application seeks resource consent approval for a blanket consent for artificial screens associated with permitted rural farming activities within the Rural Zone of the Waipa District.

Specifically, resource consent approval is being sought for existing and proposed artificial screens associated with the Applicants farming (kiwifruit orchard) activities on various Rural Zoned properties.

Table 1 sets out the property address details and legal descriptions for the individual sites for which blanket resource consent approval is being sought:

Table 1 Site Details

The address details for the individual properties are as follows:

Property No.	Property Name	Property Address	Legal Descriptions
1.	Hoeka	650 State Highway 26, Newstead, Hamilton	➤ Lot 2 DP South Auckland 90880 (Record of Title SA71D/968)
2.	Karapiro	816 Tirau Road, Karapiro	➤ Part Section 13 Gorton Settlement (Record of Title SA37C/413)
3.	Heritage	982 Kaipaki Road, Cambridge	➤ LOT 2 DP 492140 (Record of Title 714541); ➤ LOT 2 DPS 32828 (Record of Title SA31D/867); and ➤ LOT 3 DPS 32828 (Record of Title SA31D/868)
4.	Brotherhood	16 Brotherhood Road, Te Awamutu	➤ Lot 2 DP 304595 (Record of Title 18437)
5.	Duncan / Stephens	3/165 Gorton Road, Karapiro	➤ Lot 2 DP 527059 and Lot 2 DP 498881 (Record of Title 848007)
6.	Y+Z Block	103 Gorton Road, Karapiro	➤ Lot 2 DP 424353 (Record of Title 494675)
7.	Greenhill	525 Green Hill Drive, Te Awamutu	➤ Lot 2 DP 405546 (Record of Title 419464)
8.	Amber Lane	21/D Amber Lane, Karapiro	➤ Lot 1 DP 420383 and Lot 1 DP 409324 (Record of Title 477616)
9.	Lakeview	714 Maungatautari Road, Karapiro	➤ Lot 3 DP 483094 (Record of Title 680930)



			➤ Lot 1 DP 483094 (Record of Title 680928)
10.	Gorton Road	94 Gorton Road, Karapiro	➤ Section 12 Gorton Settlement (Record of Title SA49D/926) ➤ Section 11 Gorton Settlement (Record of Title SA1051/244) ➤ Lot 1 DP 85531 and Lot 1 DP 415991 (Record of Title 462223)
11.	McGregor Road	122 McGregor Road, Ohaupo	➤ Lot 2 DP 502579 (Record of Title 753262)
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13.	16 Gorton Road	16 Gorton Road, Karapiro	➤ Lot 2 DP 415991 (Record of Title 462222)
14.	Whitehall Orchard	159 Whitehall Road, Cambridge	➤ Lot 1 DP 501305 (Record of Title 748706) ➤ Lot 2 DP 501305 (Record of Title 748707)
15	Kaipaki Road	1285 Kaipaki Road, Cambridge	➤ Lot 1 DP 517505 and Lot 1 DP 394777 (Record of Title 808629)

Plans identifying the location and boundaries of each of the above properties, and copies of the Records of Title for each site are provided in **Appendix A**.

2.2 EXISTING LAND USE ACTIVITIES

The properties identified in Table 1 above are all owned by the Applicant (or are subject to sale and purchase agreements) and are utilised for farming activities (kiwifruit orchards). The land use activities at each property typically comprise:

- **Kiwifruit vines** (both covered and uncovered);
- **Vacant/Grassed areas** that may still be planted in kiwifruit, as an expansion of the existing permitted kiwifruit orchard (farming) activities;
- **Perimeter shelter belt planting.** Shelter belt planting typically extends along the external site boundaries, and is several metres taller than both the kiwifruit vines and the artificial screens; and
- **Accessory farm buildings and structures** (including existing horticultural shade cloths/artificial screens on several of the properties, and the existing Packhouse and Coolstore facility at 94 Gorton Road).



2.3 SURROUNDING LAND USES

The properties adjoining the sites for which resource consent approval is being sought are all zoned Rural.

Existing land use activities comprise a combination of rural farmland and rural lifestyle properties (zoned Rural).

2.4 ZONING

The properties for which resource consent approval is being sought (and which collectively comprise 'the application site') are all zoned **Rural** under the provisions of the Operative Waipa District Plan.

The following Policy Areas may also be applicable to some of these properties, or to the land located in the immediate surrounding area:

- **Cultural Landscape Area Alert** – applies along the Lake Karapiro perimeter. A 50m setback is required from the bank.
- **High Amenity Landscapes** – applies to land that is adjacent to Lake Karapiro.
- **River and Lake Environs** – applies to parts of the Applicant's properties, including the property at 714 Maungatautari Road.
- **HV Electricity Transmission Line** – traverse through the Gorton Road site.

2.5 TITLE INFORMATION

2.5.1 Legal Descriptions

Table 1 above identifies the legal descriptions and title information for the individual properties for which resource consent approval is being sought.

Copies of the Records of Titles for each individual property are included in **Appendix A**.

2.5.2 Legal Interests and Encumbrances

It is our assessment that the use of horticultural shade cloths on the above rural properties (as described in **Section 3** below) as accessory structures to the permitted farming (horticulture) activities on each site will not affect any existing legal interests or encumbrances that may be registered on the individual titles.



3. DESCRIPTION OF THE PROPOSAL

3.1 ARTIFICIAL SCREENS

The Applicant is applying for resource consent approval for a blanket consent for existing and proposed artificial screens on various Rural zoned properties within the Waipa District.

The artificial screens are accessory to the permitted farming activities (kiwifruit orchards) undertaken on each of the Rural Zoned properties and are an integral part of the horticultural operations.

However, because 'artificial screens' are not excluded from the District Plan definition for a 'building', they are therefore technically required to comply with the Rural Zone Performance Standards for buildings.

Artificial screens therefore require resource consent approval to legally establish at each of the Applicants sites.

The artificial screens typically comprise:

- **Vertical shade cloths** that are generally utilised to provide vertical cover in exposed areas of a kiwifruit orchard. For example, along the external row(s) of an orchard, or in areas that are particularly prone to high winds. **Figure 1** is an example of an existing area of vertical shade cloth at the Applicants 'Heritage' property (identified as property 3 in **Table 1** above). The existing shade cloths at the Heritage property were erected in 2012/2013 and are therefore approximately eight years old.

The vertical shade cloths are approximately 6.0m high and comprise of permeable hail netting and associated support structures.

- **Horizontal shade cloths** that are generally utilised to provide lateral cover over the fruit and vines in a kiwifruit orchard. The lateral shade cloth protects the fruit and vines from frost, hail and wind damage. **Figures 2 and 3** below are examples of existing horizontal shade cloths at the Applicants Heritage' property (identified as property 3 in **Table 1** above).

The horizontal shade cloths are approximately 6.0m high and comprise of permeable hail netting and associated support structures. They are typically laid out in a grid formation, with approximately 24m of spacing between each pole and overhead cable.

- **Permeable hail netting** is used for both vertical and horizontal shade cloths. The netting is recessive in colour (usually opaque/white or green tones) and is specifically manufactured for this purpose. The netting is widely used throughout the horticultural sector.

- **Setbacks:** The shade cloth is usually setback at least 7.5 metres from the external site boundaries. The area between the shade cloth and the property boundary is utilised for shelter belt planting and to gain access around the orchard. The shelter belt planting is typically several metres taller than the artificial screens.

In some instances, the shade cloth will encroach into the minimum building setback from a road boundary. Setting the kiwifruit vines back 25 -30 metres from the front road boundary (in order to comply with the front yard building setback requirement) is not practical, nor an efficient use of the finite resource of land.

Further, leaving the vines that are located within the minimum building setbacks uncovered, has the potential to result in millions of dollars of crop damage and exposure to wind and rain.



Figure 1 Existing Vertical Shade Cloth at the Heritage property on Kaipaki Road.



Figure 2 Existing Horizontal Shade Cloth at the Heritage property on Kaipaki Road.



Figure 3 Another example of existing Horizontal Shade Cloth at the Heritage property on Kaipaki Road.

4. OPERATIVE WAIPA DISTRICT PLAN

4.1 RELEVANT DISTRICT PLAN PROVISIONS

The Waipa District Plan became fully operative on 14 August 2017.

The proposal requires assessment against the following provisions in the Operative Waipa District Plan ('ODP'):

- **Part B** – Definitions;
- **Section 4** – Rural Zone; and
- **Section 21** – Assessment Criteria.

An assessment of the proposal against the relevant provisions is provided in the following sections.

4.1.1 Part B - Definitions

The following definitions in Part B of the ODP are considered relevant to the application, and are assessed below:

- **'Building'**
- **'Accessory Building'**
- **'Farming activities'**; and
- **'Artificial Screen'**.

Building:

A **'building'** is defined as:

"means any BUILDING or structure, or part of a BUILDING or structure, whether temporary or permanent, moveable or immovable, but does not include:

- *Any BUILDING or structure less than 5m² in area, and less than 1m in HEIGHT; or*
- *Any retaining wall less than 1.5m in HEIGHT, provided that any retaining wall (regardless of HEIGHT) which supports any LOAD or surcharge additional to the LOAD of the ground is considered to be a BUILDING; or*
- *Any fence or wall less than 1.8m in HEIGHT; or*
- *Any retaining wall or fence on top of a retaining wall that does not jointly exceed 1.8m in HEIGHT; or*
- *Any swimming pool or spa pool less than 1m in HEIGHT above GROUND LEVEL; or*
- *Any vehicle or caravan whether movable or immovable which is not used as a place of permanent residence or business, or for assembly or storage purposes; or*
- *Any mast, pole or radio or television aerial which is less than 2m in HEIGHT above the point of attachment or its base support; or*
- *Any uncovered part of a deck (excluding balustrades and hand rails) or terrace, platform or bridge which is less than 1m above GROUND LEVEL; or*



- Any *ELECTRIC LINES* or *TELECOMMUNICATION LINES*; or
- Any *SUBSTATION* fence not exceeding 2.5m in *HEIGHT*".

Assessment

Artificial screens (horticultural shade cloths) are not expressly excluded from the above District Plan definition for a building. They are also greater than 5m² in area, and taller than 1.0 metre high. The poles associated with the artificial screens are also taller than 2.0 metres high.

Artificial screens are therefore technically deemed to be a **'building'** in accordance with the above District Plan definition.

Accessory Building:

'Accessory building' is defined as:

"means a BUILDING, the use of which is clearly incidental to the use of the principal LAND USE or BUILDING on that SITE, or to any permitted use of the land if not built upon and includes, but is not limited to; a carport, garage (excluding a garage which is integrated into and forms part of a DWELLING), workshop, and shed.

For the avoidance of doubt, an ACCESSORY BUILDING shall not include BUILDINGS which are capable of being lived in independently".

Assessment

The artificial screens are a 'building', and their use is *'clearly incidental to the use of the principal land use onsite'* (a permitted farming activity / kiwifruit orchard).

The artificial screens are therefore deemed to be an **'accessory building'** in accordance with the above District Plan definition.

Farming Activities:

'Farming activities' is defined as:

"means an agricultural and/or horticultural ACTIVITY having as its primary purpose, the production of goods for human or animal consumption and includes any livestock or crop, using the in-situ soil, vegetation, water and air as the medium for production, and must include maintaining the ground cover. For the avoidance of doubt, FARMING ACTIVITIES includes"

Assessment

Kiwifruit orchards are a horticultural activity (*'producing kiwifruit for human and animal consumption'*), and is *'a crop that uses the in-situ soil as the medium for production'*.

The kiwifruit orchard activities are therefore deemed to be **'farming activities'** in accordance with the above District Plan definition.



Artificial Screen:

‘Artificial Screen’ is defined as:

“means a man-made structure for the purpose of providing wind shelter that is greater than 2m high”.

Assessment

The horticultural shade cloths that are the subject of this blanket resource consent application are ‘*a man-made structure*’ that is used to provide ‘*wind shelter*’ (as well as frost and hail protection) and ‘*is greater than 2m high*’ (6m).

The proposed horticultural shade cloths are therefore deemed to be ‘**artificial screens**’ in accordance with the above District Plan definition.

The horticultural shade cloths are therefore referred to as ‘artificial screens’ from hereon.

4.1.2 Section 4 - Rural Zone Provisions

The relevant rules in Chapter 4 (Rural Zone) are assessed as follows:

4.1.2.1 Land Use Activities

Section 4.4.1 of the ODP sets out the Activity Status Tables for activities in the Rural Zone.

Those relevant to the application are assessed in **Table 2** below:

Table 2: Rural Zone Activity Status Tables

Rule	Compliance Standard	Compliance Status
Section 4: Rural Zone Provisions - Rule 4.4.1 Activity Status Tables		
Rule 4.4.1.1	(d) <u>Farming activities</u> and associated underpass and bridging for stock movement.	Applies
Permitted Activities	(i) <u>Accessory buildings to any permitted activity.</u>	Artificial Screens are a ‘farming activity’ and an ‘accessory building’ to the permitted farming activities; and are therefore provided for as a Permitted Activity within the Rural Zone in accordance with Rules 4.4.1(d) and (i) . Retention of the permitted activity status is dependent on compliance with the applicable Rural Zone performance standards (see Table 3).



Rule	Compliance Standard	Compliance Status
Rule 4.4.1.3 Restricted Discretionary Activities	(n) Any permitted or controlled activity that does not comply with the performance standards in 4.4.2, except for those specified in Rule 4.4.1.4(a) or as specified in Rule 4.4.2.	<p>Applies</p> <p>Resource consent for a restricted discretionary activity is required where the artificial screens are:</p> <ul style="list-style-type: none"> - sited within the minimum internal building setback requirements, - exceed the maximum building coverage requirement, and/or - encroach into the daylight control requirement.
Rule 4.4.1.4 Discretionary Activities	<p>(a) Any permitted, controlled or restricted discretionary activity that fails to comply with:</p> <p>(i) Rule 4.4.2.1(b),(c) and (d) – Minimum building setback from roads</p>	<p>Applies</p> <p>Any artificial screens that are sited within 30m of a road boundary require resource consent as a Discretionary Activity in accordance with Rule 4.4.2.1.</p>
Rule 4.4.1.5(a)(i) Non-Complying Activities	<p>(a) Any building or activity that fails to comply with:</p> <p>(i) Rule 4.4.2.1(a) – Minimum building setback from roads</p>	<p>Applies</p> <p>In some instances, the artificial screens are sited within the minimum road setback, and therefore technically require resource consent as a Non-Complying Activity in accordance with Rule 4.4.1.5(a)(i).</p>

The activity status of the existing and proposed artificial screens therefore varies according to where they are sited on each property, and ranges from Permitted through to Restricted Discretionary, Discretionary and Non-Complying.



4.1.2.2 Performance Standards

An assessment of the artificial screens against the relevant Rural Zone Performance Standards for 'buildings' is provided in **Table 3**:

Table 3: Summary of Compliance with Relevant Rural Zone Performance Standards

Rule	Compliance Standard	Compliance Status
Section 4: Rural Zone Provisions		
Rule 4.4.2.1 Minimum building setback from road boundaries	<p>(a) For dwellings, and for buildings less than 100m²: 15m.</p> <p>(b) For buildings over 100m² (other than dwellings): 30m</p> <p>Activities that fail to comply with (a) require resource consent for a non-complying activity.</p> <p>Activities that fail to comply with (b) require resource consent for a discretionary activity.</p>	<p>Does Not Comply</p> <p>The location and area of the artificial screens varies from site to site, and according to the type of screens that are used (horizontal versus vertical).</p> <p>The artificial screens are typically setback approximately 7.5m from a front (road) boundary (behind the shelter belt planting). The artificial screens ('buildings') can be both less than 100m² and greater than 100m². Setbacks of 15m and 30m respectively therefore apply. Neither setback is likely to be complied with.</p> <p>Resource consent is therefore required for:</p> <ul style="list-style-type: none"> - a non-complying activity in accordance with Rule (a) and - a discretionary activity in accordance with Rule (b).
Rule 4.4.2.2 Minimum setbacks from internal site boundaries	<p>All other buildings</p> <ul style="list-style-type: none"> - less than or equal to 250m²: 15m - greater than 250m²: 25m. <p>Activities that fail to comply require resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> • The provision of daylight and sunlight into neighbouring buildings; and 	<p>Does Not Comply.</p> <p>The location and area of the artificial screens varies from site to site, and according to the type of screens that are used (horizontal versus vertical).</p> <p>The artificial screens are typically setback approximately 7.5m from an internal boundary (where the adjacent property is not owned by the Applicants),</p>

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Rule	Compliance Standard	Compliance Status
	<ul style="list-style-type: none"> • Visual and aural privacy; and • The general appearance/effect on the openness and character; and • The safety and efficiency of traffic flow; and • Access around the site; and • Effects on surrounding properties; and • Potential reverse sensitivity effects on any adjoining rural activities. <p>These matters will be considered in accordance with the assessment criteria in Section 21</p>	<p>or 0m where the adjacent property is also owned by the Applicants, and is utilised as part of their kiwifruit (farming) operations.</p> <p>The artificial screens ('buildings') vary in size/area, and can be both less than 250m² and greater than 250m². Setbacks of 15m and 25m respectively therefore apply. Neither setback is likely to be complied with (because the artificial screens typically extend to the external edges of the kiwifruit vines/orchard, and are therefore unlikely to comply with the minimum building setback requirements).</p> <p>Resource Consent for a restricted discretionary activity is required to enable the artificial screens to be sited within the minimum setbacks from internal site boundaries.</p>
Rule 4.4.2.9 Height of buildings	Shall not exceed 12m in height above ground level.	<p>Complies.</p> <p>The maximum height of the artificial screens is significantly less than 12m (approximately 6m high). The proposal therefore complies with the 12m maximum permitted height requirement.</p>
Rule 4.4.2.10 Maximum building coverage	<p>The maximum amount of a site which can be covered by buildings is</p> <ul style="list-style-type: none"> (a) 3% for sites of one hectare or more and (b) 10% for sites less than one hectare. <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p>	<p>Does Not Comply</p> <p>The Applicants properties vary in size, and the maximum area that is able to be covered by 'buildings' therefore also varies from site to site.</p> <p>Because some of the properties (and kiwifruit species) require large areas of the kiwifruit to be covered (in order to maximum overall productivity), the Applicant is seeking resource</p>



Rule	Compliance Standard	Compliance Status
	<ul style="list-style-type: none"> Visual effects including bulk, scale and location of the building; and Effect on high class soils; and Effects of traffic generation; and Effects on identified landscapes or cultural values; and Effects on rural character. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	<p>consent approval to exceed the maximum building coverage requirement at some/all of the sites.</p> <p>Resource Consent for a Restricted Discretionary Activity is therefore required.</p>
Rule 4.4.2.12 Daylight control	<p>No building shall penetrate a recession plane at right angles to a boundary inclined inward and upwards at an angle of 45° from 2.7m above the ground level of the front, side or rear boundaries of a site.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> Visual effects including bulk, scale and location of the building; and Effect on high class soils; and Effects of traffic generation; and Effects on identified landscapes or cultural values; and Effects on rural character. <p>These matters will be considered in accordance with the assessment criteria in Section 21</p>	<p>Does Not Comply.</p> <p>Because the artificial screens are deemed to be a 'building' they must also comply with the daylight control requirement.</p> <p>Those artificial screens that are located closest to the external site boundaries have the potential to encroach into the height recession plane (because they are approximately 6m tall and are located within the minimum building setbacks).</p> <p>Resource Consent for a Restricted Discretionary Activity is therefore required.</p>
Rule 4.4.2.15 Noise	<p>Limits within the notional boundary of any dwelling:</p> <p>Day time - 7.00am to 10.00pm 50dBA (Leq)</p> <p>Night time - 10.00pm to 7.00am 40dBA (Leq)</p> <p>Night time single noise event 70dBA (Lmax)</p>	<p>Not Applicable</p> <p>There are no adverse noise effects associated with the use of artificial screens/ horticultural shade cloth.</p>



Rule	Compliance Standard	Compliance Status
Rule 4.4.2.19 Construction Noise	Construction noise shall comply with NZS 6803:1999 Acoustics – Construction Noise	Noted – Will Comply
Rule 4.4.2.73 Earthworks	1,000m ³ per calendar year per site although this shall not apply to earthworks incidental to an approved resource consent.	Noted – Will Comply.

Section 25: Landscapes and Viewshafts

Rule 25.4.1(h) Artificial Screens	<p>Artificial screens and ancillary structures are specifically identified as a Restricted Discretionary Activity within the following areas:</p> <ul style="list-style-type: none"> - Outstanding natural features and landscapes; - High Amenity Landscapes - Significant Landscape Features; - Other landscapes - Viewshafts, Sh3, Scenic Corridor. <p>Assessment of restricted discretionary activities shall be restricted to the following matters:</p> <ul style="list-style-type: none"> • Location; and • Height; and • Integration with landscape; and • Colour; and • Materials. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	<p>Applies</p> <p>The application is seeking blanket resource consent approval for the use of artificial screens within the Rural Zone, including Rural sites within landscape and viewshaft areas.</p> <p>Resource consent is required for a restricted discretionary activity.</p>
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Section 26: Lakes and Water bodies

Rule 26.4.2.1 Lakes and Water bodies	No building, wastewater treatment system, earthworks, vegetation clearance or feed pads shall be erected or undertaken within 23m of the edge of any lake or water body as measured at its maximum annual water level, provided that this rule shall not apply to:	<p>Complies.</p> <p>No Artificial Screens will be within 23m of the edge of any lake or water body.</p>
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Rule	Compliance Standard	Compliance Status
	(a) The Karāpiro and Arapuni Hydro Power Zone.	
	(b) Maimai not exceeding 6m ² in floor area; or	
	(c) Earthworks and vegetation removal associated with conservation planting of riverbanks and lakes; or	
	(d) St Kilda Residential Structure Plan Area; or	
	(e) Clearance of vegetation undertaken in accordance with Rule 26.4.1.1(e) or (f); or	
	(f) Harvesting of forestry over 5m from a water body.	

4.1.2.3 OVERALL ACTIVITY STATUS

In summary, the application seeks resource consent approval for a **Non-Complying Activity** in accordance with the following rules:

- **Rule 4.4.2.1(a)** – *Minimum building setback from road boundaries (Non-Complying)*
- **Rule 4.4.2.1(b)-(d)** – *Minimum building setback from road boundaries (Discretionary)*
- **Rule 4.4.2.2** – *Minimum setbacks from internal site boundaries (Restricted Discretionary)*
- **Rule 4.4.2.10** – *Maximum building coverage (Restricted Discretionary)*
- **Rule 4.4.2.12** – *Daylight control (Restricted Discretionary); and*
- **Rule 25.4.1(h)** – *Artificial Screens (Restricted Discretionary).*

4.1.3 District Plan Assessment Criteria and Limits of Discretion

Whilst the activity status is non-complying, the assessment criteria in Section 21 of the ODP still provides a useful assessment for consideration of the application.

An assessment of the proposal against the relevant Assessment Criteria in Section 21 of the ODP and the Limits of Discretion for Rules 4.4.2.2, 4.4.2.10, 4.4.2.12 and 25.4.1(h) is provided in **Table 4**:



Table 4: Assessment Criteria and Limits of Discretion

Topic	Assessment Criteria	Discussion
Section 21: Rural Zone Assessment Criteria		
21.1.4.6 Minimum building setbacks – internal boundaries	<ul style="list-style-type: none"> a) The extent to which the development provides for the visual and aural privacy of neighbours. b) The degree to which there is a loss of privacy, daylight, sunlight or outlook in adjacent sites. c) The effect of the building on the character and openness of the rural environment. d) Whether the development creates an aggregation of buildings not in keeping with rural character. e) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development. f) The potential effects of likely uses of the building on surrounding properties and on rural activities. g) The potential for reverse sensitivity effects on adjoining activities. 	<p>Complies</p> <ul style="list-style-type: none"> a) The use of artificial screens as part of the permitted farming activities will not adversely impact on the visual and aural privacy of neighbours, in most instances, the artificial screens will be completely screened from view by the shelter belt planting. b) The artificial screens comply with the maximum permitted height requirement and are not as tall as the shelter belt planting located nearby. No loss of privacy, daylight or sunlight is therefore anticipated with respect to the adjacent sites. c) Artificial screens (horticultural shade cloth) are anticipated within a working rural environment, and are clearly an ancillary structure to the permitted farming activities onsite. Locating the artificial screens within the minimum building setback from the public road will not adversely impact on the character and openness of the existing rural environment. Requiring the shade

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Topic	Assessment Criteria	Discussion
		<p>cloths to comply with the front yard setback would significantly reduce the overall productivity of the site, and result in a large vacant strip of land along the road frontages of each property that would not be able to be utilised for the permitted farming activities.</p> <p>d) Not applicable. The artificial screens are not buildings in the true sense of the word and are appropriate for the rural character.</p> <p>e) Not applicable. The use of artificial screens as part of the orchard activities will not affect the existing landscaping onsite.</p> <p>f) Not applicable</p> <p>g) Not Applicable – No reverse sensitivity effects are anticipated.</p>
21.1.4.10 Daylight control	<p>a) The degree to which there is a loss of privacy, sunlight, amenity, or outlook on adjacent or adjoining sites.</p> <p>b) Whether or not the bulk, scale and location of the building is in keeping with rural character and amenity.</p> <p>c) Whether there are any alternative locations for the building that would have a lesser degree of effect on adjacent properties.</p> <p>d) The extent to which existing vegetation is retained and any proposed landscaping adds to the amenity of the development.</p>	<p>Complies</p> <p>a) The use of artificial screens as part of the permitted orchard activities will not result in a loss of privacy, sunlight or amenity on adjacent sites. The shelter belt planting is taller than the artificial screens. The screens are also permeable and not visually dominant.</p> <p>b) The artificial screens are will not detract from the rural</p>

Topic	Assessment Criteria	Discussion
		<p>character and amenity.</p> <p>c) It is not possible to 'relocate' the artificial screens. They are required to protect the in-situ kiwifruit vines from wind, frost and rain.</p> <p>d) Not applicable.</p>
21.1.4.19 Maximum building overage of new buildings	<p>a) The likely visual prominence of the buildings and the effectiveness of any mitigation proposed</p> <p>b) The effect on the existing and future productive use of any high-class soils.</p> <p>c) The effects of any traffic likely to be generated by the potential uses of the building.</p> <p>d) The effect on any identified landscape areas.</p> <p>e) The effect of the location and scale of the building on cultural values of the site.</p> <p>f) The effect on rural character including consideration of overall cumulative effects.</p>	<p>May Not Comply on some sites</p> <p>a) The proposal to construct lateral shade cloth over the kiwifruit vines has the potential to exceed the maximum permitted building coverage in some instances (ie where larger areas of the orchard are covered) because the screens are technically deemed to be a 'building'. However, the use of artificial screens (as opposed to large solid buildings) will not result in any adverse effects. The artificial screens are not visually dominant or solid structures. The shelter belt planting will visually screen the artificial screens from view, and is therefore an effective form of mitigation</p> <p>b) The use of artificial screens as part of the permitted farming activities will not adversely impact on the productive potential of the underlying soils. The screens protect the fruit and vines from frost, wind and hail damage, and ultimately improve the productivity of the orchard and the high quality soils.</p> <p>c) Not Applicable. No traffic effects are anticipated</p>



Topic	Assessment Criteria	Discussion
		<p>d) Not Applicable – the artificial screens are accessory structures to the permitted farming activities and are anticipated within a rural environment.</p> <p>e) Not Applicable. No effects on the cultural values of any of the sites are anticipated.</p> <p>f) Complies – An assessment of the effects on Rural Character is provided within Section 5 of this report. The application site and all of the properties surrounding the site are zoned Rural, and the activities being undertaken have a direct connection to the existing kiwifruit orchard onsite, and are expressly provided for within the Rural Zone.</p>

Section 21.1.1 Assessment Criteria for ALL discretionary activities

21.1.1.3 Visual	<p>a) The extent to which the development effects the surrounding environment; particularly any identified character precinct areas, prominence of buildings and design elements in the proposal, and public places and roads.</p> <p>b) The scale, height, bulk, cross sectional area, colour, glazing reflectivity and texture of any buildings.</p> <p>c) The location, scale and nature of earthworks/ excavations/spoil and vegetation removal/soil or spoil heaps.</p> <p>d) The extent of any light spill, light intensity and shadowing effects.</p> <p>e) The extent to which existing vegetation is retained to screen or soften visual effects.</p> <p>f) The extent and nature of landscape planting and rehabilitation proposed and</p>	<p>Complies</p> <p>a) The addition of artificial screens to a rural environment will not affect the surrounding rural environment. The existing shelter belt along the external site boundaries of each orchard site provides a visual screen between the screens and the adjacent rural properties.</p> <p>b) The scale and appearance of the artificial screens (including their height, bulk, reflectivity and colour) is appropriate for the Rural Zone and will not detract from the existing rural character. The non-compliances with the relevant Rural Zone performance</p>
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Topic	Assessment Criteria	Discussion
	whether this will remedy or mitigate the effects of the activity, including provision for on-going maintenance of planting	<p>standards will not result in any adverse effects. The screens are coloured opaque and green to match the existing rural environment.</p> <p>c) Not Applicable. The application is for horticultural shade cloth associated with permitted kiwifruit orchard activities. Any earthworks will be minimal, and well within the permitted levels.</p> <p>d) Not Applicable - No adverse effects with respect to light spill and shadowing are anticipated. The shelter belt planting around the perimeter of each orchard site is several metres taller than the artificial screens (and will screen the shade cloths from the adjacent public roads and rural properties).</p> <p>e) The existing shelter belt planting around the perimeter of each orchard site provides a visual screen between the artificial screens and the public roads and surrounding rural properties.</p> <p>f) Complies – As above. The shelter belt planting is taller than the artificial screens. No additional planting is proposed.</p>
21.1.1.4 Amenity values	a) The likely effects of the activity and associated land uses on any other activity in the vicinity by emission of noise, fumes, dust, smoke, glare or any other form of pollution.	<p>Complies</p> <p>a) No adverse fumes, dust, smoke or glare effects are anticipated as a result of the proposal to utilise horticultural shade cloth</p>

Topic	Assessment Criteria	Discussion
	<ul style="list-style-type: none"> b) The degree to which there is a loss of privacy, daylight or sunlight in adjacent sites. c) The extent to which harmony of form, colour, texture and materials is present within individual developments. d) The extent to which solar potential, innovative aspect and design is optimized in the development. e) The scale and bulk of building(s) in relation to the site and adjoining neighbours. f) The built characteristics of the locality. g) The extent to which the road boundary setback is appropriate in the location. h) The extent of modification to the existing landform and the impact this will have on the character and amenity of the surrounding area. i) The ability to avoid, remedy or mitigate potential visual and amenity effects on sites in the vicinity 	<ul style="list-style-type: none"> as part of the organic orchard operations. b) The proposal will not result in any loss of privacy, daylight or sunlight for the adjacent sites. The artificial screens comply with the maximum permitted height and are unlikely to be visible from beyond the external site boundaries. c) Not Applicable. d) Not Applicable e) Not Applicable - The scale and bulk of the 'buildings' is appropriate for the rural zoning of each site and the surrounding rural zoned properties. The shelter belt planting on each of the orchard properties provides a visual screen between the artificial screens and the adjacent public road and rural properties. f) The orchard sites are located within the existing Rural Zone of the Waipa District and the surrounding land uses comprise a mix of rural farming and lifestyle properties. The use of horticultural shade cloths within a working rural environment is considered appropriate for the sites, and the surrounding rural environment. g) The use of horticultural shade cloth within the road boundary setbacks will not result in any adverse effects. Shelter belt planting will visually screen the application site (and specifically, the water tanks horticultural



Topic	Assessment Criteria	Discussion
		<p>shade cloth from the adjacent public road. However, even if visible, artificial screens associated with the permitted orchard activities are not out of character (and are anticipated) within a working rural environment. A complying building setback is not necessary (or practicable) with in this instance. (the existing planting affords the adjacent public road and rural properties ample amenity).</p> <p>h) Not Applicable.</p> <p>i) An assessment of the visual and amenity effects is provided in the Assessment of Effects. For the reasons already stated, any effects on visual and amenity effects can be appropriately mitigated onsite or will be no more than minor.</p>

Section 4 Rural Zone – Restricted Discretionary Limits of Discretion

<p>Rule 4.4.2.2</p> <p>Minimum setbacks from internal site boundaries</p>	<ul style="list-style-type: none"> • The provision of daylight and sunlight into neighbouring buildings; and • Visual and aural privacy; and • The general appearance/effect on the openness and character; and • The safety and efficiency of traffic flow; and • Access around the site; and • Effects on surrounding properties; and • Potential reverse sensitivity effects on any adjoining rural activities. 	<p>Complies</p> <p>An assessment against all of these matters (where relevant) is already provided within this application report.</p>
<p>Rule 4.4.2.10</p>	<ul style="list-style-type: none"> • Visual effects including bulk, scale and location of the building; and • Effect on high class soils; and • Effects of traffic generation; and 	<p>Complies</p> <p>An assessment against all of these matters (where relevant)</p>



Topic	Assessment Criteria	Discussion
Maximum building coverage	<ul style="list-style-type: none"> Effects on identified landscapes or cultural values; and Effects on rural character. 	is already provided within this application report.
Rule 4.4.2.12 Daylight control	<ul style="list-style-type: none"> Visual effects including bulk, scale and location of the building; and Effect on high class soils; and Effects of traffic generation; and Effects on identified landscapes or cultural values; and Effects on rural character. 	<p>Complies</p> <p>An assessment against all of these matters (where relevant) is already provided within this application report.</p>
Rule 25.4.1(h) Artificial Screens	<ul style="list-style-type: none"> Location; and Height; and Integration with landscape; and Colour; and Materials. 	<p>Complies</p> <p>An assessment against all of these matters (where relevant) is already provided within this application report.</p>



5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following assessment of environmental effects is focused on the matters that are relevant to the non-compliances with the applicable Rural Zone performance standards (as set out in Section 4 of this report) and the relevant Assessment Criteria and Information Requirements in the Waipa District Plan that are applicable to the proposal.

Specifically, the following effects have been identified, and are discussed below:

- Positive Effects
- Rural Character and Amenity Effects
- Visual Effects

5.1 POSITIVE EFFECTS

The proposal to grant blanket resource consent approval for artificial screens to be utilised on Rural Zoned properties throughout the Waipa District, as part of the permitted farming (horticulture) activities, will have positive effects for both the Applicant and the wider community as follows:

The Applicant:

The artificial screens protect the kiwifruit vines from frost, wind and hail damage, and therefore improve the overall output and productivity of each kiwifruit orchard.

They will also enable the Applicants to plant areas that may otherwise not be suitable in kiwifruit vines.

The screens will also enable the Applicants to trial / plant additional kiwifruit varieties / species.

This is consistent with the Rural Zone objectives and policies which aim to retain and utilise the productive capabilities of the rural land and high quality soils.

Granting a blanket resource consent that provides for artificial screens (existing and proposed) on all of the Applicant's Rural Zoned properties within the Waipa District, will negate the requirement to apply for separate resource consents each time new artificial screens are erected at each of the sites. The requirement to apply for individual resource consents for structures that are anticipated within a working rural environment, and are clearly ancillary to the permitted farming activity (and relate solely to a technical anomaly with respect to the District Plan definition for building) would not be sound planning practice for either the Applicant or Council. The artificial screens should not require resource consent approval to legally establish within the Rural Zone.



Local Community:

The proposal will have positive effects on the local community insofar as it will generate additional employment opportunities (associated with the installation and maintenance of the artificial screens, and picking and packing the increased harvest).

The proposal therefore has the potential to result in additional employment opportunities within the horticultural sector.

Finally, the proposal will result in an increased supply of kiwifruit (due to the higher harvest rates and increases in fruit varieties). This will also have a positive effect on the local community, as consumers of the aforementioned kiwifruit.

For the reasons outlined above it is our assessment that the proposal will have positive effects on both the applicant and the wider community.

5.2 RURAL CHARACTER AND AMENITY EFFECTS

The proposal to utilise artificial screens as part of the permitted rural farming activities will not adversely impact upon the existing rural character and amenity values of the individual Rural zoned properties on which the screens are proposed, or the surrounding rural environment.

All of the properties are zoned Rural and are located within established rural areas where the predominant land use is rural farming activities.

The artificial screens are directly associated with the permitted rural farming (horticulture) activities onsite, and the permeable nature and opaque appearance of the screens is such that they will not detract from the existing rural character and amenity.

Artificial screens are structures that are anticipated (and widely used) within a working rural environment, and are an integral part of the day to day operations of the existing kiwifruit orchards. They are therefore compatible with the existing land use activities and rural zoning.

The potential non-compliances with some of the Rural Zone performance standards (including minimum setback requirements, maximum building coverage and daylight control requirements), are only 'technical' breaches of rules that are intended to apply to solid buildings and structures (as opposed to permeable horticultural shade cloth). No adverse effects are anticipated with respect to these non-compliances.

The use of permeable horticultural shade cloths within a working rural environment will not adversely impact on rural character and amenity.

No adverse odour or noise effects will occur as a result of the proposal.



For the reasons outlined above any effects on rural character and amenity are considered to be less than minor.

5.3 VISUAL EFFECTS

The proposal to utilise horticultural shade cloths as part of the permitted farming activities onsite will not result in any adverse visual effects with respect to the application sites or the surrounding rural environment.

Potential visual effects are discussed below under the following headings:

- Design and Appearance
- Shelter Belt Planting
- Functional Need to Establish in a working Rural Environment

5.3.1 DESIGN AND APPEARANCE

The design and appearance of the artificial screens significantly reduces their potential visual impact. For example, the screens comprise of recessive colour tones (typically opaque / green tones), and the actual shade cloth is permeable in nature (as opposed to a large solid building or structure).

The horticultural shade cloth is specifically designed and manufactured for its intended purpose, and is very durable and hard wearing (as is evident from the photos in **Figures 1 - 3**, which show shade cloth that is several years old).

Artificial screens have significantly less of a visual impact than other accessory farm buildings such as glasshouses, barns and shearing sheds, that would also be permitted (and anticipated) within a Rural Zone environment.

5.3.2 SHELTER BELT PLANTING

Shelter belt planting along the external boundaries of the orchard properties provides an effective visual screen with respect to the artificial screens (and most of the orchard activities within the subject properties).

The shelter belt planting is an integral part of the kiwifruit orchard activities insofar as it creates a physical buffer (and security 'fencing') around the kiwifruit orchard, and protects and screens the fruit and vines from potential spray drift and dust nuisance (from adjoining land use activities) and inclement weather conditions (wind). Shelter belts are common practise throughout the rural sector and are also a Permitted Activity under the Operative Waipa District Plan.

The shelter belt planting is typically several metres taller than the artificial screens and therefore visually screens the artificial screens from view of both the adjacent rural properties and public roads.



The shelter belt species favoured by the Applicant (and utilised on most of their orchards) is Japanese Cedar / *Crypomeria* (or similar). This is a relatively fast growing species that is wind resistant and grows very tall (thereby providing useful visual mitigation).

Figures 4 and 5 are photos of the existing shelter belt planting that runs along the front and side boundaries of the Applicants 'Heritage' property on Kaipaki Road.

It is clear that the existing shelter belt provides an effective visual screen with respect to the existing orchard activities (and artificial screens) located on the Heritage property.

There are only 'glimpses' of the existing artificial screens from the gate entrance to the property (where there is effectively a gap in the shelter belt planting to provide vehicle access). It is our assessment that there are no adverse visual effects associated with these very limited views of the artificial screens.

The existing shelter belt planting screens the artificial screens are from the adjacent rural properties (and the rest of Kaipaki Road).



Figure 4 A typical view of the shelter belt planting with the artificial screens behind (at the Heritage site).



Figure 5 An alternative view of the existing shelter belt planting at the Heritage site. The artificial screens are not visible (located behind the shelterbelt)

Figure 6 below is another example of how the existing shelter belt planting mitigates any potential visual effects associated with the use of artificial screens in the Rural Zone.



Figure 6 View of the existing shelter belt planting at the Gorton Road site

Figure 6 is a photo of the existing shelter belt planting along the front boundary of the 'Gorton Road' site. The existing shelter belt has a height of approximately 15m and is therefore significantly taller than the 6.0m high artificial screens. The existing shelter belt planting is also several metres taller than the existing Packhouse building on the same property.

The shelter belt provides an effective visual screen between the orchard activities and the adjacent public road and the rural properties located on the opposite side of Gorton Road.

For the reasons outlined above, no adverse visual effects are anticipated with respect to the use of artificial screens within the Rural Zone.

5.3.3 FUNCTIONAL NEED TO ESTABLISH WITHIN A WORKING RURAL ENVIRONMENT

It is important to emphasise that even if the artificial screens are visible, or partially visible from beyond the site, they are a structure that is directly related to the permitted farming activities that are undertaken on the property, and a structure that is anticipated within a working rural environment.

The artificial screens are clearly accessory to the permitted farming activity being undertaken within the site.

The use of artificial screens within a rural environment does not detract from the rural character and amenity values of the rural environment.

For the reasons outlined above, even if visible, no adverse visual effects are anticipated with respect to the use of artificial screens within a working rural environment.

5.4 SUMMARY OF ENVIRONMENTAL EFFECTS

For the reasons outlined above, no adverse visual effects or effects on rural character and amenity are anticipated.

6. POLICY AND PLANNING ASSESSMENT

Section 104(1)(b) of the RMA sets out the suite of planning instruments that must be considered in any assessment of the proposal. The following assessment identifies the relevant documents and considers the proposal in relation to the relevant provisions.

The following policy and planning documents are relevant to the application, and are discussed below:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- Waikato Regional Policy Statement;
- Waikato Regional Plan; and
- Waipa District Plan.

6.1 NATIONAL ENVIRONMENTAL STANDARD – SOIL CONTAMINATION

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES) aims to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed, and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

Clause 5(1) of the NES states that the NES applies when:

“...a person wants to do an activity described in any of subclauses (2) to (6) on a piece of land described in subclause (7) or (8):”

One of the activities listed in subclause (2) to (6) is “disturbing the soil of the piece of land” on which the activity occurs. The proposal involves minimal earthworks associated with insertion of the poles and support structures for the artificial screens. No foundations or ‘floors’ are required for an ancillary structure of this nature. The volumes of earthworks and soil disturbance activities are well within the permitted volumes.

Clause 5(7) of the NES states:

“Land covered

(7) The piece of land is a piece of land that is described by 1 of the following:

- a) an activity or industry described in the HAIL is being undertaken on it;*
- b) an activity or industry described in the HAIL has been undertaken on it;*
- c) it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.”*

The ‘HAIL’ is the ‘Hazardous Activities and Industries List’. Therefore, the NES applies only if any activities in the HAIL are, or have been, or are more than likely to have been undertaken on the piece of land within which the earthworks are to be undertaken. The



words ‘piece of land’ in clause (7) are important and relate to the piece of land on which the works are proposed, not the balance of the subject property.

In terms of clause 5(7)(a), (b) and (c) of the NES, the application seeks blanket resource consent approval for a number of rural zoned properties that are utilised as organic kiwifruit orchards (and include an associated packhouse facility).

The orchard activities (despite being organic) are potentially a HAIL activity.

The piece of land is therefore covered by Clause (7) above (and requires assessment under the NES).

Clause 5(8) of the NES states:

“If a piece of land described in subclause (7) is production land, these regulations apply if the person wants to—

- (a) remove a fuel storage system from the piece of land or replace a fuel storage system in or on the piece of land:*
- (b) sample or disturb—*
 - (i) soil under existing residential buildings on the piece of land:*
 - (ii) soil used for the farmhouse garden or other residential purposes in the immediate vicinity of existing residential buildings:*
 - (iii) soil that would be under proposed residential buildings on the piece of land:*
 - (iv) soil that would be used for the farmhouse garden or other residential purposes in the immediate vicinity of proposed residential buildings:*
- (c) subdivide land in a way that causes the piece of land to stop being production land:*
- (d) change the use of the piece of land in a way that causes the piece of land to stop being production land.*

The piece of land described in subclause (7) is production land (i.e. the properties are utilised as organic kiwifruit orchards and an associated packhouse facility), and the applicant is not proposing to undertake any of the activities in subclauses (a)-(d). No change of use is proposed. The site will continue to be utilised for rural (horticultural) purposes (a kiwifruit orchard and associated packhouse facility).

Any earthworks associated with the installation of the support structures for the artificial screens will be well within the permitted earthworks and soil disturbance volumes.

In accordance with Clause (8) above the NES regulations therefore do not apply in this instance.

Based on the above, we do not believe consent is not triggered under the NES.



6.2 WAIKATO REGIONAL POLICY STATEMENT

The Waikato Regional Policy Statement (RPS) became operative on 20 May 2016. It is our assessment that the application for blanket resource consent approval for artificial screens that are directly associated within the permitted farming (horticulture) activities on each site does not conflict with any provisions of the Waikato Regional Policy Statement.

6.3 WAIKATO REGIONAL PLAN

The Waikato Regional Plan is fully operative and contains objectives, policies and methods to manage the natural and physical resources of the Waikato Region.

There are no aspects of the proposal that require consideration or assessment against the Waikato Regional Plan. In this case, there will be minimal earthworks associated with the installation of the artificial screens, and no changes to the existing stormwater management. Any earthworks will be well within the permitted standards in the Waikato Regional Plan.

Accordingly, the proposal is considered to be consistent with the Waikato Regional Plan.

6.4 WAIPA DISTRICT PLAN

An assessment of the proposal against the relevant policy framework within the Operative Waipa District Plan (ODP) is provided below:

6.4.1 Rural Zone Provisions

Section 4 of the ODP sets out various issues, objectives and policies relating to land within the Rural Zone. Relevant provisions address amenity matters and are discussed below:

Objective 4.3.2 Rural Activities: Farming

The capacity of rural areas and rural resources to support farming activities and lawfully established rural based activities is maintained.

Policy 4.3.2.1 Management of rural resources

Manage rural resources so that farming activities can continue to establish and operate.

Policy 4.3.2.2 Rural environment

Recognise and protect the continued operation of the Rural Zone as a pastoral working environment.

Policy 4.3.2.3 Farming Activities to avoid adverse effects

Manage farming activities so that they do not result in adverse effects on the environment or adjacent sites by ensuring:

- (a) Buildings are located appropriately; and*
- (b) Adverse effects, are avoided, remedied or mitigated.*

Policy 4.3.2.4 Farm buildings and activities to internalise adverse effects

Farm buildings and activities shall be located and scaled to minimise adverse effects on rural character and amenity.



The proposal is consistent with Objective 4.3.2 and its associated Policies as follows:

The artificial screens are clearly accessory to the permitted rural farming activities undertaken on each site. The screens are used to improve the overall productivity and fruit harvest onsite. For example, areas that may otherwise not be suitable for growing kiwifruit (such as areas that are exposed to high winds, or low lying areas that are frost prone) are able to be planted in vines, with the addition of artificial screens.

The screens ensure that the fruit and vines are protected, and less fruit is lost to frost, wind and hail damage.

Granting resource consent for artificial screens to be utilised as part of the existing permitted farming (horticulture) activities will allow the Applicant to be better equipped to support existing horticultural activities onsite, and protect the fruit and vines.

This is consistent with the Rural Zone policy framework which aims to protect and utilise the productive potential of the underlying soil resource and the finite resource of rural land.

No adverse effects are anticipated with respect to the proposal to utilise artificial screens as part of the permitted horticulture activities.

Granting blanket resource consent approval will allow the Applicant to continue to establish, operate and expand their permitted farming (horticultural) activities on their existing rural zoned properties.

The artificial screen tanks comply with the maximum permitted building height and will be suitably screened from adjacent public roads and surrounding rural zoned properties by the shelter belt planting that runs along the external boundaries of each orchard site.

The artificial screens are considered an appropriate structure for the rural zoning, and the productive rural based activities that are undertaken on each site.

The proposal is therefore consistent with Objective 4.3.2 and Policies 4.3.2.1, 4.3.2.2, 4.3.2.3 and 4.3.2.4 above.

Objective 4.3.7 Rural Character

Rural character and amenity is maintained.

Policy 4.3.7.1

Land use activities should be at a density, scale, intensity and location to maintain rural character.

Policy 4.3.7.2

Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.



The potential effects on Rural Character are assessed in **Section 5.0** above (and are considered to be less than minor).

The proposal to utilise artificial screens as part of the permitted farming activities at each site will not impact upon the existing rural character and amenity. The artificial screens are an accessory structure to the permitted farming activities, and are structures that are anticipated within a working rural environment. The scale and location of the artificial screens is therefore appropriate for a rural environment.

The proposal is therefore consistent with Objective 4.3.7 and Policies 4.3.7.1, 4.3.7.2 and 4.3.7.3 above.

Objective 4.3.8 Rural Amenity - Setbacks

To maintain rural character and amenity and avoid reverse sensitivity effects.

Policy 4.3.8.1 Transport network boundaries

Buildings and activities are set back from road boundaries and railway tracks to maintain safety, rural character and amenity, and to avoid reverse sensitivity effects.

Policy 4.3.8.2 - Internal boundaries

Buildings and activities are set back from rear and side boundaries to maintain rural character and amenity and avoid reverse sensitivity effects.

The potential effects on Rural Amenity as a result of the non-compliances with the building setback requirements are assessed in **Section 5.0** above (and are considered to be less than minor).

The artificial screens are appropriately setback from the external site boundaries and are screened from the adjacent public roads and rural properties by the existing shelter belt planting that is several metres taller than the artificial screens and extends along the external boundaries of each orchard site.

No reverse sensitivity effects are anticipated with respect to the proposal to utilise artificial screens as part of the permitted farming activities (organic kiwifruit orchards) undertaken onsite. All of the kiwifruit orchards are located in established rural areas, where the predominant land use activity is rural farming.

For the reasons outlined above, the scale and location of the artificial screens is considered appropriate for the existing rural environment and the existing rural character and amenity will be maintained.

The proposal is therefore consistent with the above objective and policies.

6.4.2 SUMMARY

In summary, the proposal is consistent with the relevant policy provisions of the ODP.



6.5 OTHER MATTERS

Section 104(1)(c) requires that when considering an application for a resource consent and any submissions received, the Council must have regard to 'any other matter' relevant and reasonably necessary to determine the application. In this case, we are not aware of any other matters that are of relevance to the current application.

7. PART 2 MATTERS

This section of the report assesses the proposal in relation to Part 2 of the RMA.

Section 5

Section 5 of the RMA states the purpose of the legislation, being “*to promote the sustainable management of natural and physical resources*”.

The application of section 5 to the proposal involves a broad judgement on whether allowing the activities will promote sustainable management or not. The activities comprise of existing and proposed artificial screens on various rural zoned properties within the Waipa District. The blanket resource consent allows for the artificial screens to exceed the maximum permitted building coverage and encroach into the minimum building setback requirements and height recession plane. The artificial screens are an integral part of the permitted rural farming (horticulture) activities onsite.

Section 6

Section 6 ‘Matters of National Importance’ of the RMA states the matters that are considered to be of national importance. There are no matters of national importance associated with the current application. The natural character of Lake Karapiro will be unaffected by the use of artificial screens on rural properties surrounding the lake. The artificial screens are appropriately setback from Lake Karapiro. While the District Plan recognises Lake Karapiro as a high amenity landscape, it is not an outstanding natural feature or landscape as considered under (b).

Where the artificial screens are located within the ‘River and Lake Environs’ policy area, no adverse environmental effects are anticipated. The screens will comply with the relevant setback requirements with respect to Lake Karapiro. The application will not impact on the current maintenance and enhancement of public access to and along the lake. No adverse effects on the Lake are therefore anticipated.

Section 7

Section 7 ‘Other Matters’ of the RMA lists various matters, some are which are relevant to this particular proposal. The most relevant subsections to the assessment of the application are considered to be:

- (b) *‘the efficient use and development of natural and physical resources’*,
- (c) *‘the maintenance and enhancement of amenity values’*, and
- (f) *‘maintenance and enhancement of the quality of the environment’*.

The proposal represents an efficient use of the natural and physical resources on sites in a way that maintains existing high amenity values and the quality of the environment. The proposal is therefore considered to be consistent with section 7 of the RMA.



Section 8

Section 8 of the RMA requires the Council to take into account principles of the Treaty of Waitangi. There are no known pa sites or other sites of significance located on any of the properties, in the immediate vicinity of the existing or proposed artificial screens. Further, the erection of artificial screens only requires minimum earthworks and soil disturbance activities (associated with the support structures / poles for the artificial screens – which is no different from digging a post hole for a permitted activity fence other than being deeper). The proposal is consistent with section 8 of the RMA.

Summary

In summary the application is consistent with sections 6, 7 and 8 of the RMA. The proposal allows for the continued operation of an existing (and permitted) rural farming activity at each the rural zoned properties, and is considered an appropriate land use activity for the site and the surrounding Rural Zone. The artificial screens are unlikely to be visible from beyond the external boundaries of each site (or only to a minor extent), and therefore will not detract from the existing rural character and amenity. The ongoing use of the property as a productive rural farming activity is consistent with the sustainable management purpose of the RMA as stated within section 5 of the RMA.

7.1 SECTION 88 OF THE RMA

Section 88 of the RMA requires that an application for a resource consent be made in the prescribed form and manner, and include, in accordance with Schedule 4, the information relating to the activity, including an assessment of the activity's effects on the environment, as required by Schedule 4.

The resource consent application in Part A of this AEE is in the prescribed form, as set out in Form 9 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

By way of summary, the AEE meets the requirements of Schedule 4, and the requirements of section 88.



7.2 SECTION 104 ASSESSMENT

7.2.1 SECTION 104(1)

Section 104(1) of the RMA lists the matters that the consent authority must have regard to when considering an application for resource consent. Section 104(1) states:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- (a) any actual and potential effects on the environment of allowing the activity; and*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of*
 - (i) a national environmental standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) a regional policy statement or proposed regional policy statement;*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104(1) does not give any of the matters to which a consent authority is required to have regard primacy over any other matter. All the matters are to be given such weight as the consent authority sees fit in the circumstances and all provisions are subject to Part 2. The assessment provided within this application report adequately addresses all of the relevant matters within Section 104(1) of the Act.



7.3 SECTION 104D OF THE RMA

As a non-complying activity, the application must be considered under section 104D of the RMA, and in particular what are known as the 'gateway' tests. In accordance with section 104D Council must only grant consent if either subsection 1(a) 'the adverse effects of the activity on the environment will be minor'; or 1(b) 'will not be contrary to the objectives and policies of relevant plans and proposed plans in respect of the locality; is met.

In this instance, the environmental effects analysis in Section 5 of this report concludes that the extent of potential adverse effects is less than minor. Furthermore, the above analysis of objectives and policies within the Waipa District Plan concludes that, the use of artificial screens as accessory structures to the permitted farming activities (and associated non-compliances with the Rural Zone Performance Standards) is not contrary to the substantive environmental outcomes that the District Plan Objectives Policies seek to achieve. Accordingly, both of the 'gateway' tests are met, and Council may grant consent to the application.



8. CONSULTATION AND NOTIFICATION

8.1 CONSULTATION

8.1.1 WAIPA DISTRICT COUNCIL

Waipa District Council staff requested a meeting to discuss a complaint received regarding existing horticultural shade cloth at the Applicants properties, and the conditions of the existing resource consent for the Packhouse Facility at Gorton Road with the consent holder.

A Meeting was held at Waipa District Council on 1 September 2020, with the following people in attendance:

For Whitehall Fruitpackers Holdings Limited (Whitehall):

- Mark Gardiner and Paul Gardiner (Whitehall); and
- Mark Chrisp and Cate Southworth (Mitchell Daysh, Hamilton)

For Waipa District Council:

- Mr Quentin Budd (Consents Team Leader); and
- Mr Ken Danby (Enforcement Team Leader).

The following matters were discussed:

1. The consenting requirements for Horticultural Shade Cloth; and
2. The existing packhouse facility at Gorton Road.

1. The Consenting Requirements for Horticultural Shade Cloth:

- Council advised that they have received a complaint with respect to existing Shade Cloth at the Whitehall properties. Specifically, the complainant has queried whether Whitehall have resource consent approval for the existing horticultural shade cloth.
- Whitehall described the existing shade cloths and its uses within the horticultural sector. Whitehall confirmed that the existing shade cloths (referred to in the complaint) had been in place for a number of years.
- Council confirmed that they had not received any other complaints with respect to the use of horticultural shade cloth within the Rural Zone.
- All parties agreed that horticultural shade cloth should not need resource consent approval in the Rural Zone (but unfortunately does due to 'unintended technical non-compliances'). Shade cloth is an accessory structure to the permitted farming activities and is anticipated within a working rural environment.



- No parties are considered to be potentially affected by the proposal to utilise artificial screens as part of the permitted farming activities onsite. Further, no parties are considered to be potentially affected by the location of artificial screens within the Rivers and Lakes Environ Area, and the potential non-compliances with the Rural Zone performance standards (siting the artificial screens within the minimum building setbacks, exceeding building coverage and height to boundary).
- All parties agreed that a blanket resource consent (covering all properties within the Rural Zone) would be best to future proof the use of existing and proposed artificial screens.

2. Existing Packhouse Facility at Gorton Road: (these matters are being dealt with via a separate s.127 application to Council and are beyond the scope of this application).

- **Complaints Received:** Council advised that they have recently received a number of complaints with respect to the existing Whitehall packhouse facility at Gorton Road (as outlined in the WDC letter dated 21 August 2020). Complaints were received regarding noise, hours of operation and traffic.
- **Clarification under the existing resource consent:** Council staff sought clarification with respect to the existing (and consented) hours of operation onsite, and suggested that community liaison meetings be held on site to provide an opportunity for local residents to discuss operational matters with the consent holder.
- **The Methodology for addressing these issues:** The consenting requirements under s.127 versus s.128 of the RMA were discussed.

The following matters were agreed to by all parties:

- That Whitehall apply for a blanket resource consent that allows for artificial screens within the Rural Zone of the Waipa District (existing and proposed) to address the matters discussed;
- That Whitehall apply for a s.127 application to amend the existing resource consent decisions to address the matters discussed; and
- No parties are deemed to be affected. Both applications will therefore be processed on a non-notified basis.



8.1.2 POTENTIALLY AFFECTED PARTIES

Based on our discussions with Council to date, and our assessment of the application, we do not consider that there are any parties potentially adversely affected by the proposal to utilise artificial screens as part of the permitted farming activities on Rural zoned properties within the Waipa District.

The Applicant (Whitehall Fruitpackers Holdings Limited) is the owner of all of the existing Rural zoned properties for which the blanket resource consent approval is being sought, and is also the operator of the kiwifruit orchard activities.

The use of artificial screens as part of the permitted farming activities does not affect the rural character and amenity of the individual properties, or the surrounding rural area. No parties are therefore considered to be potentially affected.

Council have confirmed (at the Meeting held 1 September 2020) that no parties are considered to be potentially affected by the blanket resource consent application to utilise horticultural shade cloth on Rural zoned properties within the Waipa District.

Consultation was therefore not undertaken with any other parties with respect to this application.

8.2 NOTIFICATION

Sections 95A – 95G of the RMA set out the matters that WDC must consider when deciding whether to notify the resource consent application. These sections are considered below.

8.2.1 Public Notification (Section 95A)

Step 1 (Mandatory Notification):

- The applicant has not requested public notification of the application (95A(3)(a));
- Public notification is not required under section 95C (95A(3)(b)); and
- The application is not made jointly with an application to exchange recreation reserve land (95A(3)(c)).

The application is therefore not subject to mandatory public notification (95A(2)).

Step 2 (Public Notification Precluded):

- The application is not subject to a rule or national environmental standard that precludes public notification (95A(5)(a)); and
- The application is not for an activity listed in section 95A(5)(b).

Public notification is therefore not precluded under section 95A(4).



Step 3 (Public Notification Required in Certain Circumstances):

- The application is not subject to a rule or national environmental standard that requires public notification (95A(8)(a)); and
- Based on the conclusions reached in this AEE and mitigation measures proposed, the activity will not have adverse effects on the environment that are more than minor (95A(8)(b)).

Public notification of the application is not required under section 95A(7).

Step 4 (Special Circumstances):

- No special circumstances requiring public notification apply to the application in regard to section 95A(4).

Public notification is not required under section 95A.

In accordance with Section 95A the application does not require public notification.

We therefore request that the application be processed on a non-notified basis.

8.2.2 Limited Notification (Section 95B)

If WDC does not publicly notify an application under section 95A, it must determine whether there are any affected persons, an affected protected customary rights group, or affected customary marine title group in relation to the activity, whom it must give limited notification of the application:

Step 1 (Certain Affected Groups and Persons):

- There are no protected customary rights groups (95F) relevant to the area (95B(2)(a));
- There are no protected customary marine rights groups (95G) relevant to the area (95B(2)(b)); and
- The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement (95B(3)(a)).

The application is therefore not subject to limited notification under section 95B Step 1.

Step 2 (Limited Notification Precluded):

- The application is not subject to a rule or national environmental standard that precludes public notification (95B(6)(a)); and
- The application is not for an activity listed in section 95B(6)(b).

Limited notification is not precluded under section 95B(5).



Step 3 (Certain Other Affected Persons):

- The application is not for an activity listed in section 95B(7)(a); and
- The proposed activity will not have adverse effects on any person that are minor or more than minor (discussed in more detail subsequently) (95B(8)).

Limited notification of the application is not required under section 95B(9).

Step 4 (Special Circumstances):

- No special circumstances requiring notification of any other person apply to the application in regards to section 95B(10).

Limited notification is not required under section 95B.

8.2.3 Adverse effects likely to be more than minor (Section 95D)

WDC must decide whether an activity will have or is likely to have adverse effects on the environment that are more than minor, and:

- (a) Must disregard any effects on persons who own or occupy
 - (i) The land in, on, or over which the activity will occur; or
 - (ii) Any land adjacent to that land; and
- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and
- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and
- (d) must disregard trade competition and the effects of trade competition; and
- (e) must disregard any effect on a person who has given written approval to the relevant application.

For the purposes of Section 95D(a), Council must disregard any effects on the application site, and any adjacent land that is also owned by the applicant.

Sections 95D(b) and (c) are not applicable to the application. The earthworks and soil disturbance activities are permitted under the NES. No other NES's are deemed applicable. The activity status of the application is non-complying.

Section 95(d) requires Council to disregard any effects of trade competition and is not relevant to the application.

Section 95(e) requires Council to disregard any effects on those parties who have provided their written approval to the application. Council must therefore disregard any effects on the properties that are also owned by the Applicant (from whom written approval is implicit).



8.2.4 Notification Summary

In summary, the proposal to grant blanket resource consent approval artificial screens within the Rural Zone of the Waipa District will not have adverse effects on any person that are minor or more than minor.

The applicant has considered the actual and potential adverse off-site effects (i.e. the effects of the activity on neighbouring landowners).

The existing (and proposed) shelter belt planting (which is typically several metres taller than the artificial screens and located on all external boundaries) will visually the artificial screens from the adjacent public roads and rural properties.

All of the properties are zoned Rural, and are located within established rural areas, where the predominant land use activity in the surrounding areas is characterised by a predominance of rural (farming) activities. Artificial screens are therefore compatible with the existing land use activities on each site, and the existing rural activities and development in the surrounding area.

No changes to rural character are therefore anticipated as a result of the proposal.

In respect of rural amenity, there will not be any adverse effects on the surrounding properties amenity as a result of the proposal given that all the effects of the proposal will be mostly internalised within the site boundaries, and any visual effects will be mitigated by the existing (and proposed) shelter belt planting onsite. Amenity is described as the “the pleasantness or attractiveness of a place”. The RMA defines amenity values as being “those natural or physical qualities and characteristics of an area the contribute to people’s appreciation of its pleasantness, aesthetic coherences and cultural and recreational attributes”.

The potential non-compliances with respect to the Rural Zone performance standards (relating to building setbacks, building coverage and daylight control) will not result in any adverse effects, particularly with respect to rural amenity. Artificial screens are an accessory structure that is anticipated within a working rural environment, and are not visually dominant. The size of the artificial screens is appropriate for the overall size of the kiwifruit orchards and the nature of the permitted farming activities undertaken thereon. As noted previously, the proposal is appropriate for the Rural Zone and the existing kiwifruit orchard activities. No ‘adverse’ effects are therefore associated with the breach in the maximum permitted building coverage. Similarly, no adverse effects are associated with the breach in the minimum yard setback and daylight requirements. The existing (and proposed) shelter belt planting will screen the artificial screens from the adjacent public roads and the rural properties.



The proposal complies with the relevant performance standards for height, noise, vibration, lighting/glare (and therefore cannot be considered to be “adverse” in a way that is more than minor given that those performance standards have been through a public First Schedule RMA process, have been the subject of a section 32 evaluation and have been made operative).

In that regard, no person is considered to be affected by the proposal to grant blanket resource consent approval for the use of artificial screens within the Rural Zone of the Waipa District in a RMA section 95E context, and no person needs to be notified in respect of this application.

Accordingly, it is requested that WDC process this application on a non-notified basis.



9. CONCLUSION

Whitehall Fruitpackers Holdings Limited is seeking a blanket resource consent approval for the use of artificial screens on its properties within the Rural Zone of the Waipa District.

The artificial screens are accessory to the permitted farming activities being undertaken at each rural property, but require resource consent approval due to non-compliances with the Rural Zone Performance Standards relating to minimum building setbacks, maximum building coverage and daylight control, and/or their location within a River and Lakes Environs Area.

The artificial screens will be mostly screened from view from the adjacent public roads and rural properties by the existing (and proposed) shelter belt planting that is several metres taller than the artificial screens. However, even if visible, the screens are a structure that is directly associated with the permitted kiwifruit orchard activities and is also a structure that is anticipated within a working rural environment. No adverse effects with respect to rural character and amenity are therefore anticipated,

The artificial screens have been assessed to have less than minor environmental effects, including in relation to visual and amenity effects and rural character.

The use of artificial screens is also consistent with the Rural Zone objectives and policies, in the Operative Waipa District Plan (being the most relevant policy framework).

Both of the 'gateway' tests in section 104D of the RMA are therefore met, and Council may grant consent to the application.

No parties could potentially be adversely affected by the proposal. We therefore request that the application is processed on a non-notified basis.

We also request a copy of the proposed (draft) resource consent conditions, prior to the resource consent being granted.





A



APPENDIX A

Records of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier SA31D/867
Land Registration District South Auckland
Date Issued 08 August 1984

Prior References

SA27B/284

Estate	Fee Simple
Area	23.4660 hectares more or less
Legal Description	Lot 2 Deposited Plan South Auckland 32828

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

11617883.2 CAVEAT BY ZESPRI GROUP LIMITED - 19.12.2019 at 1:32 pm (LIMITED EFFECT)





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier SA31D/868
Land Registration District South Auckland
Date Issued 08 August 1984

Prior References

SA27B/284

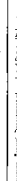
Estate	Fee Simple
Area	13.9800 hectares more or less
Legal Description	Lot 3 Deposited Plan South Auckland 32828

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier SA37C/413
Land Registration District South Auckland
Date Issued 20 November 1986

Prior References

SA1049/226

Estate Fee Simple
Area 18.5018 hectares more or less
Legal Description Part Section 13 Gorton Settlement

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

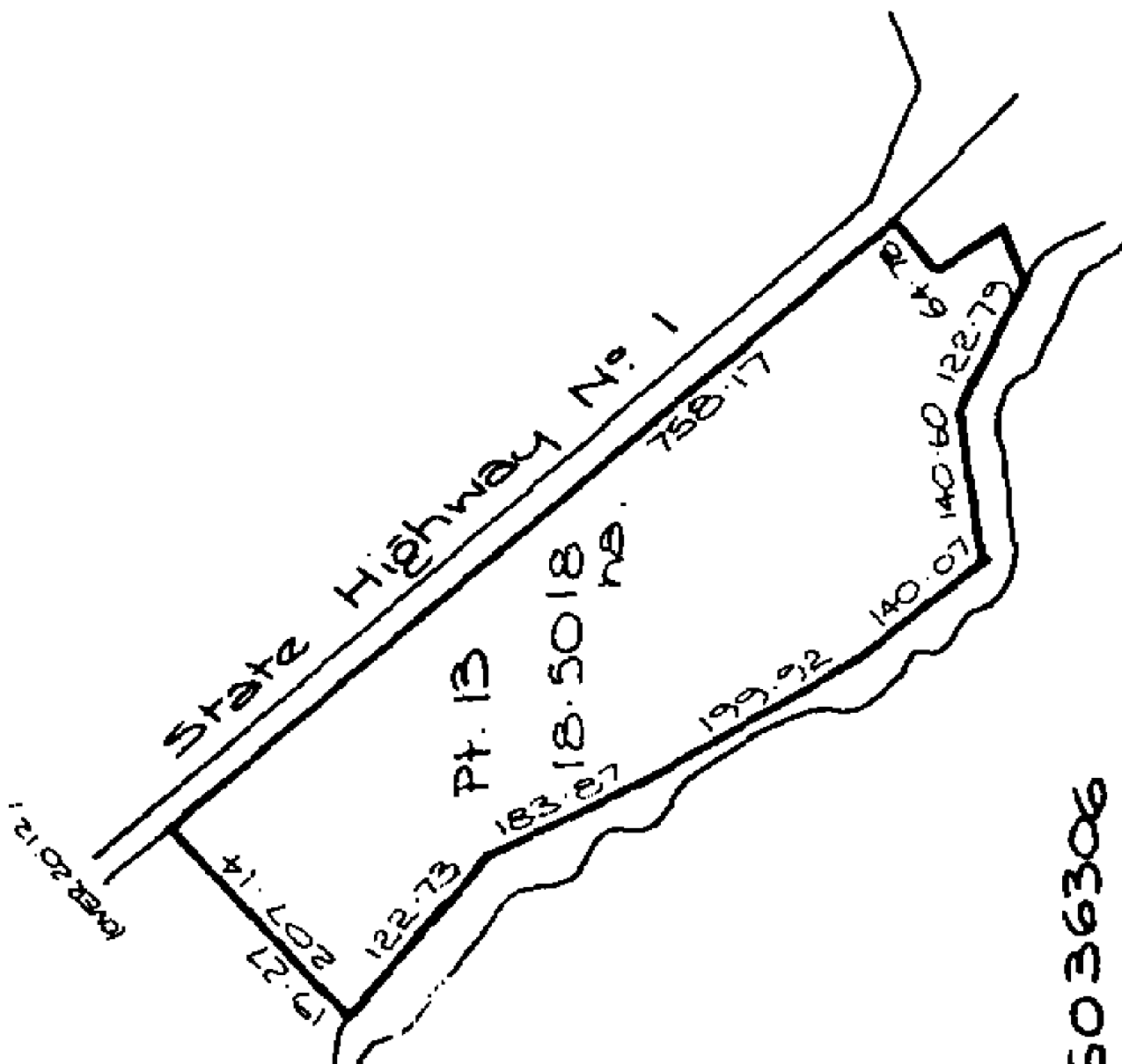
Subject to Section 206 Land Act 1924

H080406 Gazette Notice declaring No.1 State Highway Awanui to Bluff fronting the within land to be a limited access road - 12.5.1976 at 10.35 am

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

Identifier

SA37C/413





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier SA49D/926
Land Registration District South Auckland
Date Issued 22 January 1992

Prior References

SA23D/871

Estate	Fee Simple
Area	16.1494 hectares more or less
Legal Description	Section 12 Gorton Settlement

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

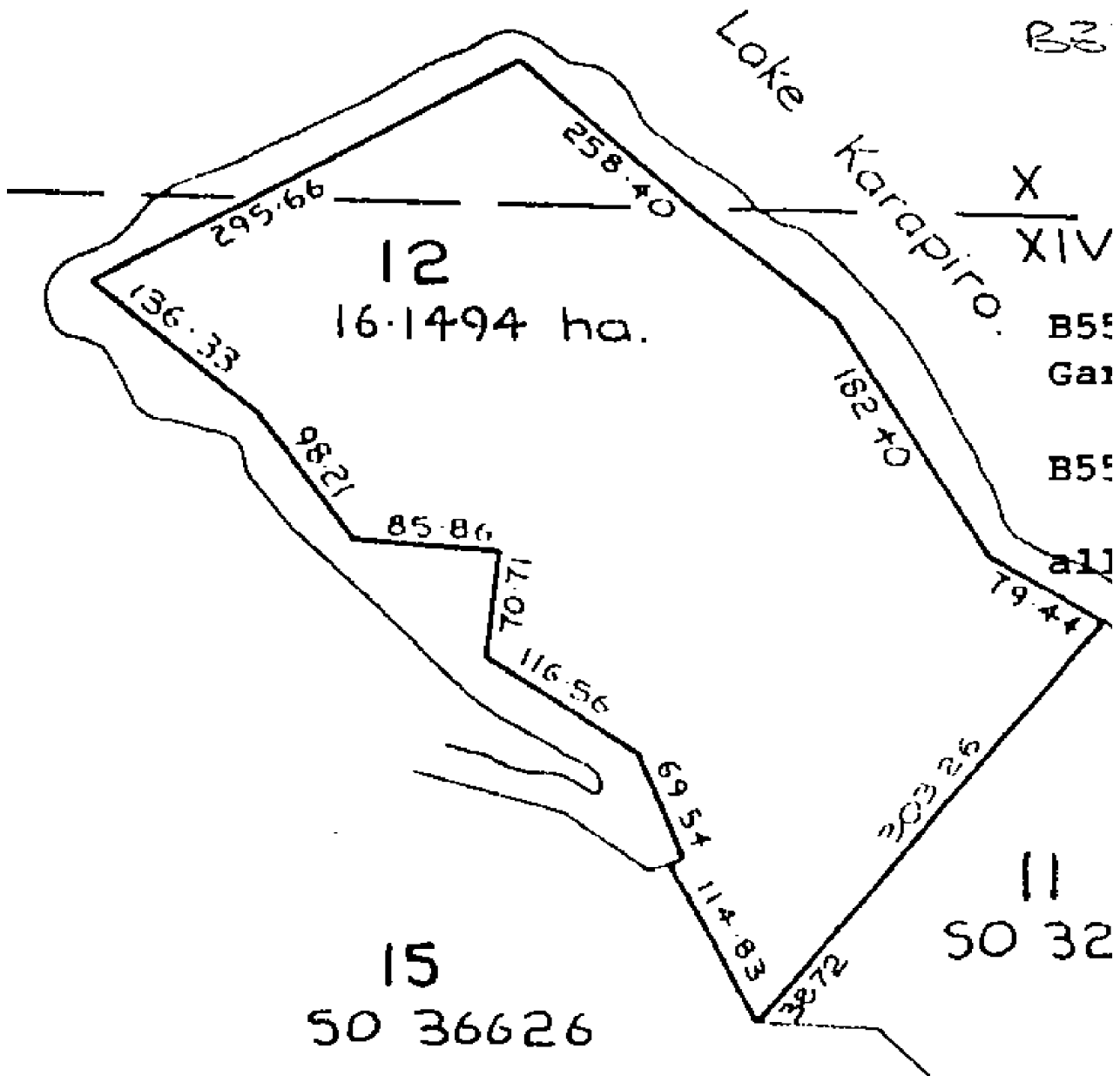
Subject to Section 11 Crown Minerals Act 1991

Subject to Part IV A Conservation Act 1987

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

Identifier

SA49D/926





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R.W. Muir
Registrar-General
of Land

Identifier SA71D/968
Land Registration District South Auckland
Date Issued 08 June 2001

Prior References

SA68D/507

Estate	Fee Simple
Area	8.0500 hectares more or less
Legal Description	Lot 2 Deposited Plan South Auckland 90880

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

S367296 Gazette Notice declaring the adjoining State Highway No 26 (Hamilton-Kopu) to be a limited access road - 8.2.1967 at 9.00 am

B616102.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 12.7.2000 at 10.48 am

5734406.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 19.9.2003 at 9:00 am

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

[illegible]



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R.W. Muir
Registrar-General
of Land

Identifier SA1051/244
Land Registration District South Auckland
Date Issued 14 April 1953

Prior References
SAPR204/146

Estate Fee Simple
Area 14.4928 hectares more or less
Legal Description Section 11 Gorton Settlement

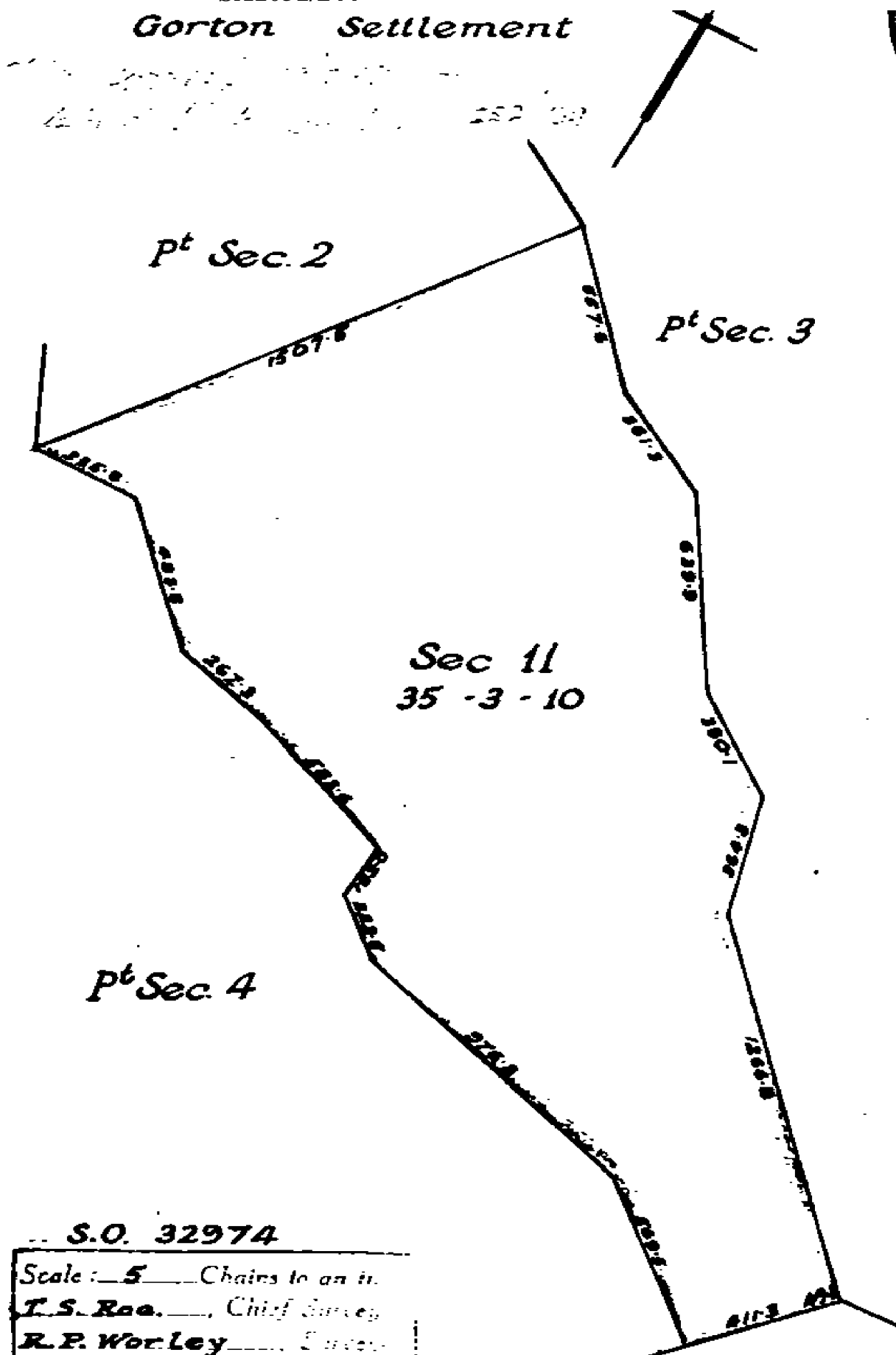
Registered Owners
Whitehall Fruitpackers Holdings Limited

Interests

Subject to Section 59 Land Act 1948
11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

SA1051/244

Gorton Settlement





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier 18437
Land Registration District South Auckland
Date Issued 05 March 2002

Prior References

SA60D/62

Estate Fee Simple
Area 7.5710 hectares more or less
Legal Description Lot 2 Deposited Plan 304595

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm





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UNDER LAND TRANSFER ACT 2017
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R. W. Muir
Registrar-General
of Land

Identifier **419464**
Land Registration District **South Auckland**
Date Issued 28 July 2008

Prior References

252179 252180

Estate Fee Simple

Area 14.2211 hectares more or less

Legal Description Lot 2 Deposited Plan 405546

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Subject to a right to drain sewage over part marked J on DP 405546 created by Transfer B586184.1 - 24.12.1999 at 10.44 am

Subject to a right to convey electricity, water and telecommunications over parts marked A, C and D on DP 405546 created by Easement Instrument 6738309.3 - 2.2.2006 at 9:00 am

Appurtenant to part formerly Lot 3 DP 405546 is a right to convey electricity, water and telecommunications created by Easement Instrument 6738309.3 - 2.2.2006 at 9:00 am

The easements created by Easement Instrument 6738309.3 are subject to Section 243 (a) Resource Management Act 1991

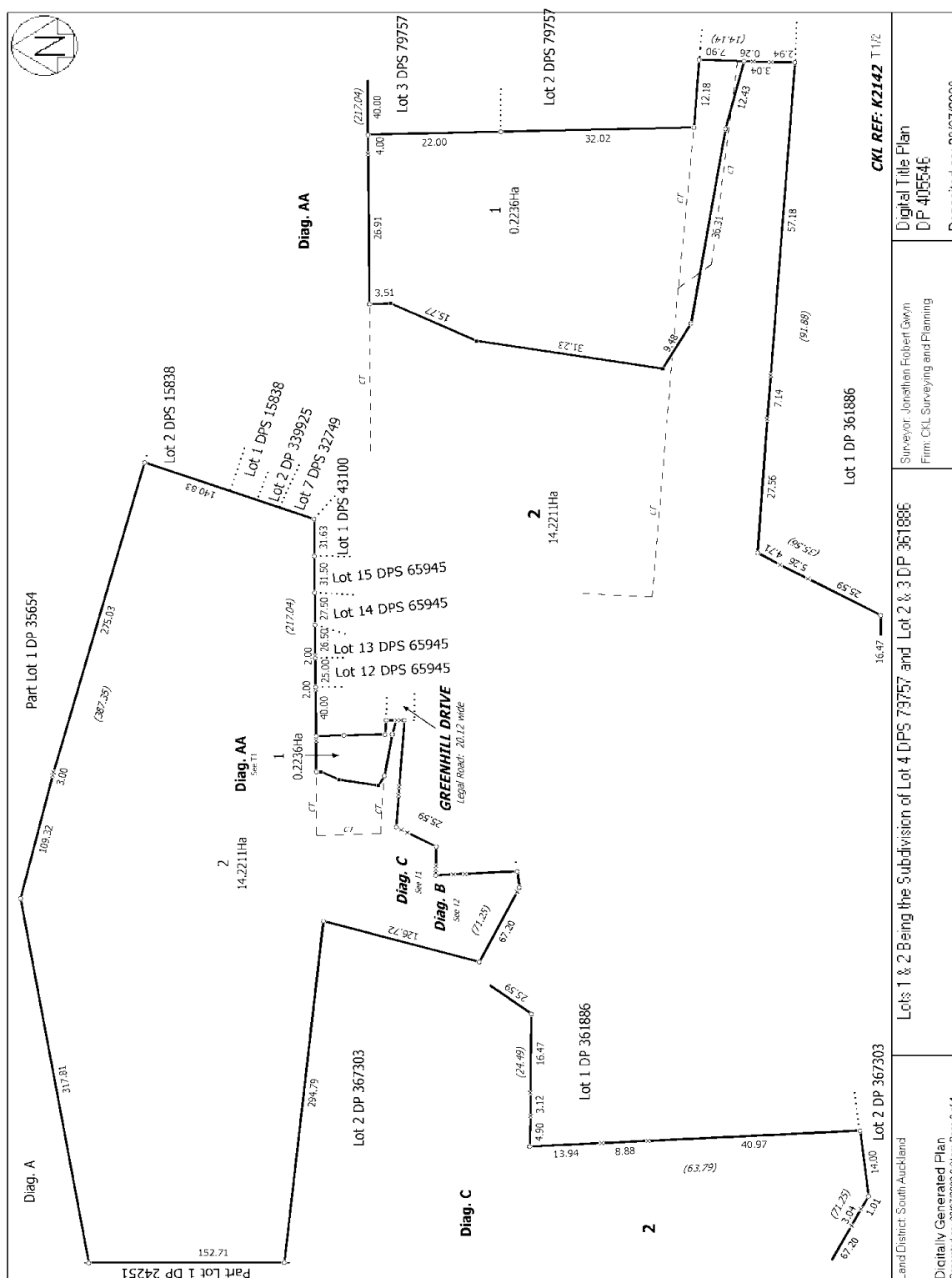
Subject to a right (in gross) to convey electricity over parts marked C, E, G and H on DP 405546 in favour of Waipa Networks Limited created by Easement Instrument 6738309.4 - 2.2.2006 at 9:00 am

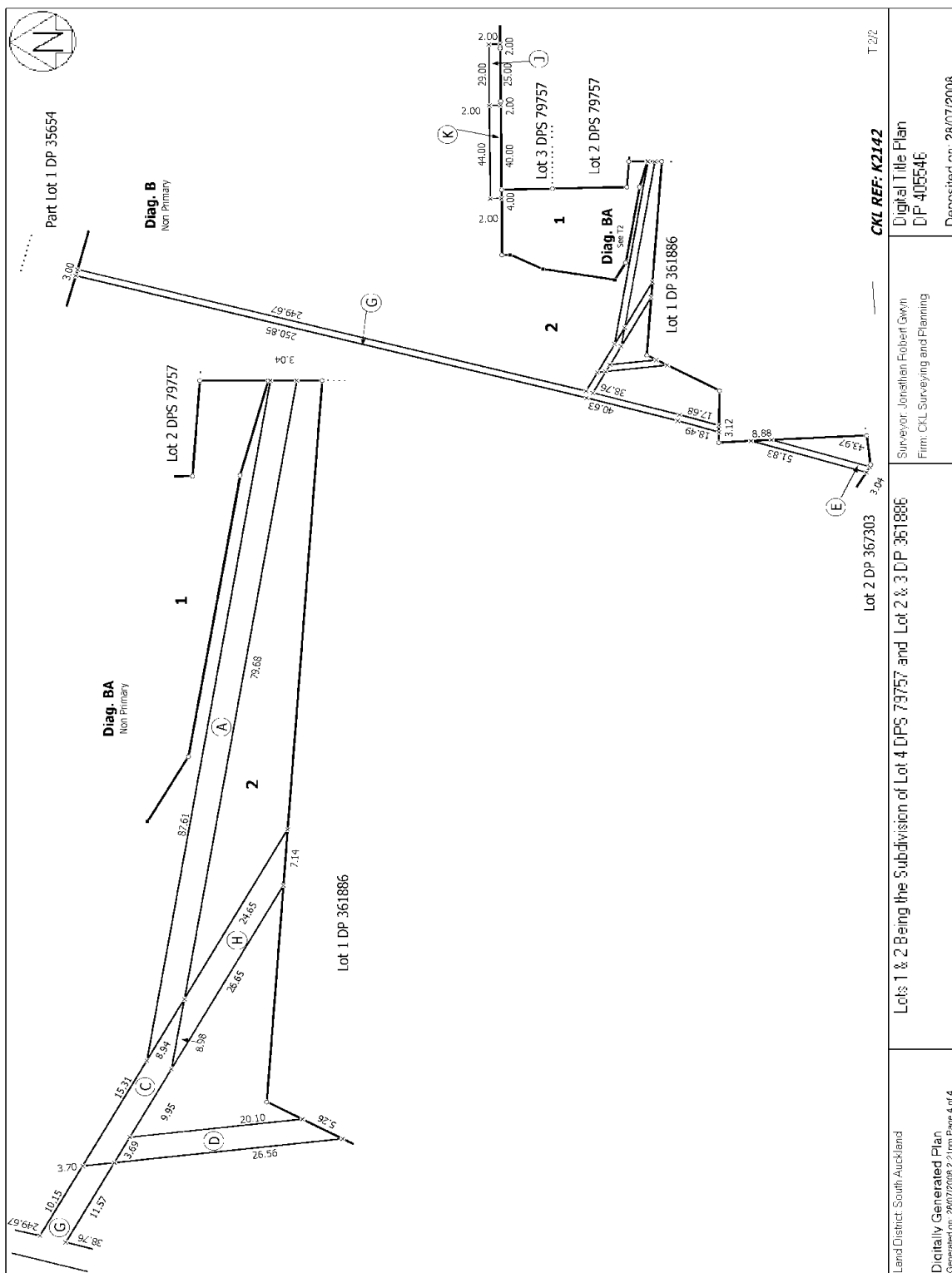
The easements created by Easement Instrument 6738309.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to drain sewage over part marked K on DP 405546 created by Easement Instrument 7889718.2 - 28.7.2008 at 9:00 am

The easements created by Easement Instrument 7889718.2 are subject to Section 243 (a) Resource Management Act 1991

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm







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UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier 462222
Land Registration District South Auckland
Date Issued 05 March 2010

Prior References

SA26D/1186

Estate Fee Simple
Area 8.4850 hectares more or less
Legal Description Lot 2 Deposited Plan 415991

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Subject to Section 206 Land Act 1924 (affects part formerly Section 19 Gordon Settlement)

S485424 Certificate pursuant to Section 4 (11) Public Works Amendment Act 1963 certifying that the northern boundary of the within land is affected by a limited access road - 1.7.1970 at 9.25 am

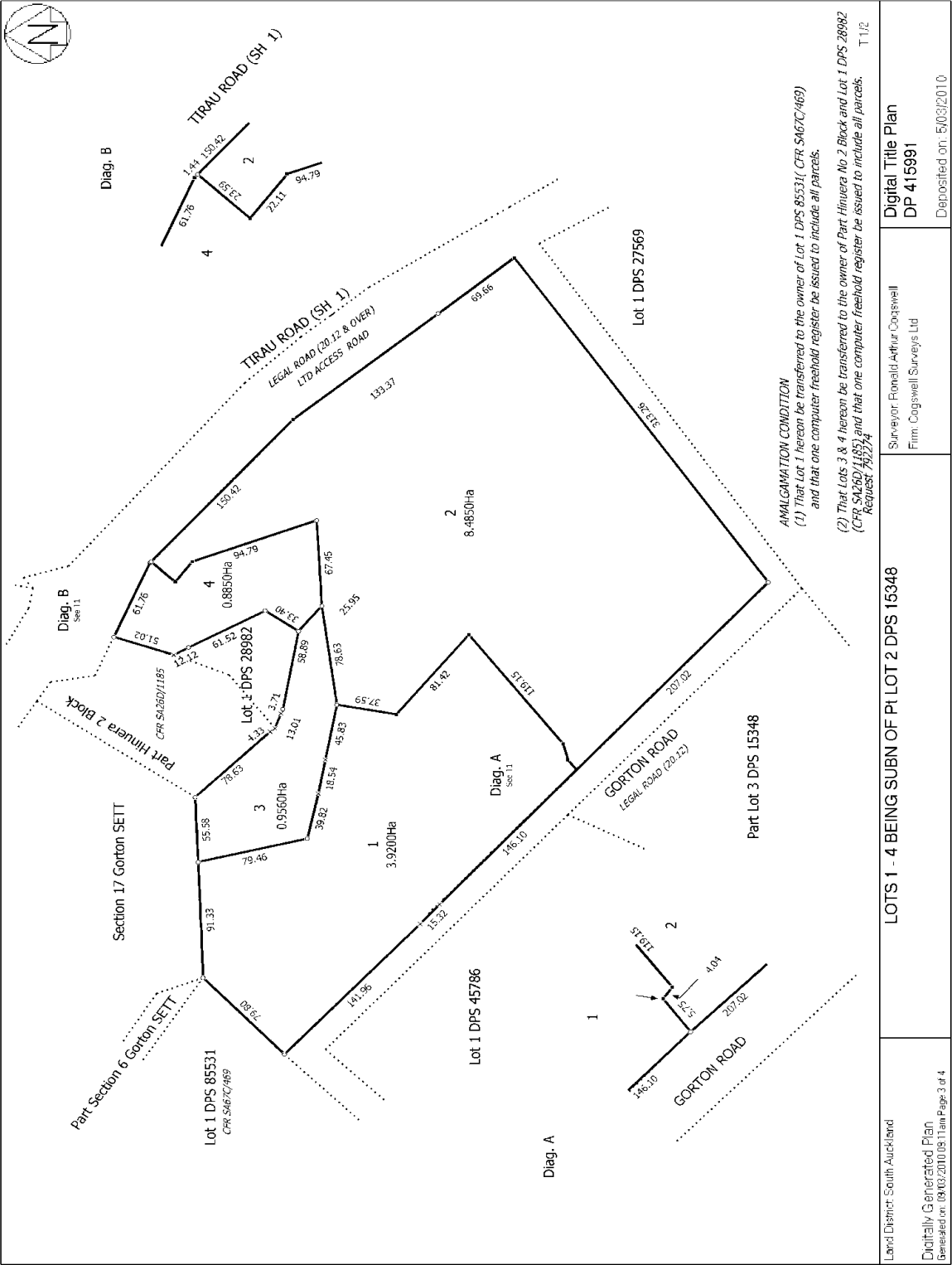
H080406 Gazette Notice declaring the adjoining State Highway 1 (Awanui - Bluff) to be a limited access road - 12.5.1976 at 10.35 am

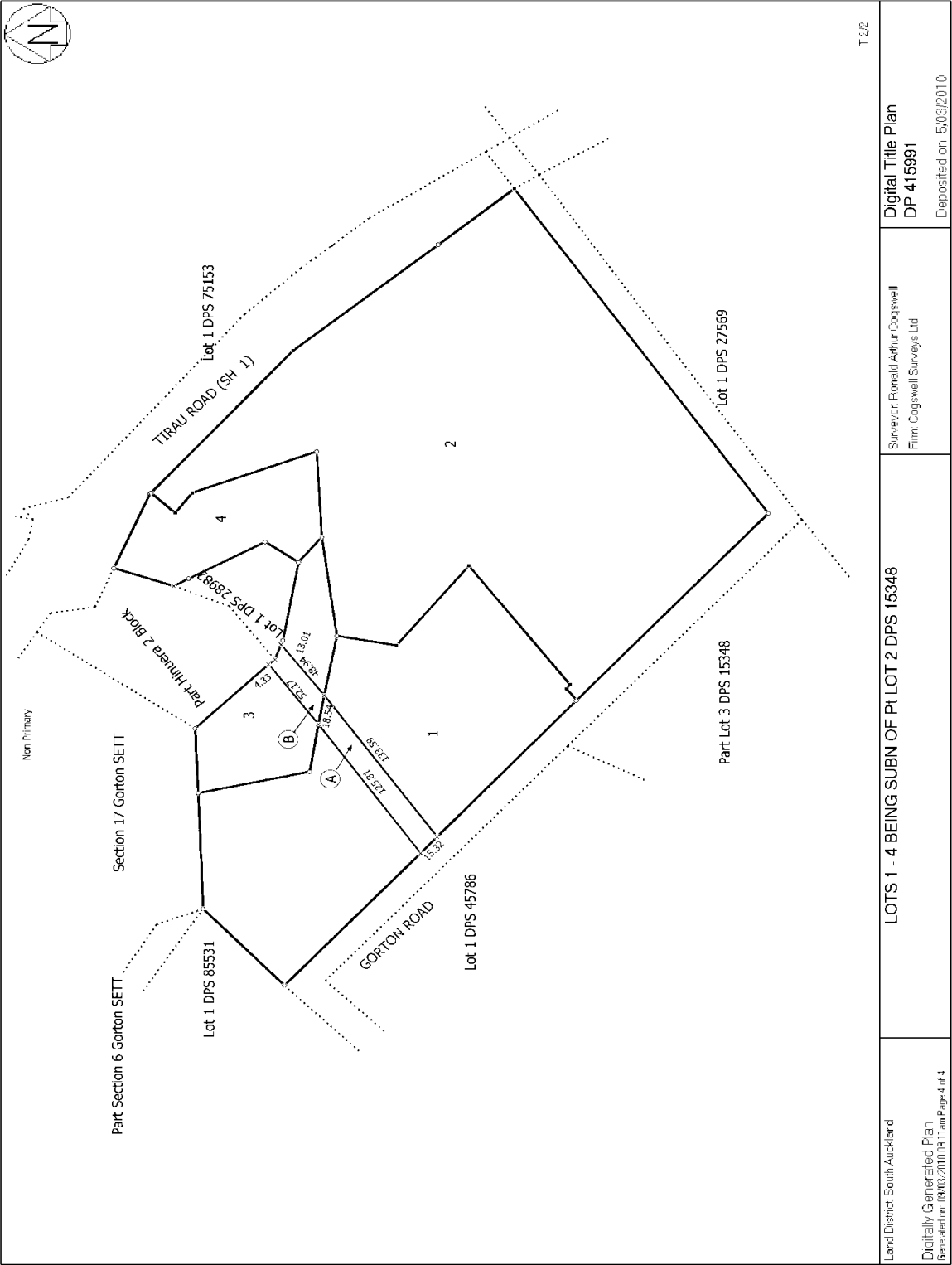
8074420.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.3.2010 at 3:55 pm

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

Identifier

462222







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UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier **462223**
Land Registration District **South Auckland**
Date Issued 05 March 2010

Prior References

SA26D/1186 SA67C/469

Estate	Fee Simple
Area	32.4962 hectares more or less
Legal Description	Lot 1 Deposited Plan South Auckland 85531 and Lot 1 Deposited Plan 415991

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

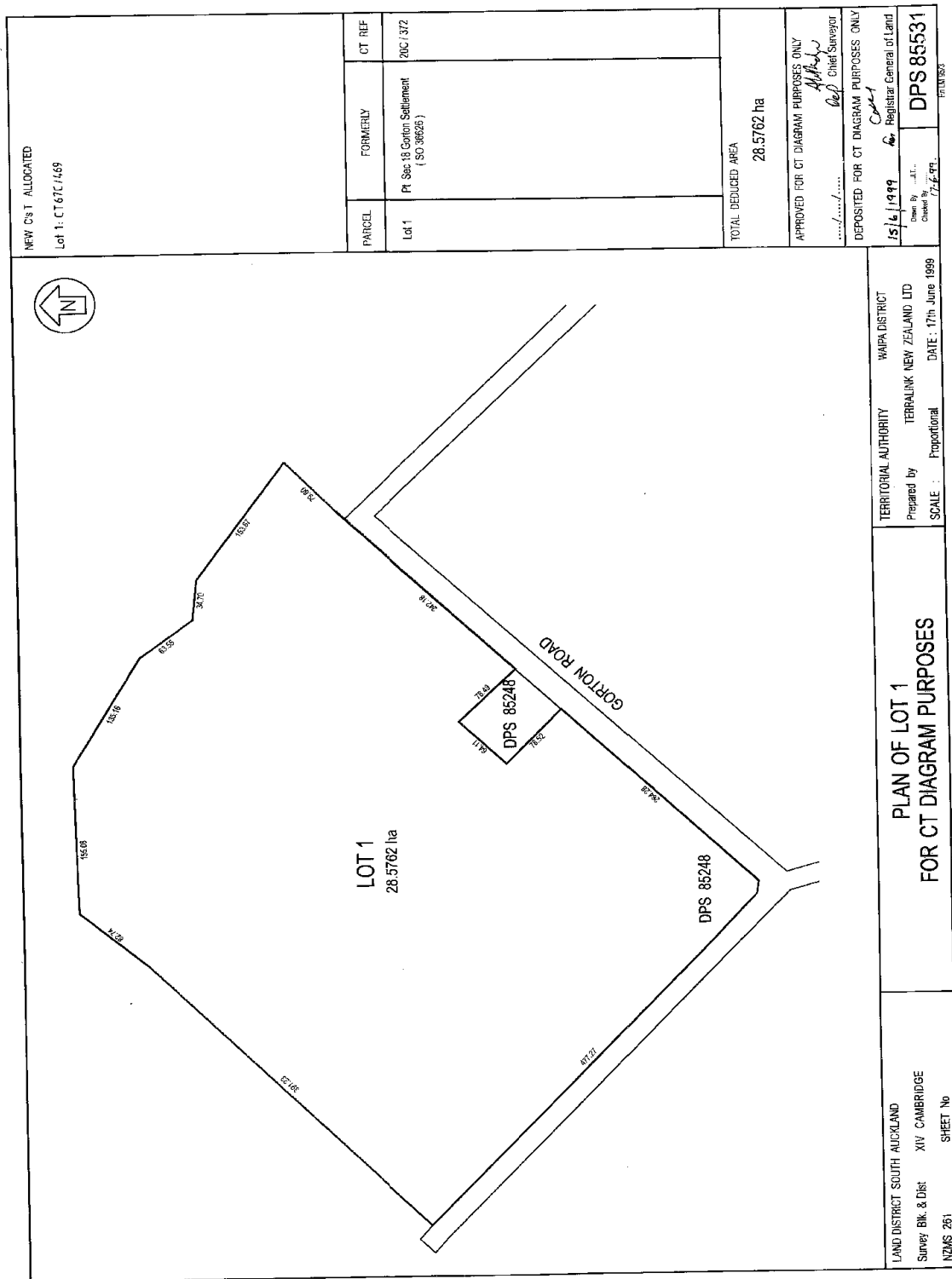
Subject to Section 206 Land Act 1924 (affects Lot 1 DPS 85531 and part formerly part Section 19 Gordon Settlement contained in CT SA26D/1186)

Subject to a water supply right over part marked A on DP 415991 created by Transfer H558801 - 22.11.1984 at 9.06 am

8074420.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 5.3.2010 at 3:55 pm (affects Lot 1 DP 415991)

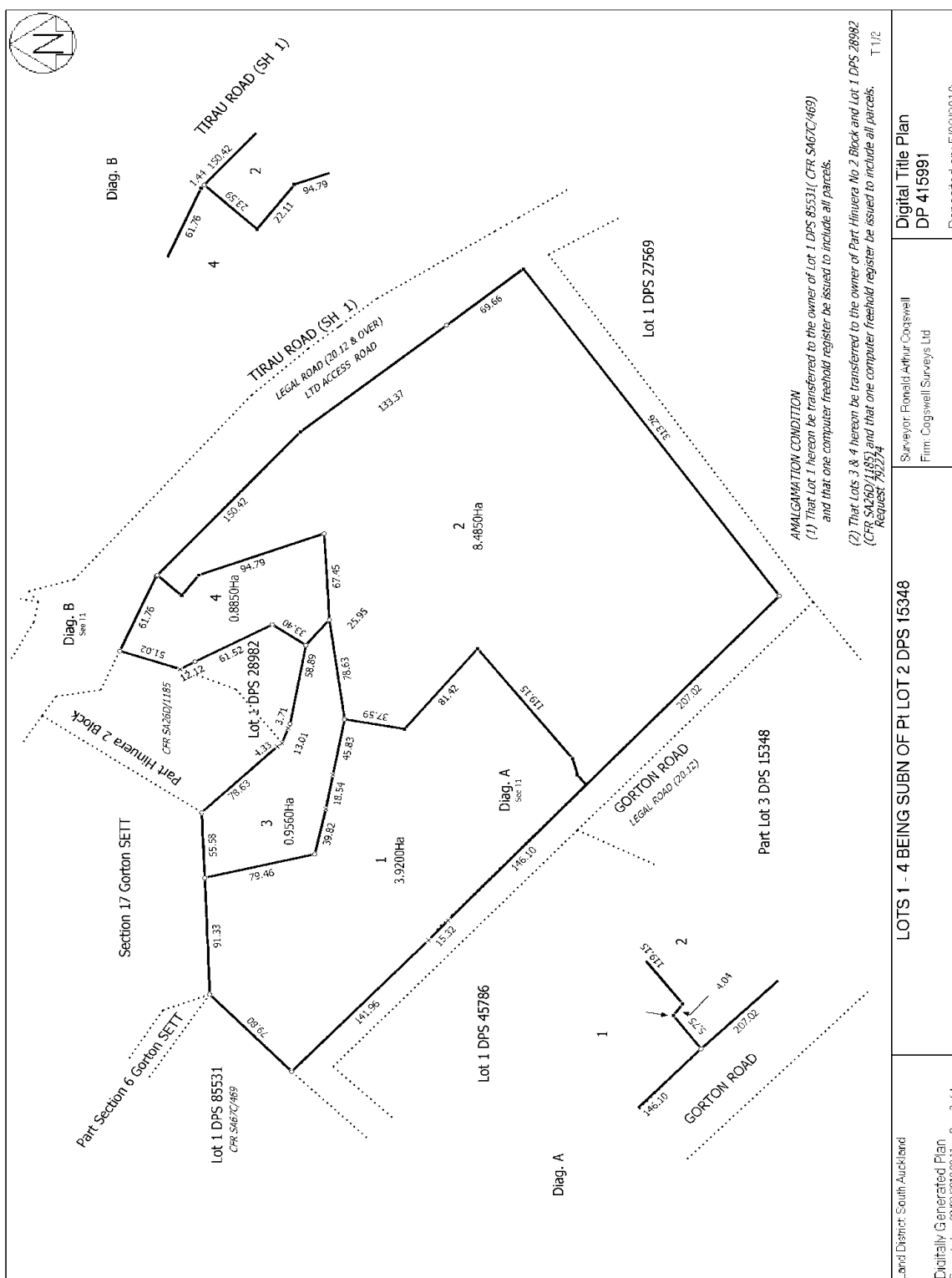
Subject to Section 241(2) and Section 242(1) Resource Management Act 1991(affects DP 415991)

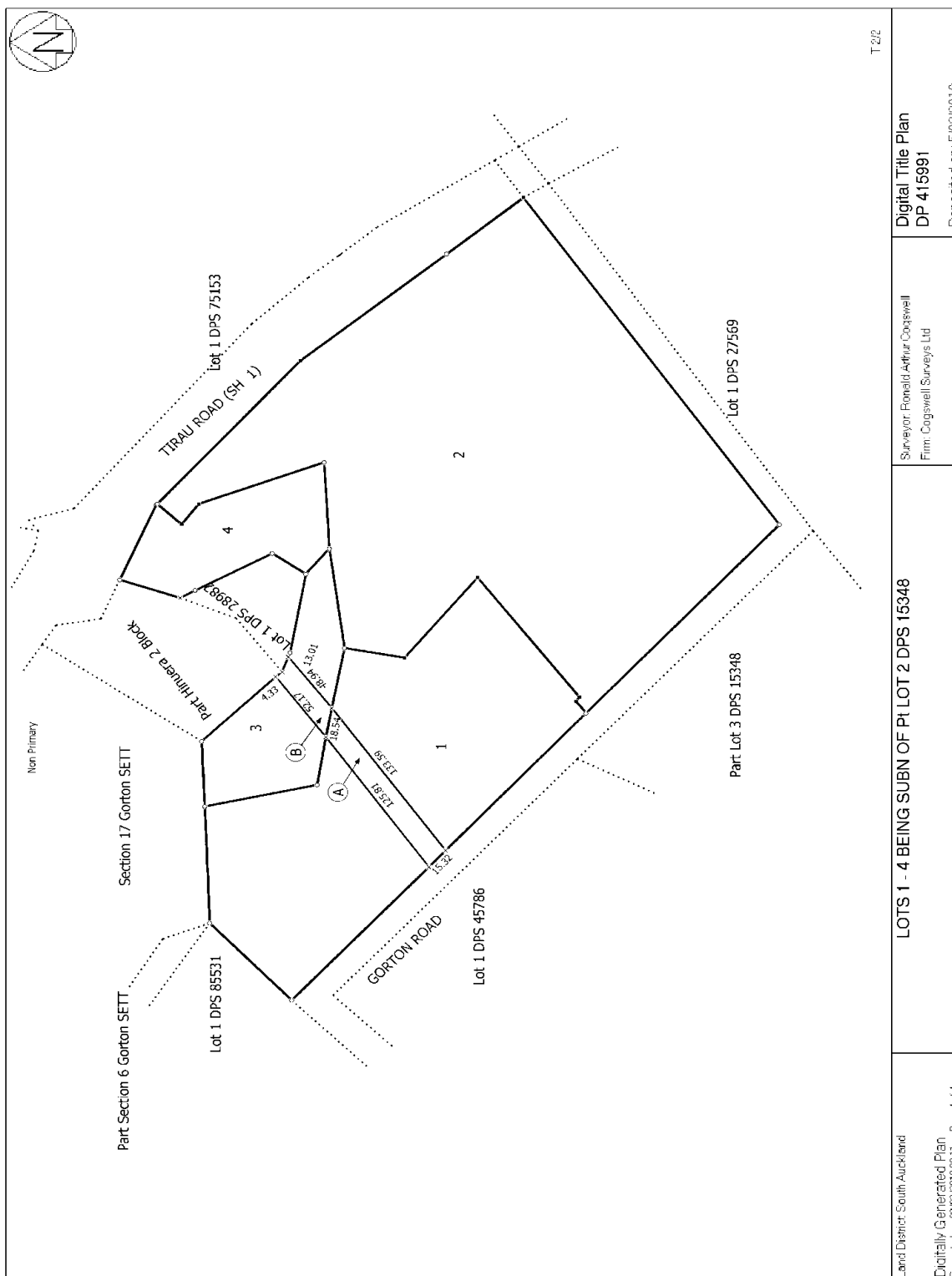
11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm



24 JUN 1999

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50







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R.W. Muir
Registrar-General
of Land

Identifier **477616**
Land Registration District **South Auckland**
Date Issued 02 July 2009

Prior References

434216 434217

Estate Fee Simple
Area 7.1356 hectares more or less
Legal Description Lot 1 Deposited Plan 420383 and Lot 1
Deposited Plan 409324

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Appurtenant hereto is a right of way and an electricity supply right as specified in Easement Certificate B140048.5 - 13.5.1993 at 1.32 pm

Subject to an electricity supply right over part Lot 1 DP 420383 marked D on DP 420383 and over part Lot 1 DP 409324 marked H on DP 409324 as specified in Easement Certificate B140048.5 - 13.5.1993 at 1.32 pm

7663645.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.12.2007 at 9:00 am

Subject to an electricity right over part Lot 1 DP 409324 marked G on DP 409324 created by Easement Instrument 7663645.3 - 19.12.2007 at 9:00 am

The easement created by Easement Instrument 7663645.3 is subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Transfer 7703917.1 - 7.2.2008 at 9:00 am

8091522.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 11.3.2009 at 1:51 pm

Appurtenant to Lot 1 DP 409324 is a right of way, right to convey water, electricity, gas, telecommunications and computer media created by Easement Instrument 8091522.4 - 11.3.2009 at 1:51 pm

The easements created by Easement Instrument 8091522.4 are subject to Section 243 (a) Resource Management Act 1991

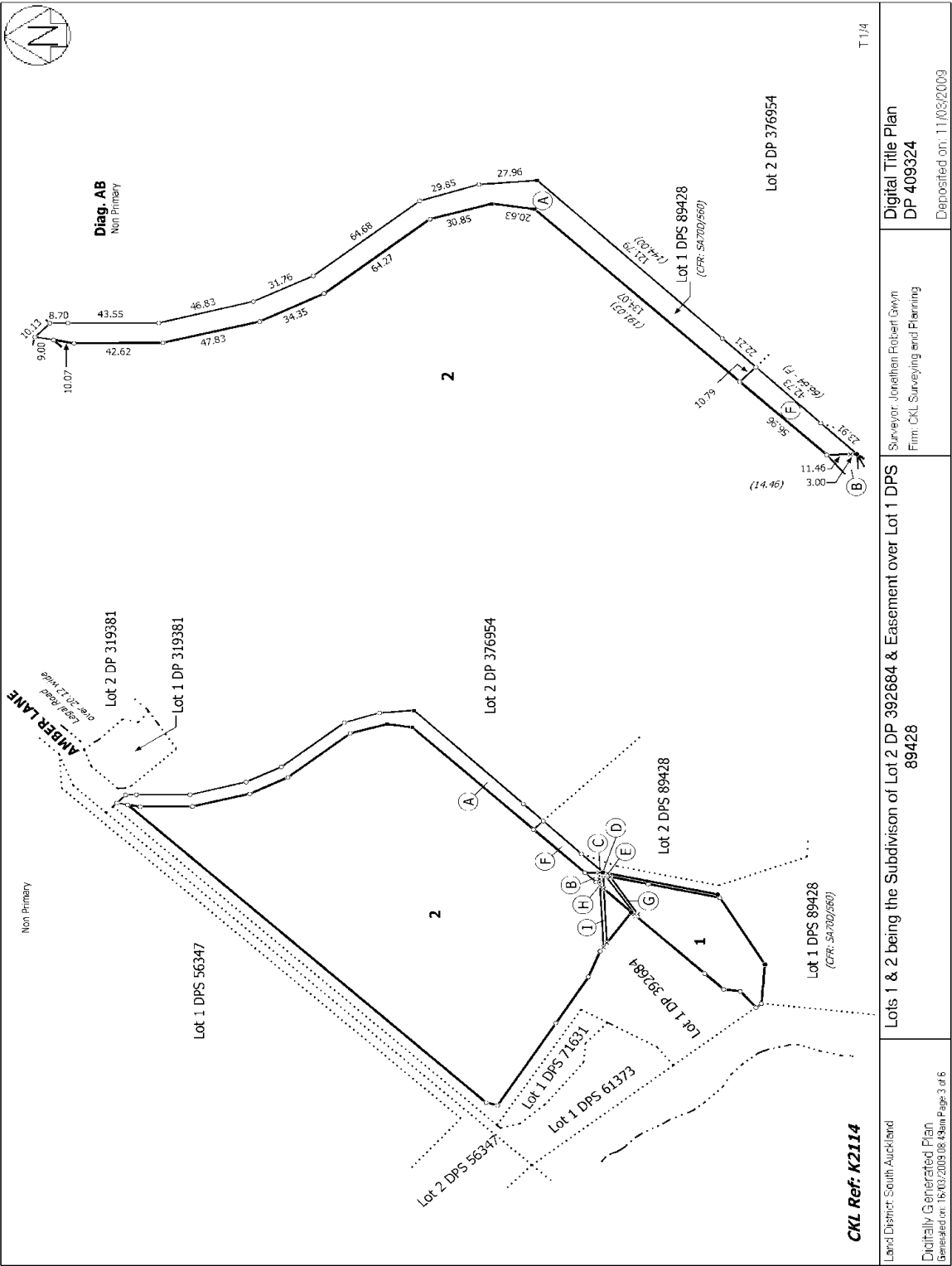
Land Covenant in Easement Instrument 8091548.1 - 12.3.2009 at 3:19 pm

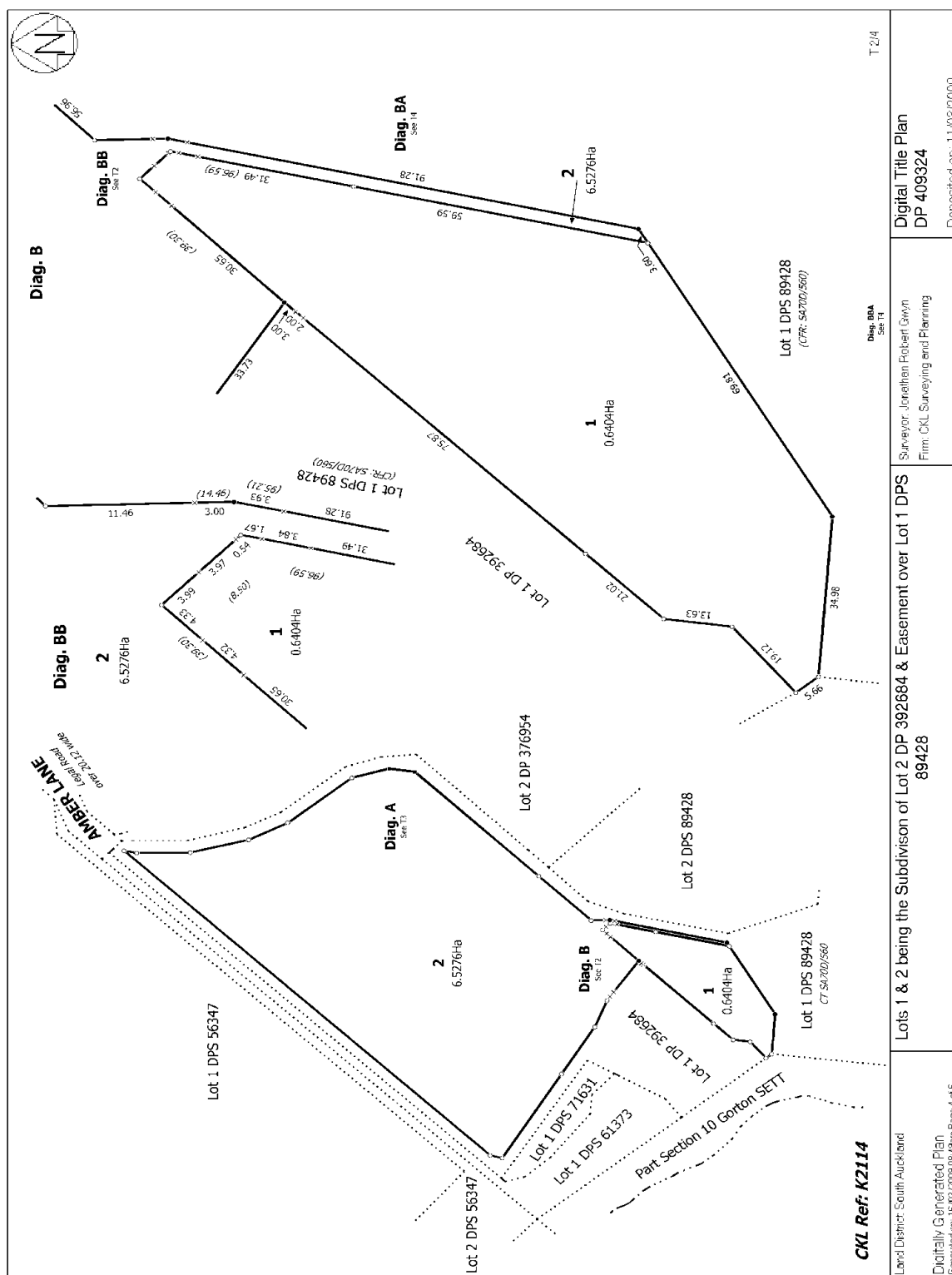
8205965.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 24.6.2009 at 10:40 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 420383)

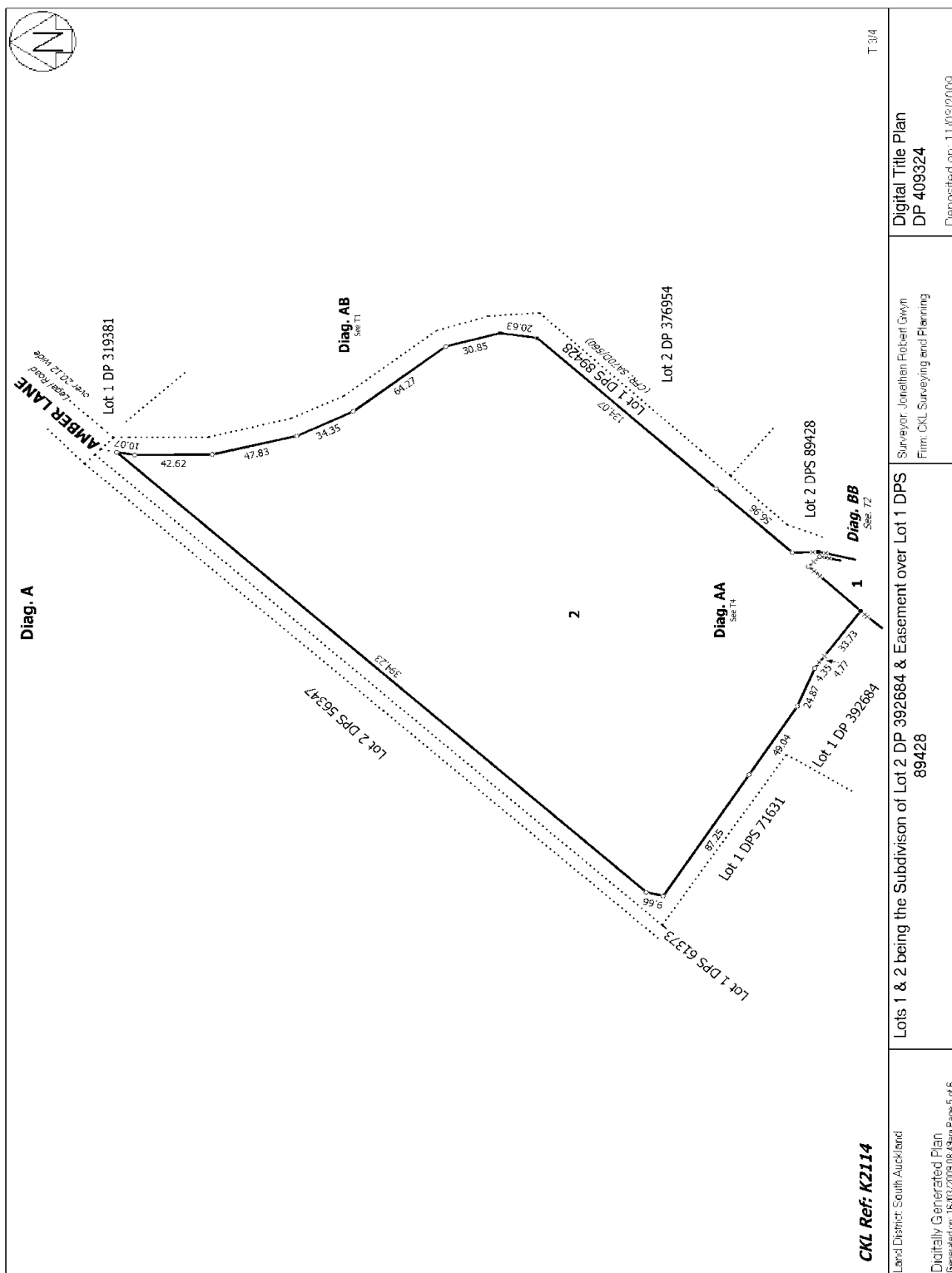
Land Covenant in Easement Instrument 8207437.5 - 10.8.2009 at 2:28 pm (affects Lot 1 DP 409324)

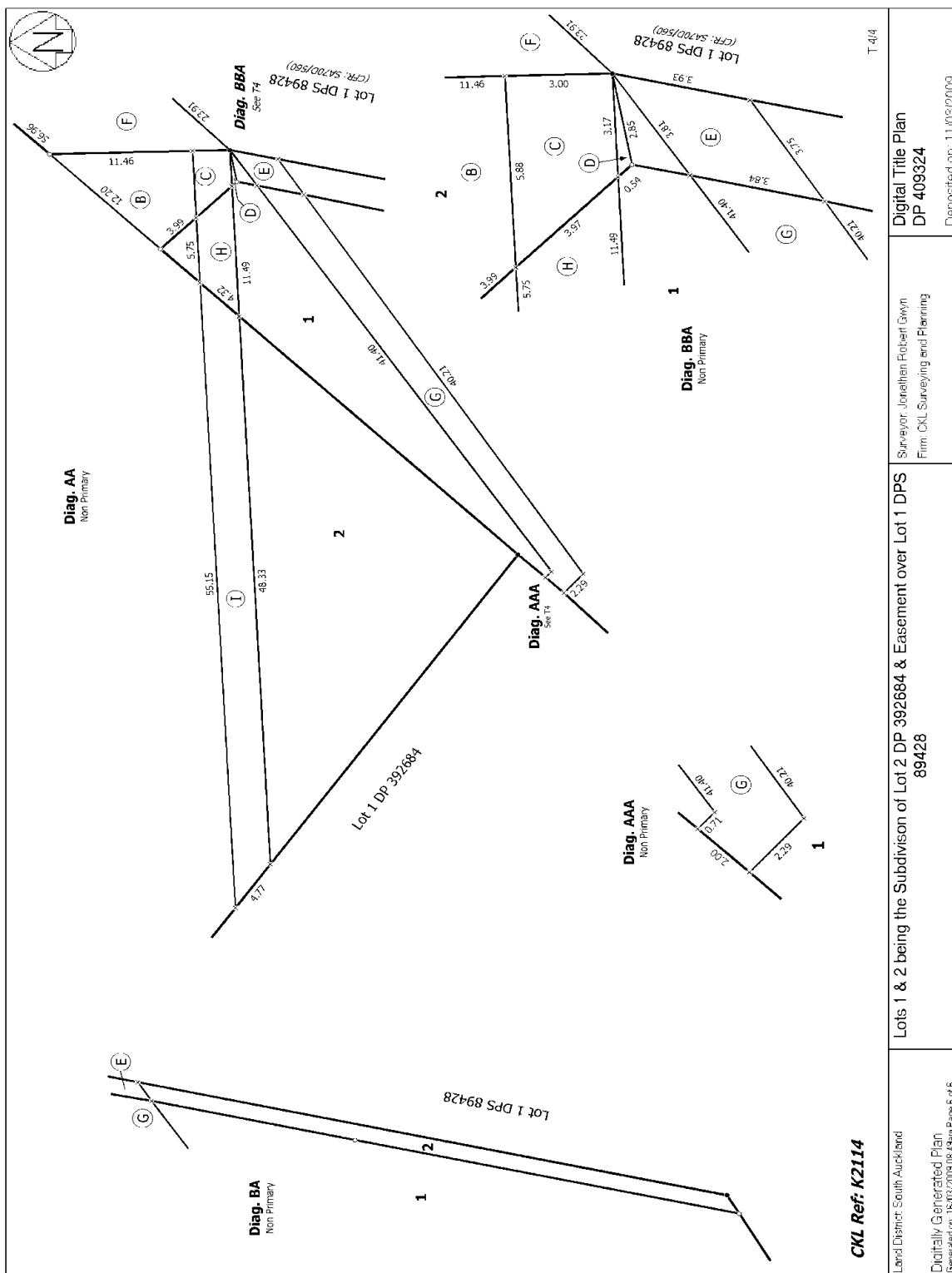
11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

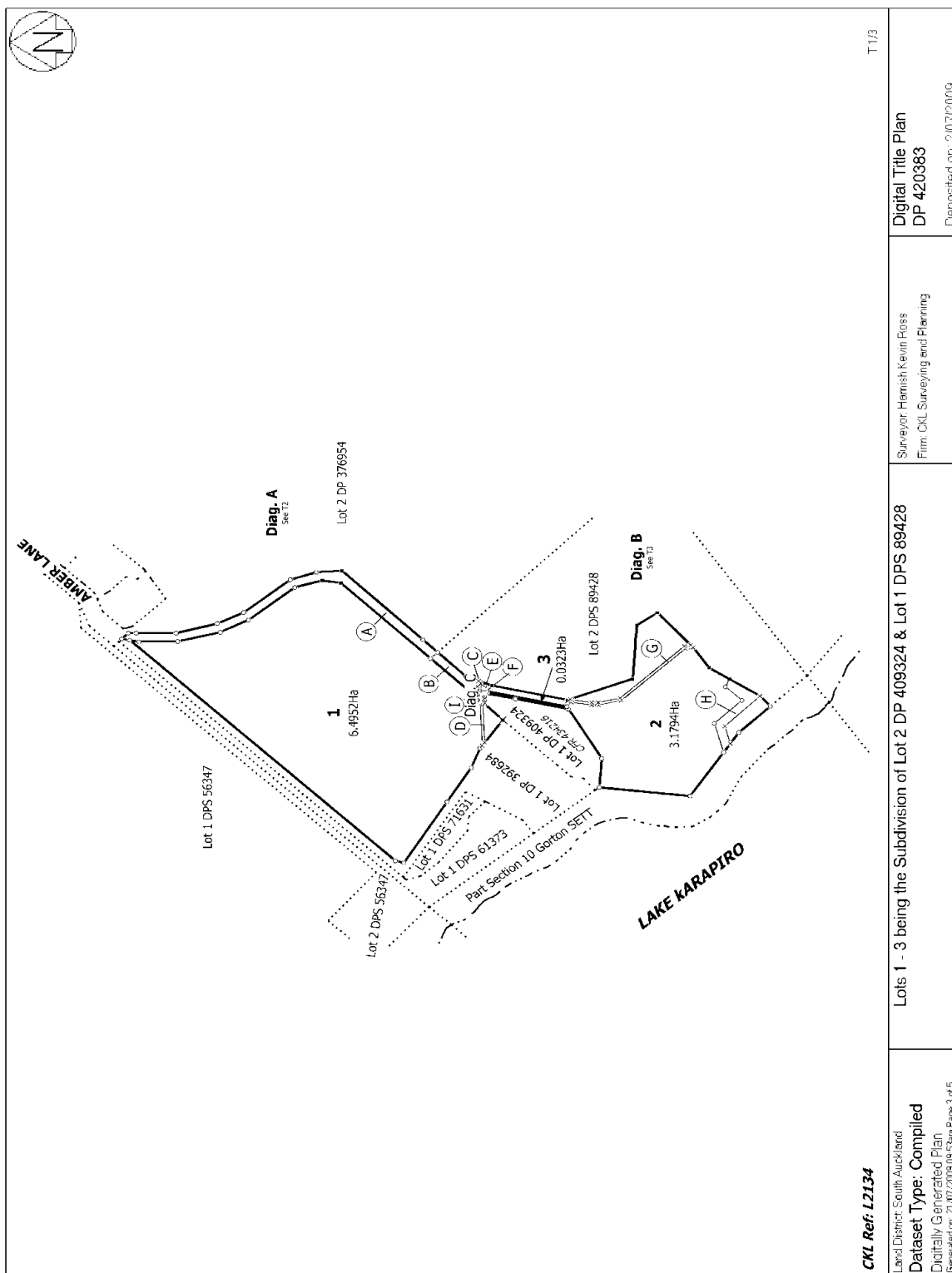


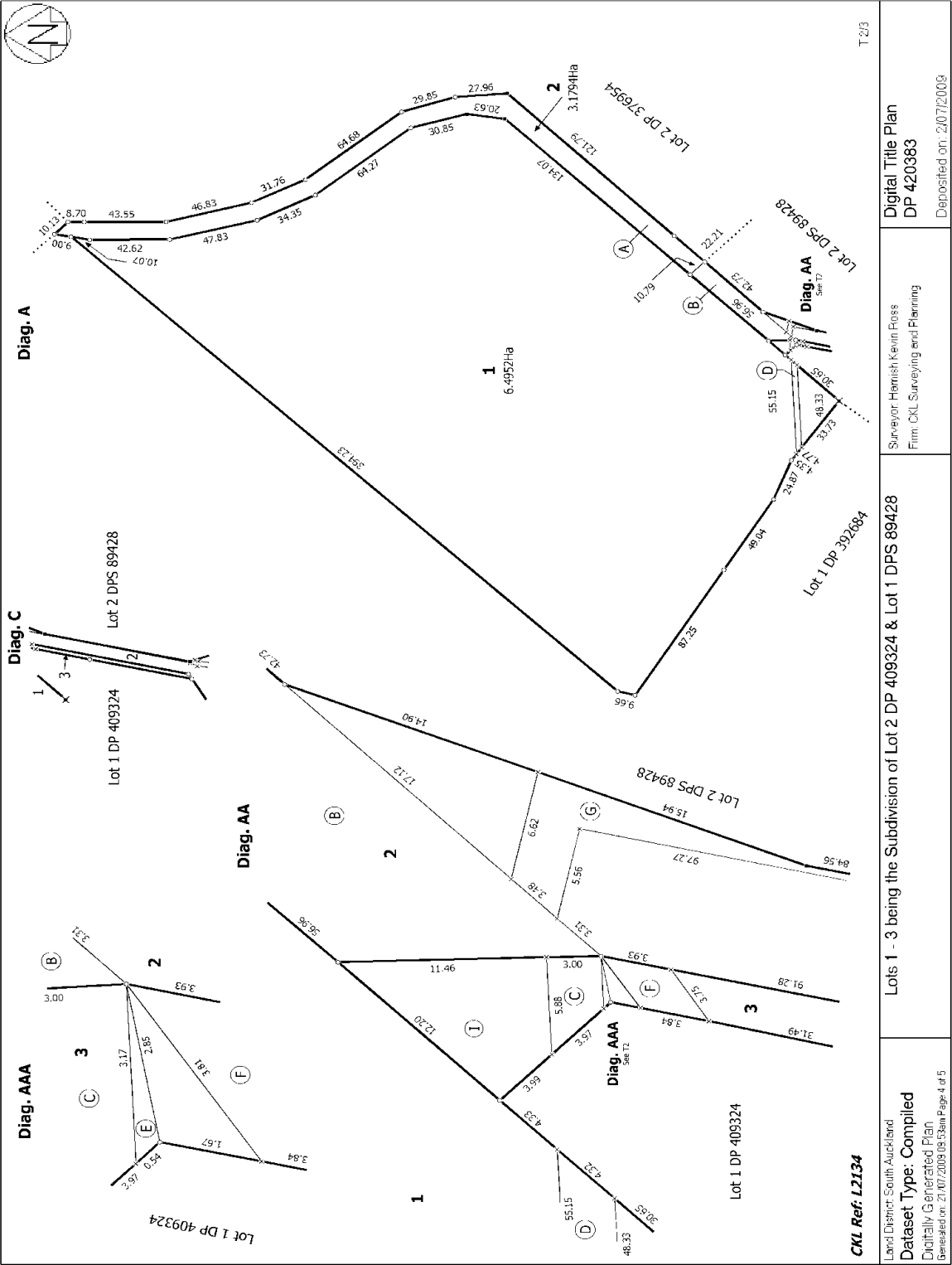


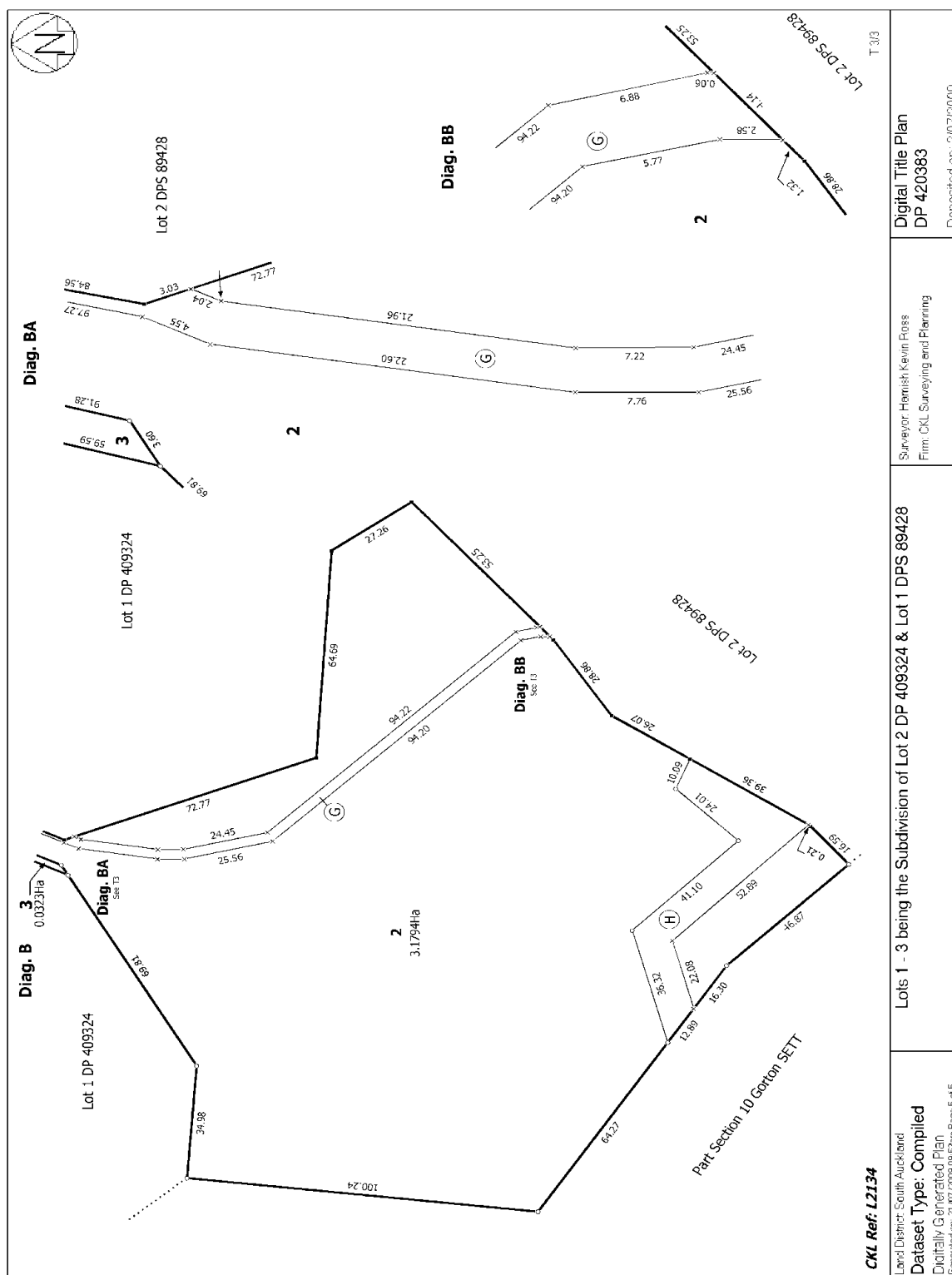
477616













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R.W. Muir
Registrar-General
of Land

Identifier **494675**
Land Registration District **South Auckland**
Date Issued 09 December 2009

Prior References

SA40A/588

Estate Fee Simple
Area 4.7674 hectares more or less
Legal Description Lot 2 Deposited Plan 424353

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

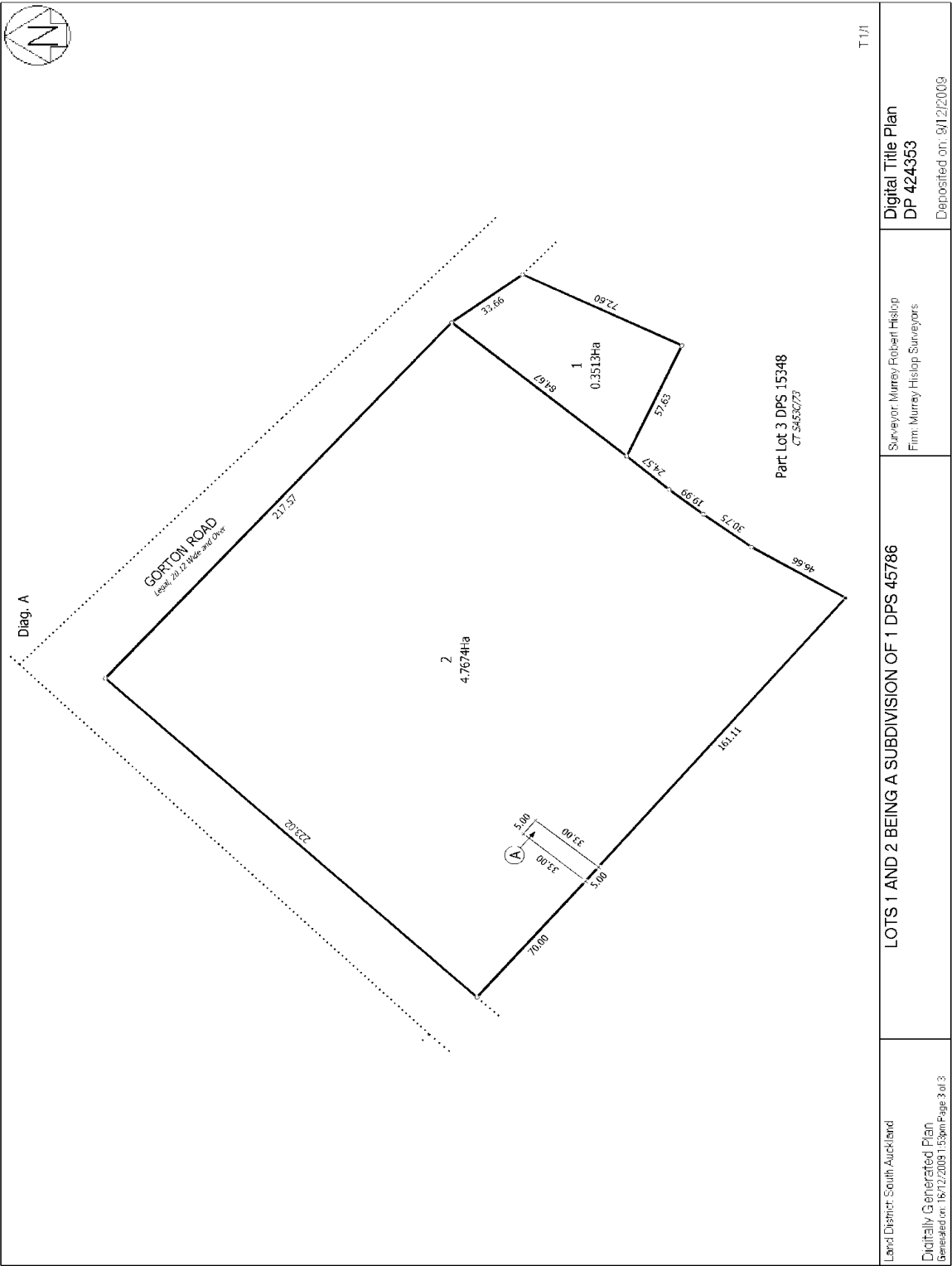
Subject to Section 206 Land Act 1924

Appurtenant hereto is a water supply right created by Transfer H558801 - 22.11.1984 at 9:06 am

Subject to a right to convey water over part marked A DP 424353 created by Transfer H845448.3 - 10.1.1989 at 2.05 pm

8365814.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 9.12.2009 at 10:50 am

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm





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R.W. Muir
Registrar-General
of Land

Identifier **571681**
Land Registration District **South Auckland**
Date Issued 21 August 2012

Prior References

363404 363407

Estate Fee Simple

Area 16.5345 hectares more or less

Legal Description Lot 1 Deposited Plan 450118

Registered Owners

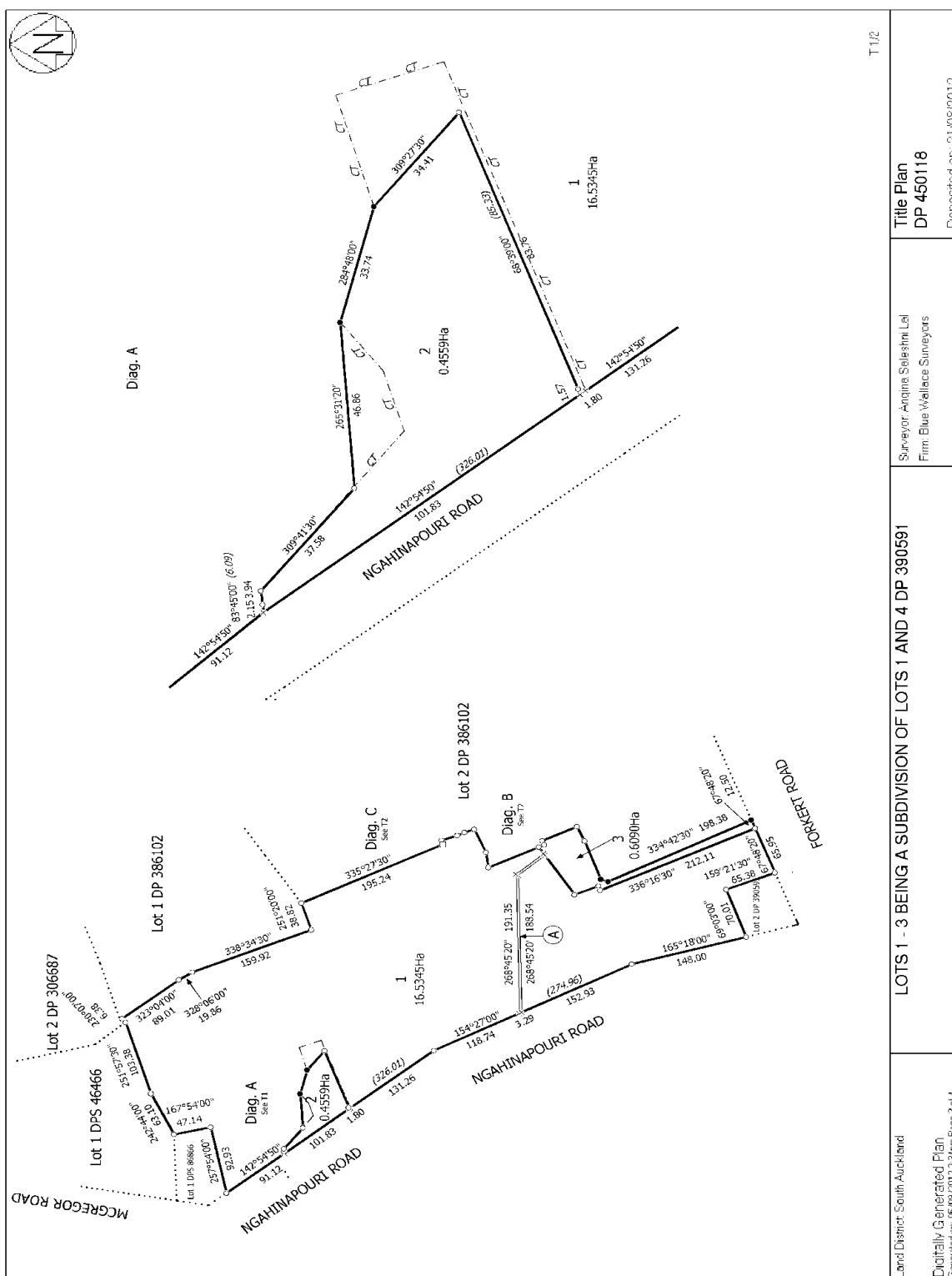
Richard Murray Glenn, Shirley Robyn Glenn and Rostrevor Trustees Eleven Limited

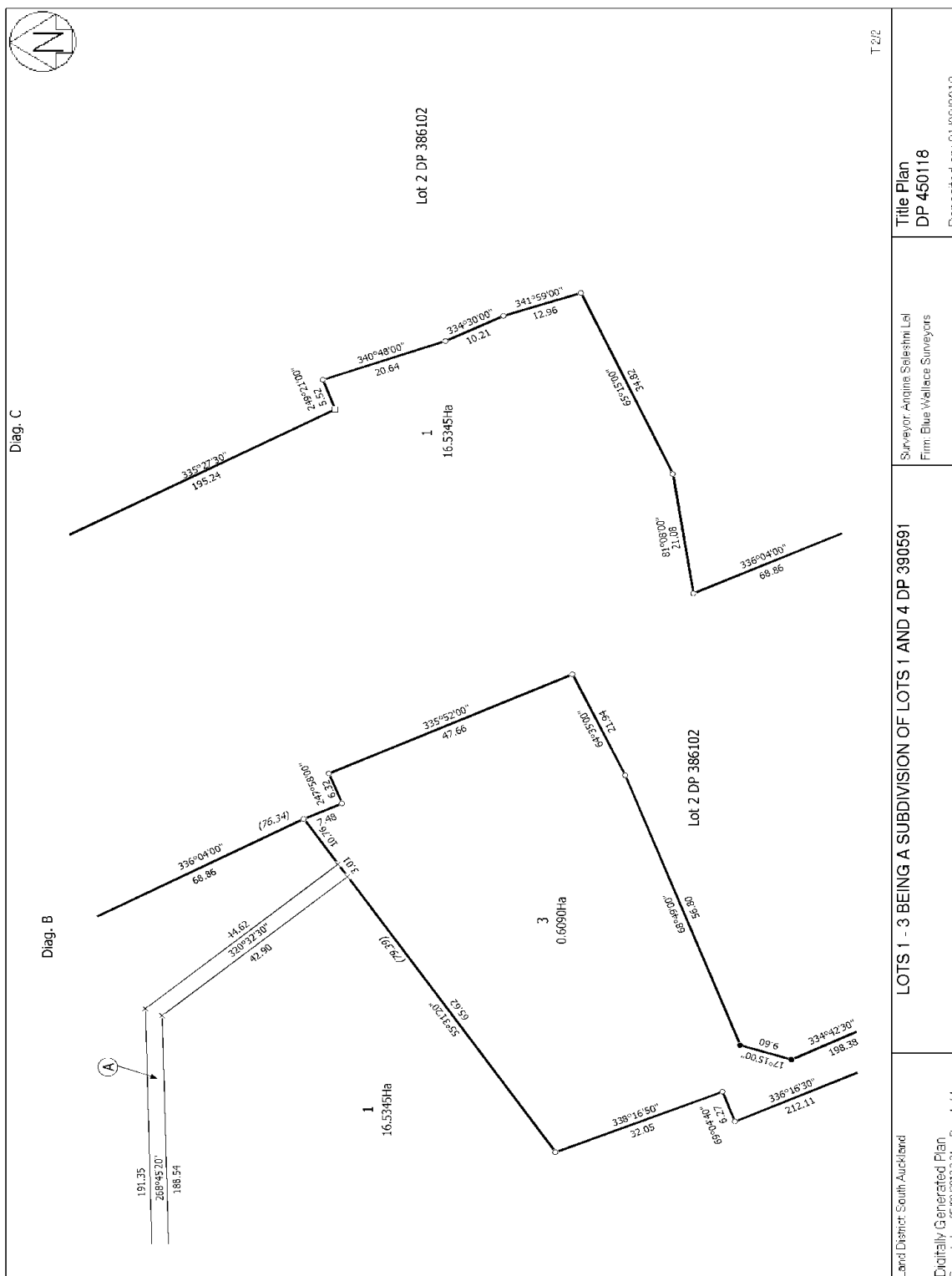
Interests

8983248.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 21.8.2012 at 2:35 pm

Subject to a right to convey electricity, telecommunications and computer media over part marked A on DP 450118 created by Easement Instrument 8983248.4 - 21.8.2012 at 2:35 pm

The easements created by Easement Instrument 8983248.4 are subject to Section 243 (a) Resource Management Act 1991







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R.W. Muir
Registrar-General
of Land

Identifier **680928**
Land Registration District **South Auckland**
Date Issued 14 April 2015

Prior References

89070

Estate	Fee Simple
Area	3115 square metres more or less
Legal Description	Lot 1 Deposited Plan 483094

Registered Owners

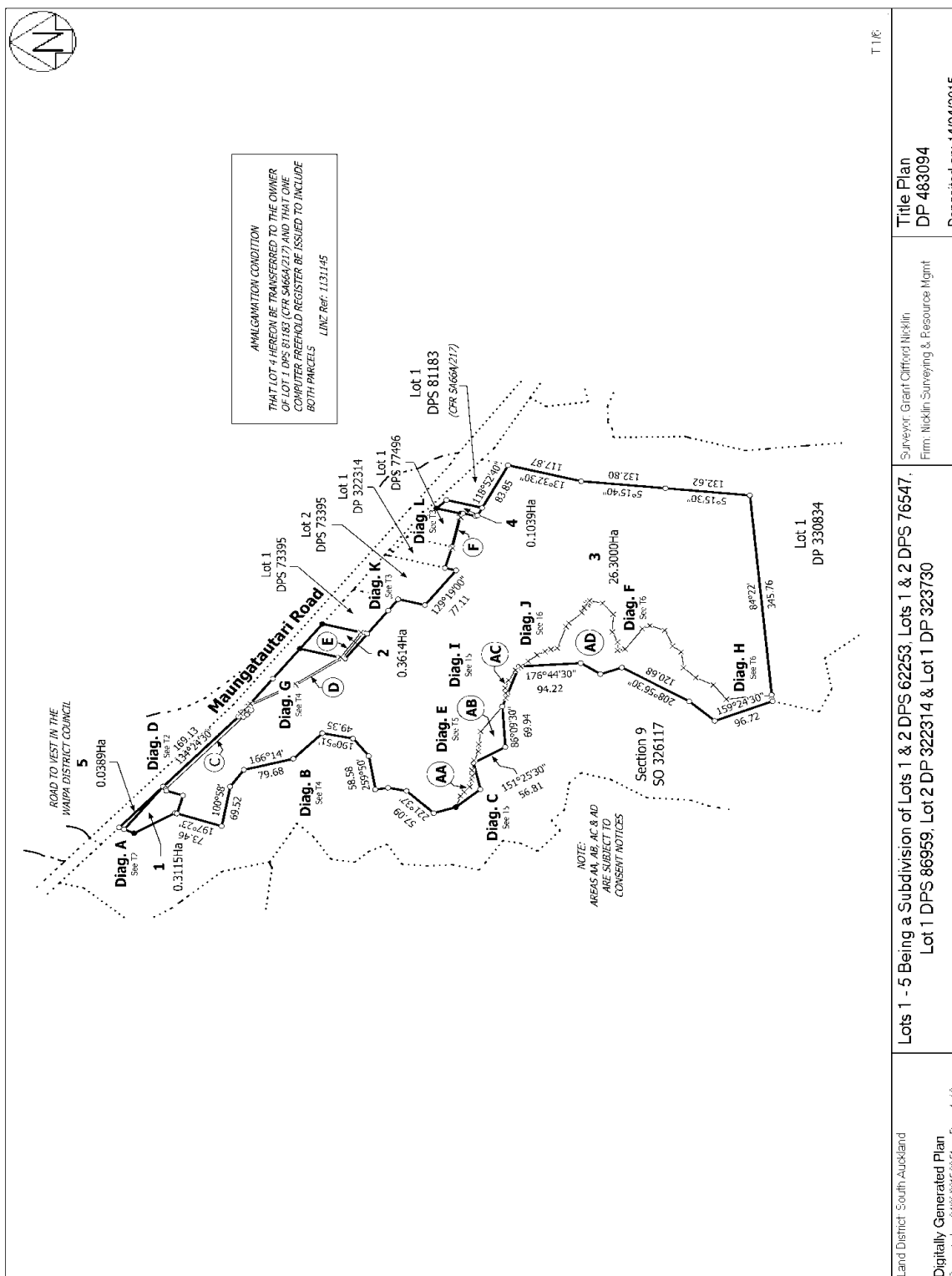
Whitehall Fruitpackers Holdings Limited

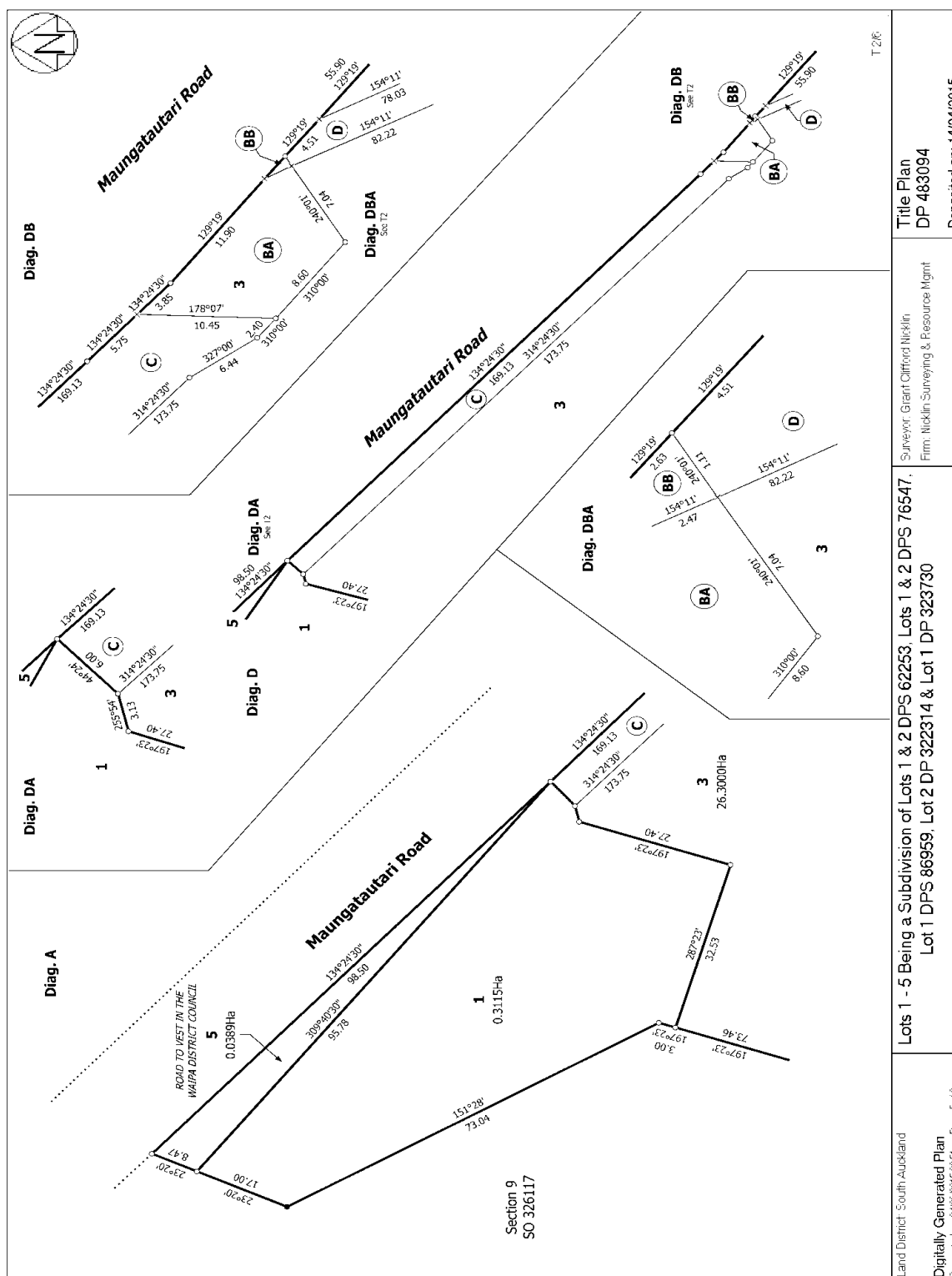
Interests

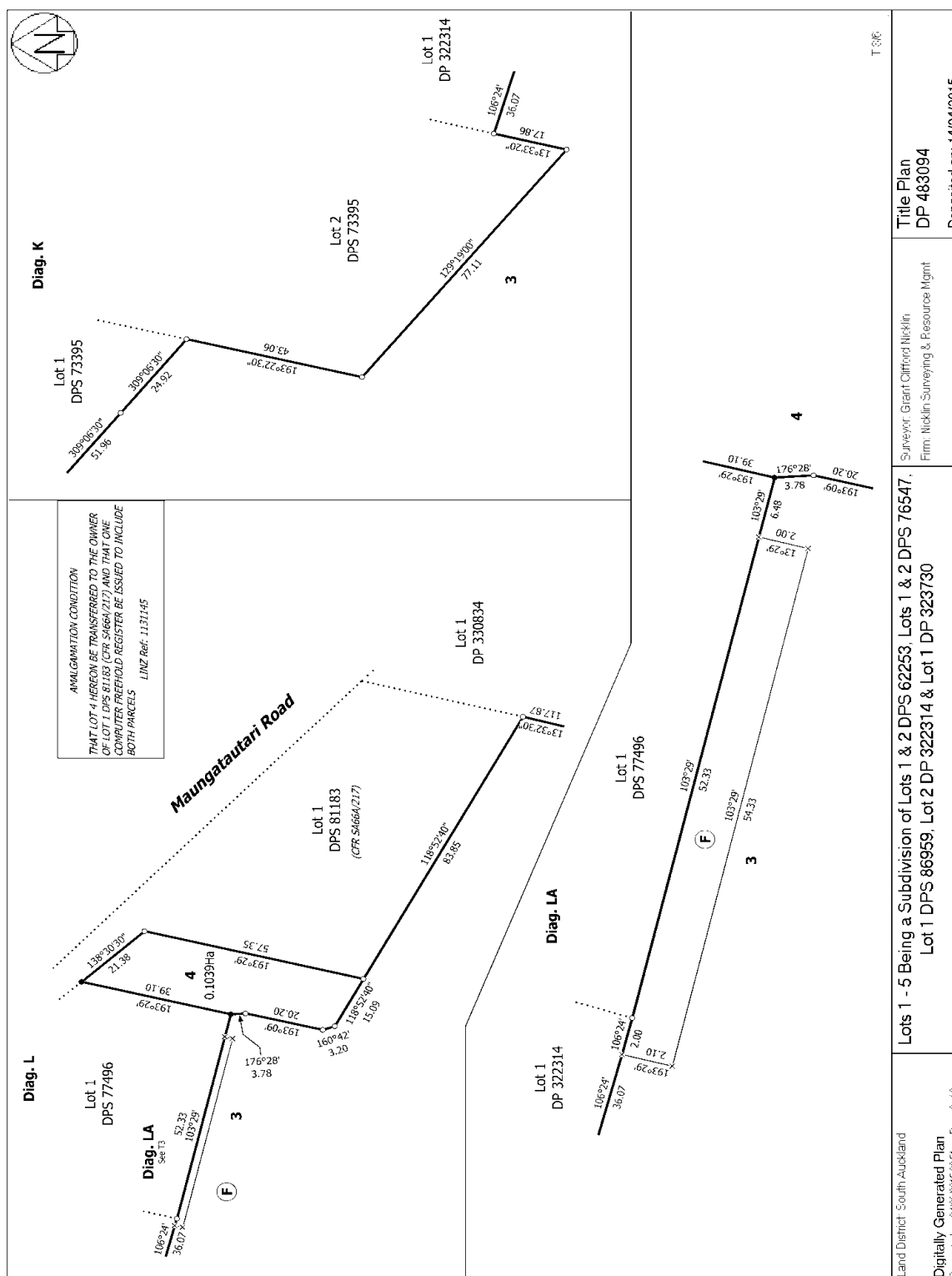
10013218.10 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.4.2015 at 9:09 am
Appurtenant hereto is a right of way and a right to convey water, electricity, telecommunications and computer media created by Easement Instrument 10013218.12 - produced 14.4.2015 at 9:09 am and entered 26.5.2015 at 7:01 am

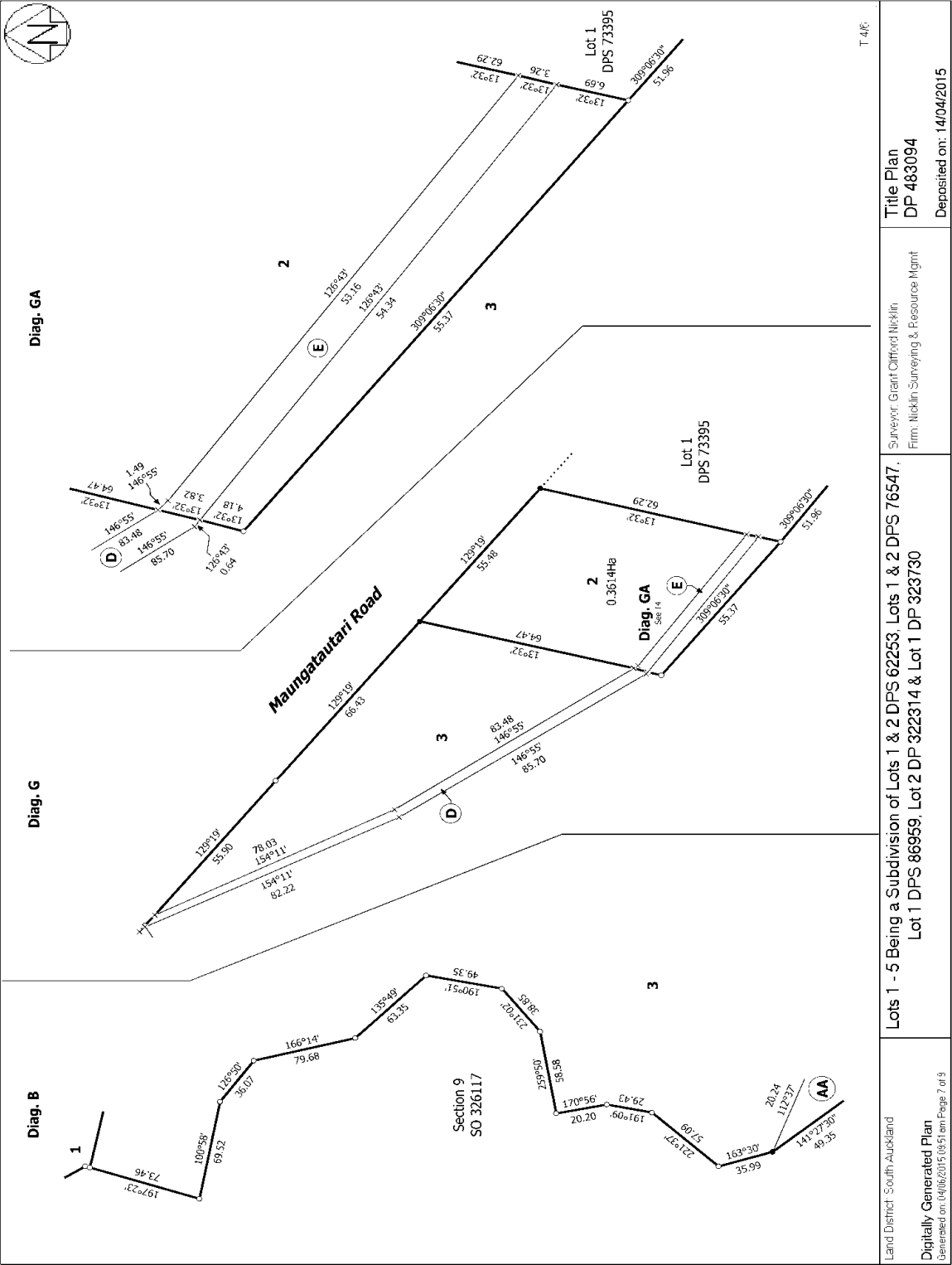
The easements created by Easement Instrument 10013218.12 are subject to Section 243 (a) Resource Management Act 1991

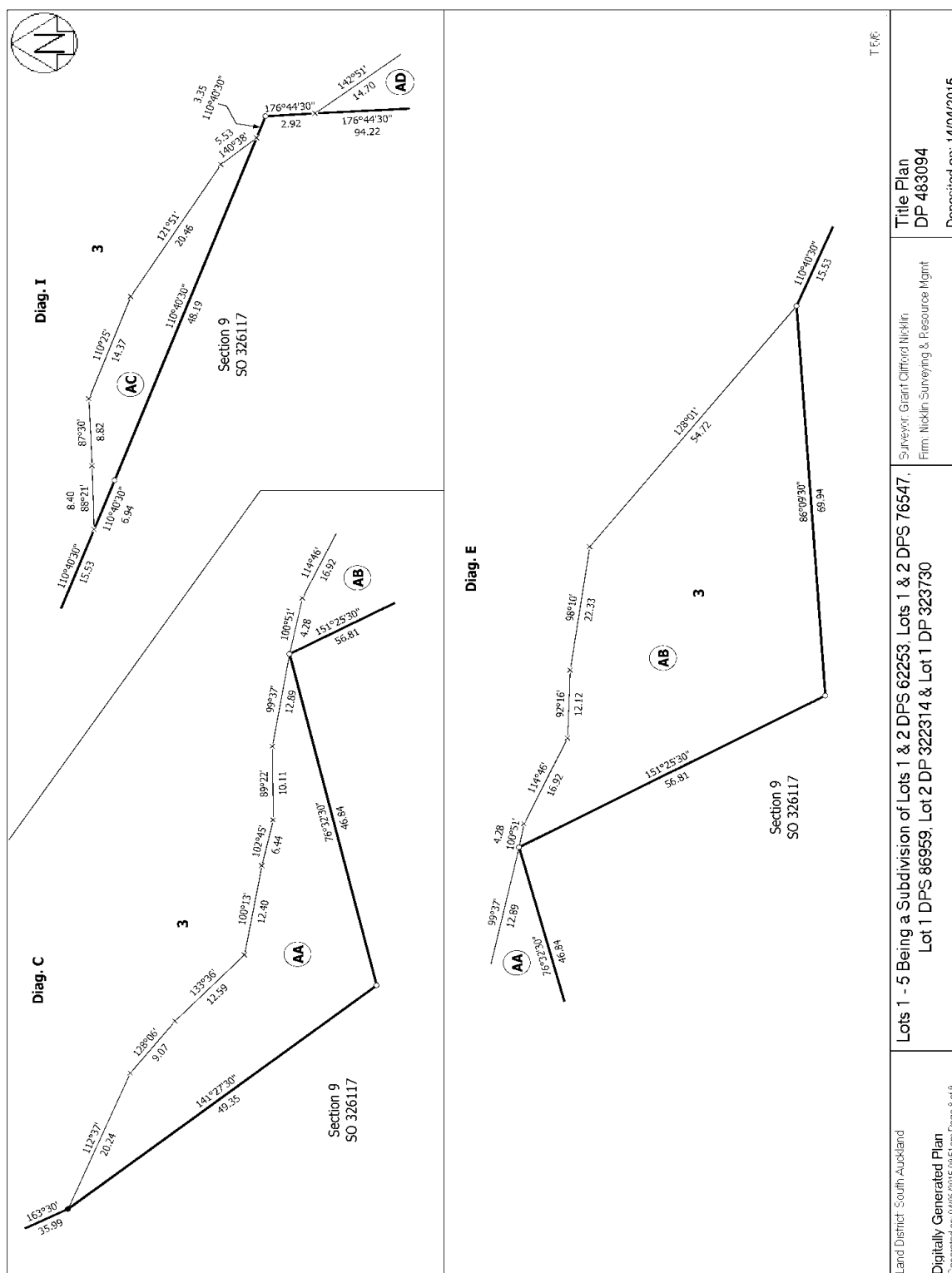
Land Covenant in Easement Instrument 10099524.1 - 30.6.2015 at 11:27 am

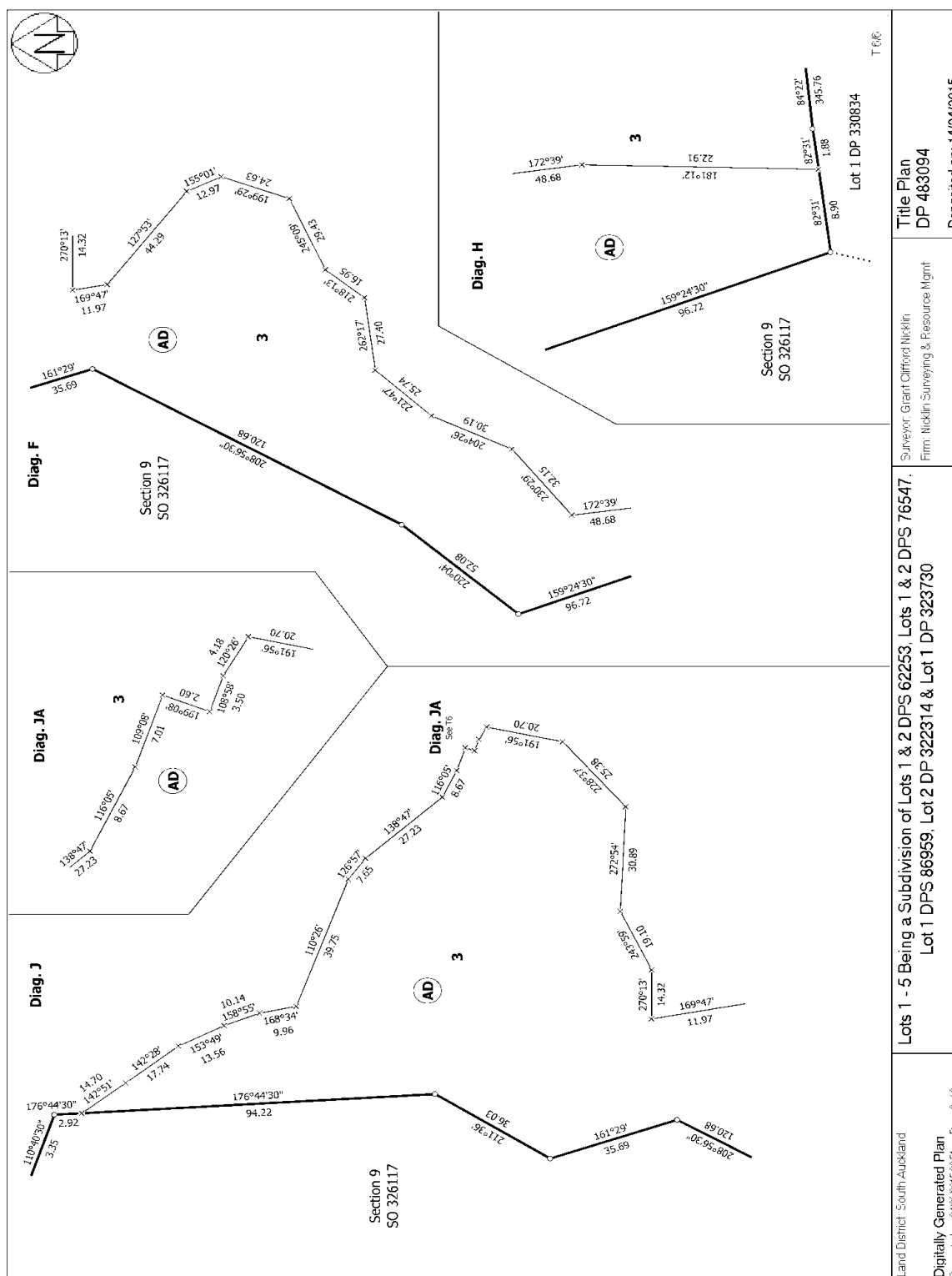














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R.W. Muir
Registrar-General
of Land

Identifier 680930
Land Registration District South Auckland
Date Issued 14 April 2015

Prior References

89070

Estate Fee Simple
Area 26.3000 hectares more or less
Legal Description Lot 3 Deposited Plan 483094

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Subject to a right to convey electricity over part marked F on DP 483094 created by Easement Instrument 5912220.1 - 26.2.2004 at 9:00 am

Appurtenant to part herein formerly Lot 2 DP 322314 is a right to convey electricity created by Easement Instrument 5912220.1 - 26.2.2004 at 9:00 am

The easements created by Easement Instrument 5912220.1 are subject to Section 243 (a) Resource Management Act 1991

10013218.10 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 14.4.2015 at 9:09 am

Subject to a right of way and a right to convey water, telecommunications and computer media over parts marked BA, BB, C and a right to convey electricity over parts marked BA, BB, C and D on DP 483094 created by Easement Instrument 10013218.12 - produced 14.4.2015 at 9:09 am and entered 26.5.2015 at 7:01 am

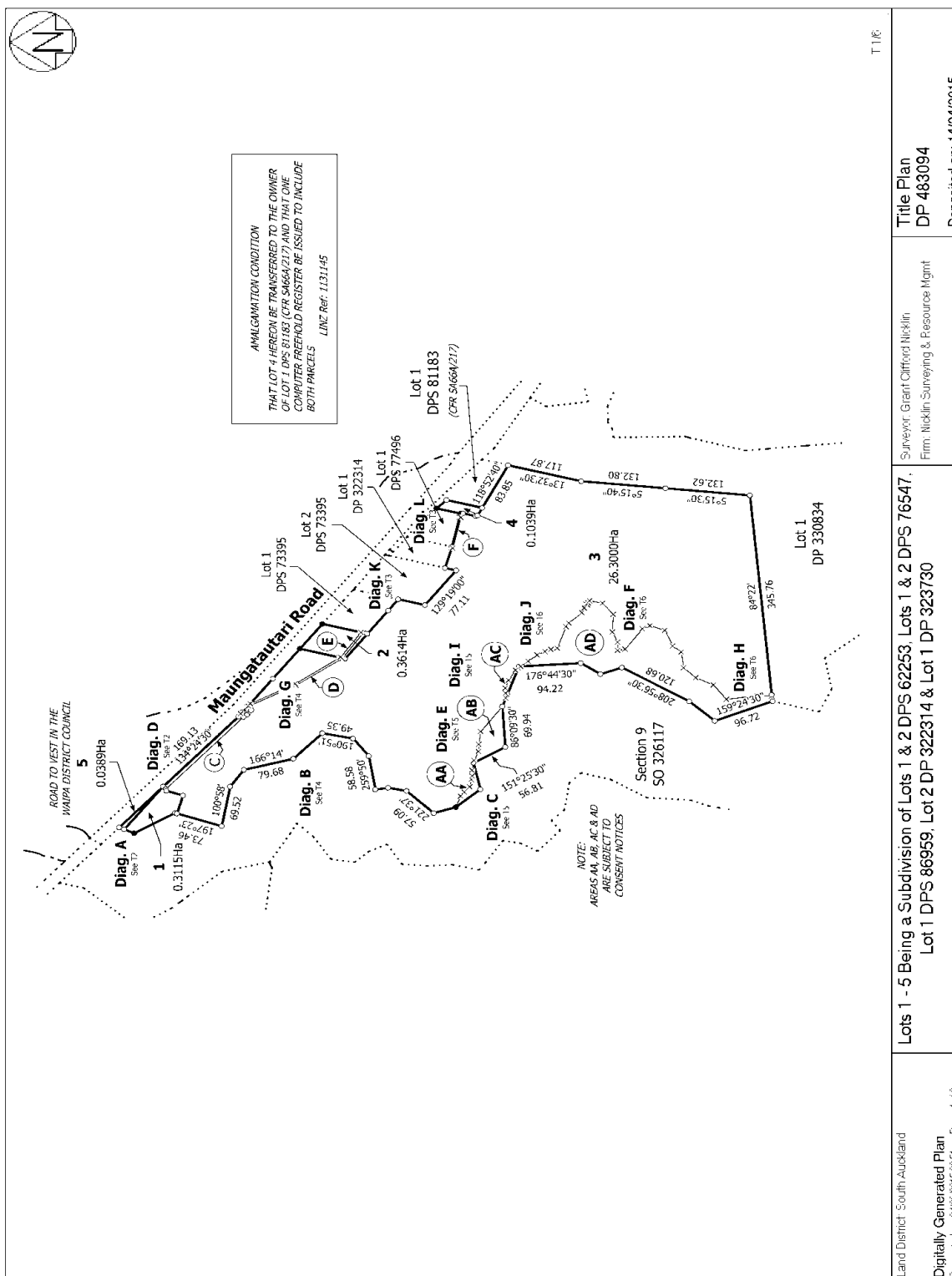
Appurtenant hereto is a right to convey electricity created by Easement Instrument 10013218.12 - produced 14.4.2015 at 9:09 am and entered 26.5.2015 at 7:01 am

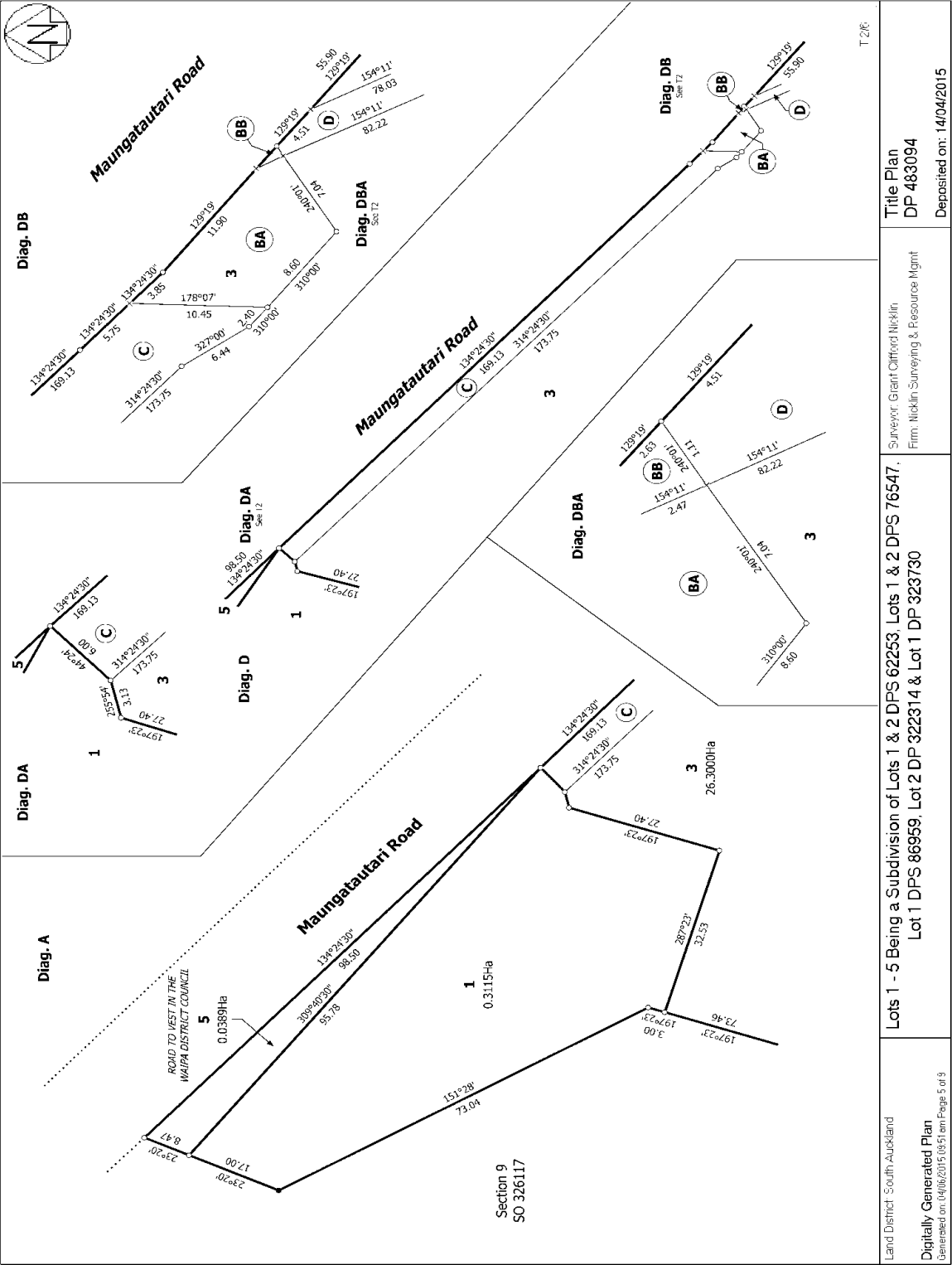
Some of the easements created by Easement Instrument 10013218.12 are subject to Section 243 (a) Resource Management Act 1991 (see DP 483094)

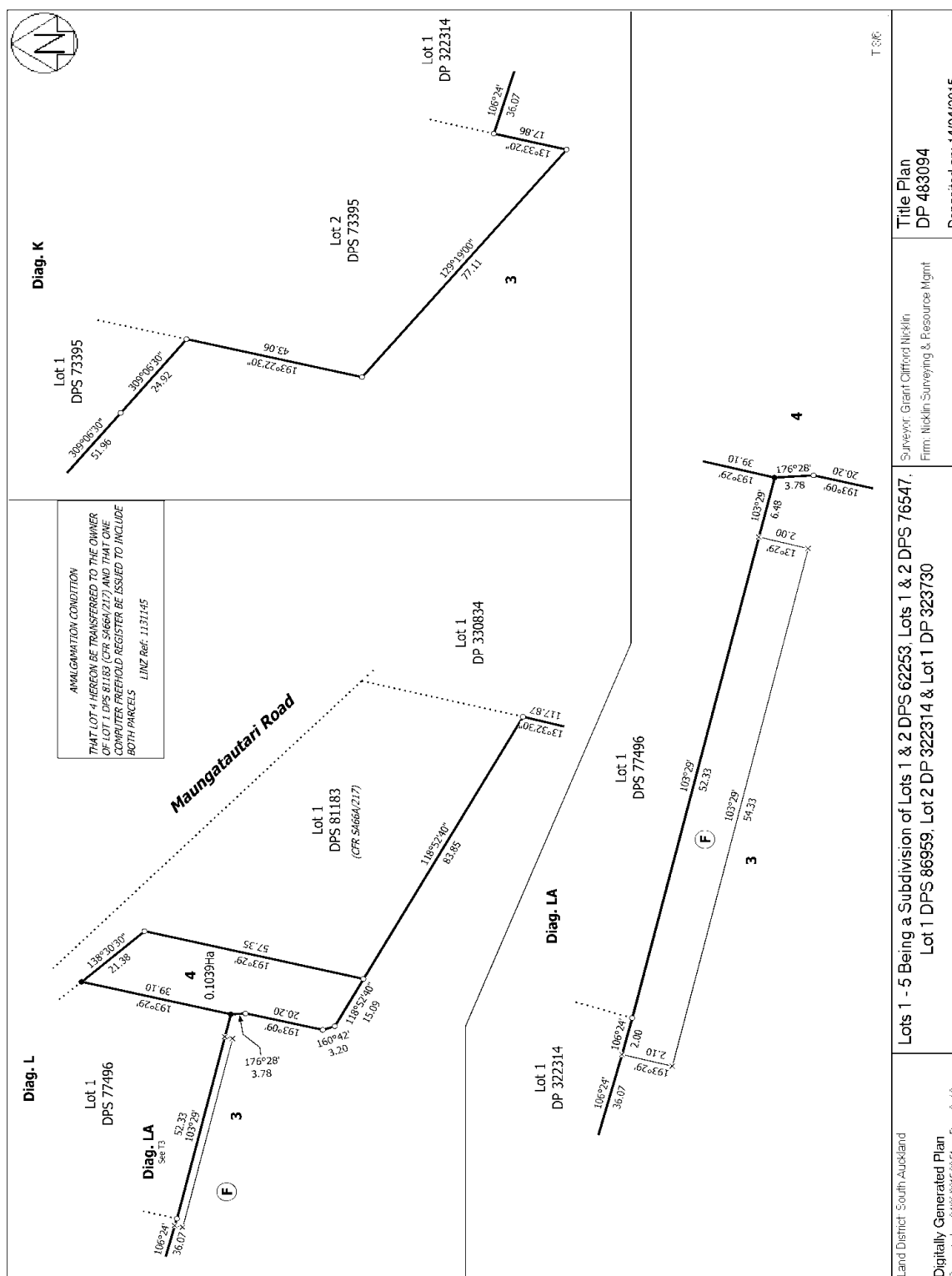
Land Covenant in Easement Instrument 10099524.1 - 30.6.2015 at 11:27 am

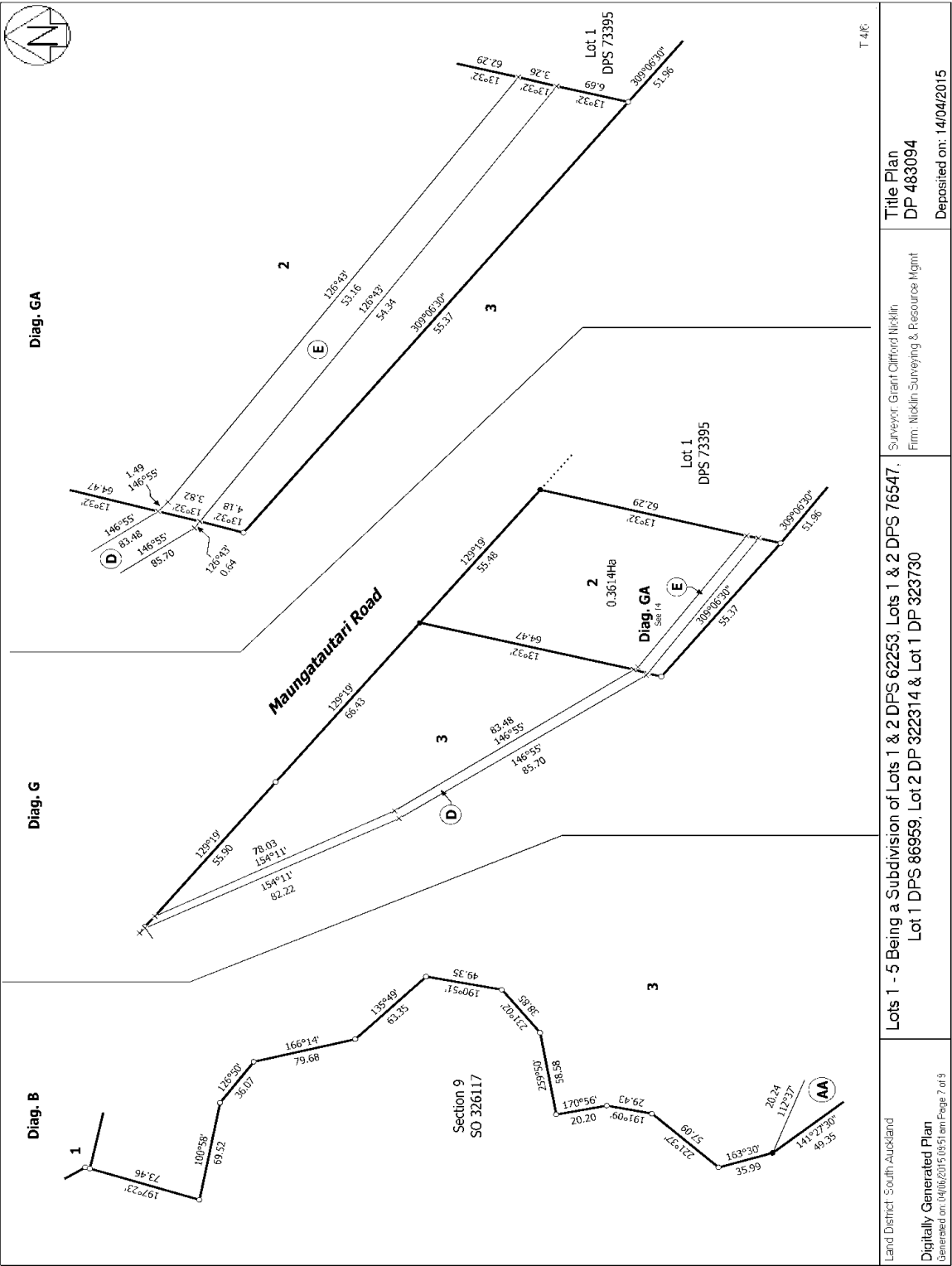
11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

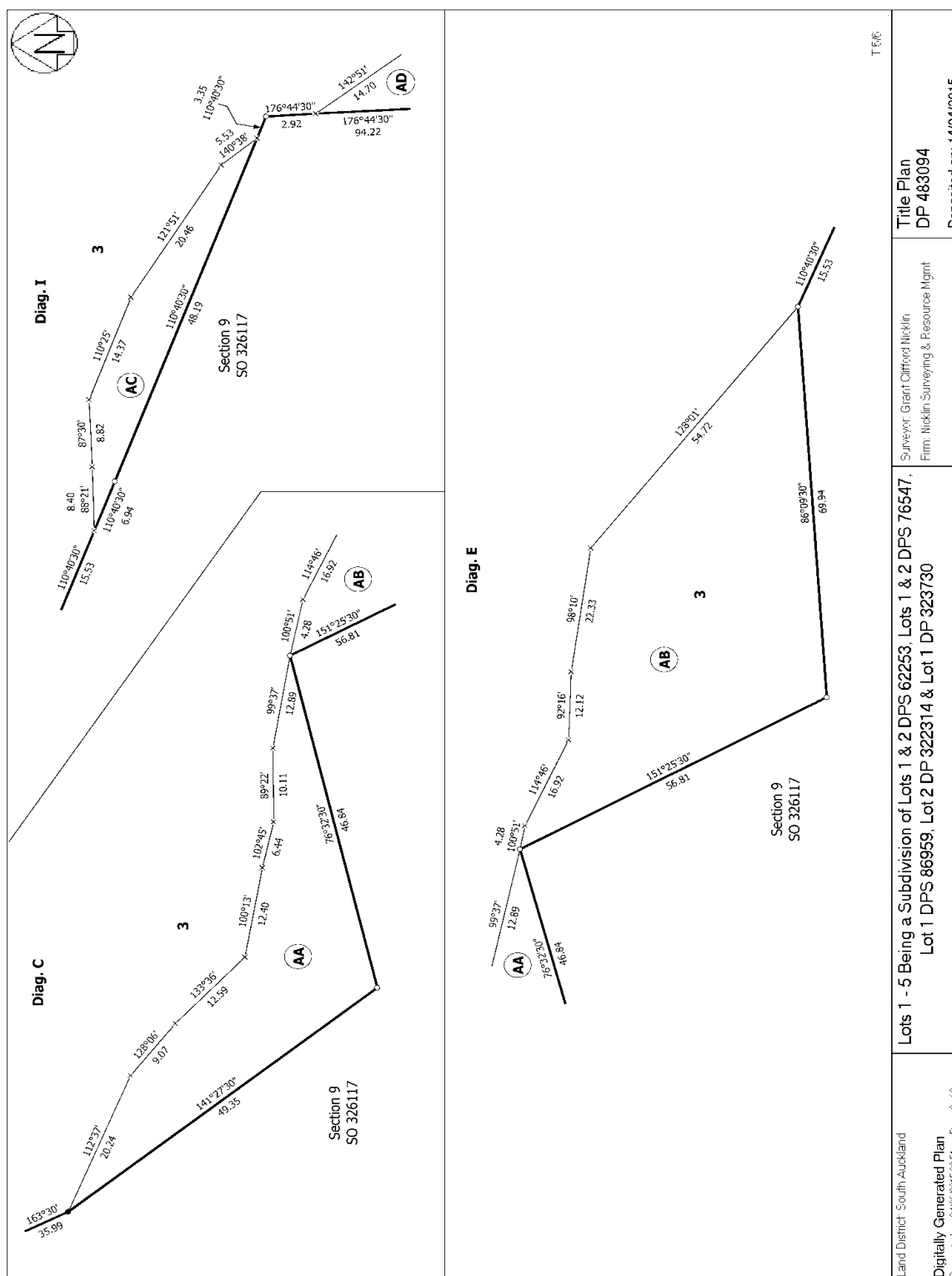
11617883.1 CAVEAT BY ZESPRI GROUP LIMITED - 19.12.2019 at 1:32 pm (LIMITED EFFECT)





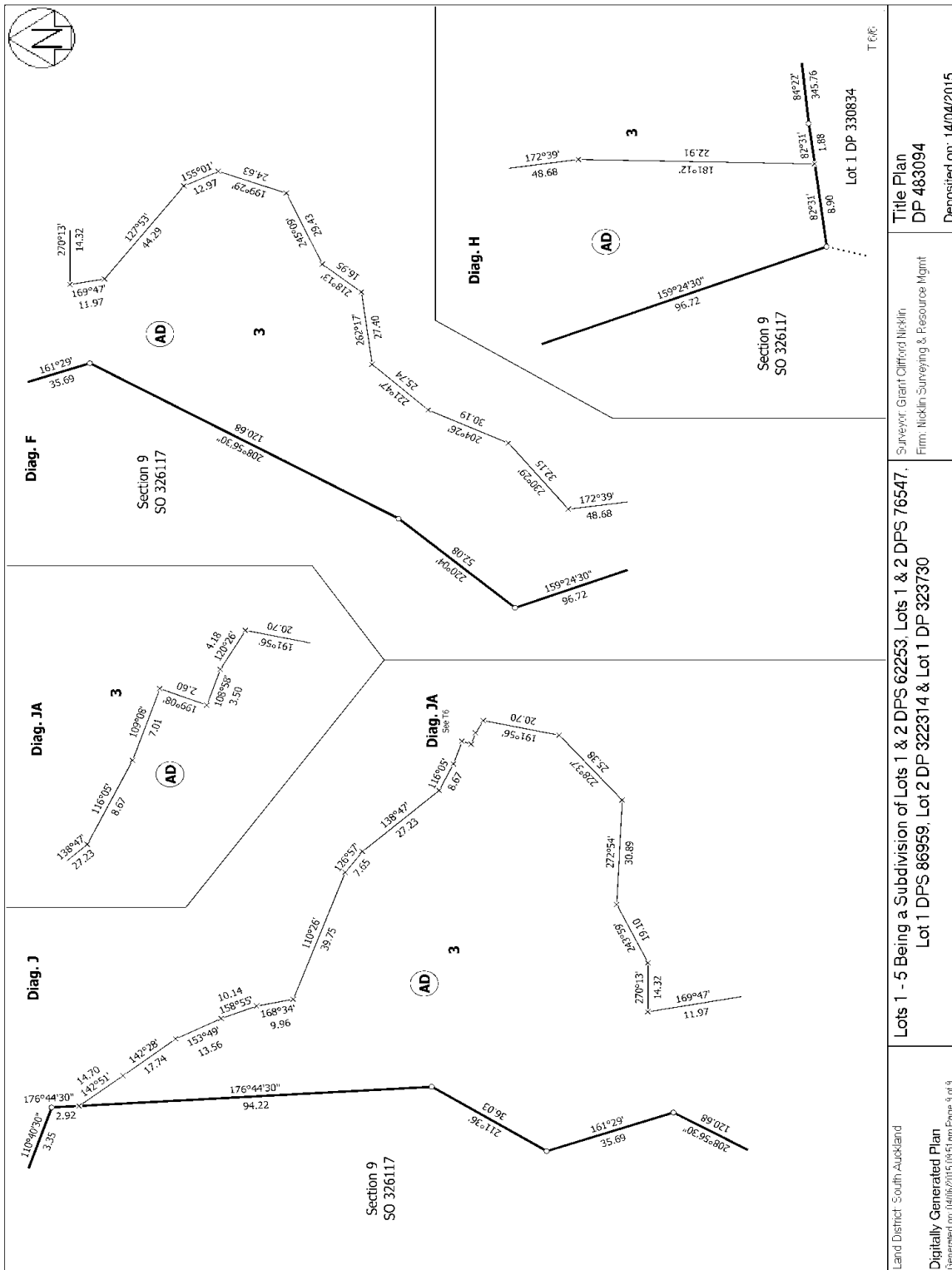






Identifier

680930



Land District: South Auckland

Digitally Generated Plan

Generated on: 04/06/2015 09:51 am Page 9 of 9

Lots 1 - 5 Being a Subdivision of Lots 1 & 2 DPS 62253, Lots 1 & 2 DPS 76547,

Lot 1 DPS 86959, Lot 2 DP 322314 & Lot 1 DP 323730

Surveyor: Grant Clifford Nicklin

Firm: Nicklin Surveying & Resource Mgmt

Title Plan

DP 483094

Deposited on: 14/04/2015



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UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier 714541
Land Registration District South Auckland
Date Issued 22 December 2015

Prior References

SA31D/866

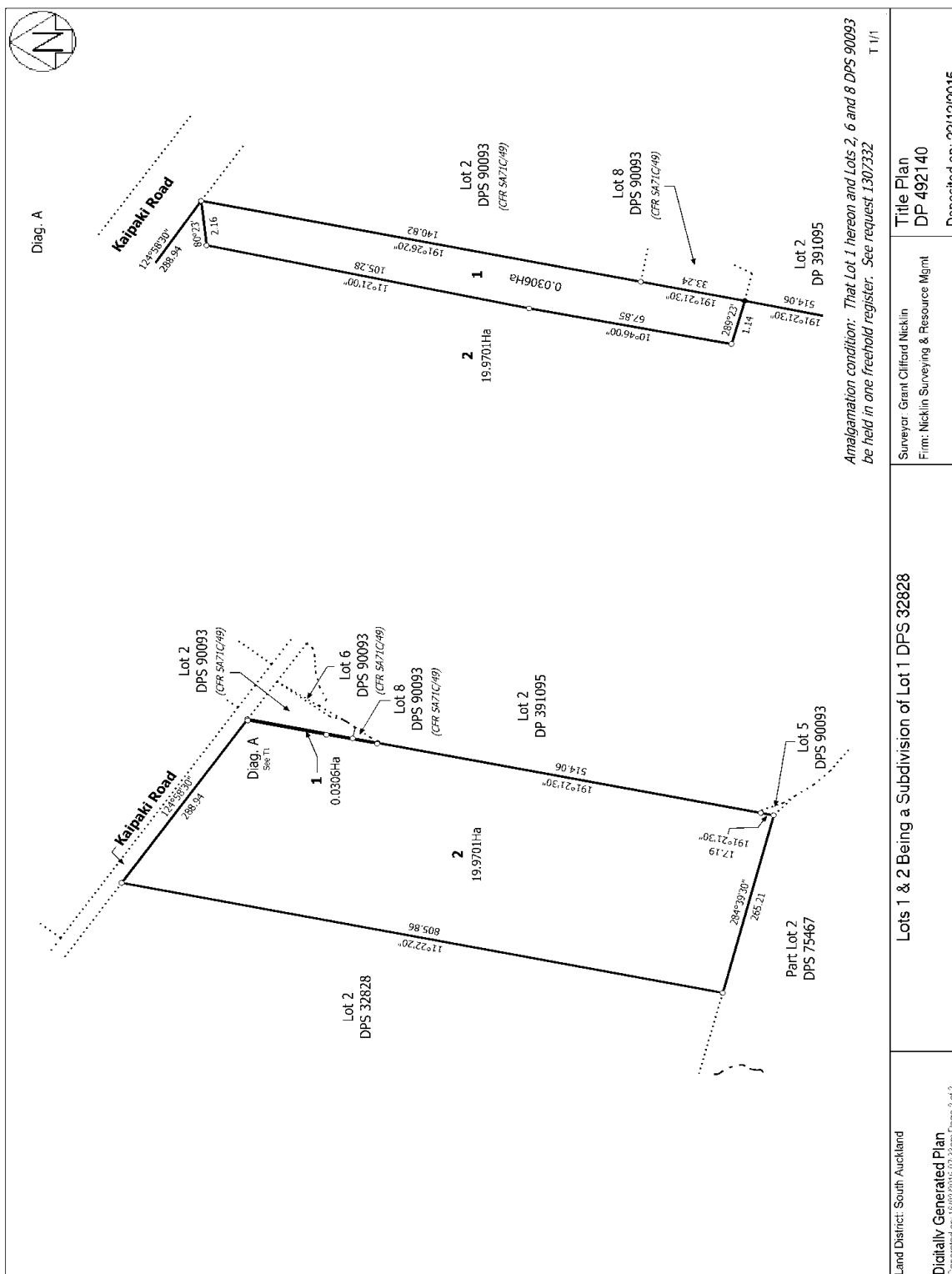
Estate	Fee Simple
Area	19.9701 hectares more or less
Legal Description	Lot 2 Deposited Plan 492140

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm





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R. W. Muir
Registrar-General
of Land

Identifier **748706**
Land Registration District **South Auckland**
Date Issued 10 July 2019

Prior References

SA45D/118

Estate Fee Simple
Area 4235 square metres more or less
Legal Description Lot 1 Deposited Plan 501305

Registered Owners

Mark Lionel William Gardiner as to a 1/2 share
Robyn Anne Gardiner as to a 1/2 share

Interests

Subject to Section 8 Mining Act 1971 (affects part formerly Section 23 Block XI Cambridge Survey District)
Subject to Section 5 Coal Mines Act 1979 (affects part formerly Section 23 Block XI Cambridge Survey District)
11455620.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.7.2019 at 2:29 pm
Subject to a right to convey electricity over part marked B on DP 501305 created by Easement Instrument
11455620.3 - 10.7.2019 at 2:29 pm
Appurtenant hereto is a right of way, a right to convey electricity, telecommunications and water created by
Easement Instrument 11455620.3 - 10.7.2019 at 2:29 pm
The easements created by Easement Instrument 11455620.3 are subject to Section 243 (a) Resource Management
Act 1991





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R. W. Muir
Registrar-General
of Land

Identifier 748707
Land Registration District South Auckland
Date Issued 10 July 2019

Prior References

SA45D/118

Estate Fee Simple
Area 25.0170 hectares more or less
Legal Description Lot 2 Deposited Plan 501305

Registered Owners

Mark Lionel William Gardiner as to a 1/2 share
Robyn Anne Gardiner as to a 1/2 share

Interests

Subject to Section 8 Mining Act 1971 (affects part formerly Section 23 Block XI Cambridge Survey District)
Subject to Section 5 Coal Mines Act 1979 (affects part formerly Section 23 Block XI Cambridge Survey District)
11455620.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.7.2019 at 2:29 pm
Subject to a right of way over part marked A, a right to convey electricity over part marked C, a right to convey telecommunications over parts marked A, D and E and a right to convey water over parts marked E and F all on DP 501305 created by Easement Instrument 11455620.3 - 10.7.2019 at 2:29 pm
Appurtenant hereto is a right to convey electricity created by Easement Instrument 11455620.3 - 10.7.2019 at 2:29 pm
The easements created by Easement Instrument 11455620.3 are subject to Section 243 (a) Resource Management Act 1991
Subject to a right (in gross) to convey telecommunications over parts marked A, D and E on DP 501305 in favour of Chorus New Zealand Limited created by Easement Instrument 11455620.4 - 10.7.2019 at 2:29 pm
The easements created by Easement Instrument 11455620.4 are subject to Section 243 (a) Resource Management Act 1991





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UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

Identifier 753262
Land Registration District South Auckland
Date Issued 20 February 2017

Prior References

465207

Estate Fee Simple
Area 41.4997 hectares more or less
Legal Description Lot 2 Deposited Plan 502579

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Subject to a right to convey electricity, telecommunications and computer media over part marked B and D on DP 502579 created by Easement Instrument 8141331.4 - 19.6.2009 at 3:41 pm

The easements created by Easement Instrument 8141331.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey telecommunications and computer media over part B and D on DP 502579 in favour of Telecom New Zealand Limited created by Easement Instrument 8141331.5 - 19.6.2009 at 3:41 pm

10570453.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.2.2017 at 12:15 pm

Subject to a right (in gross) to convey electricity, telecommunications and computer media over part B, E and F on DP 502579 in favour of WEL Networks Limited created by Easement Instrument 10570453.3 - 20.2.2017 at 12:15 pm

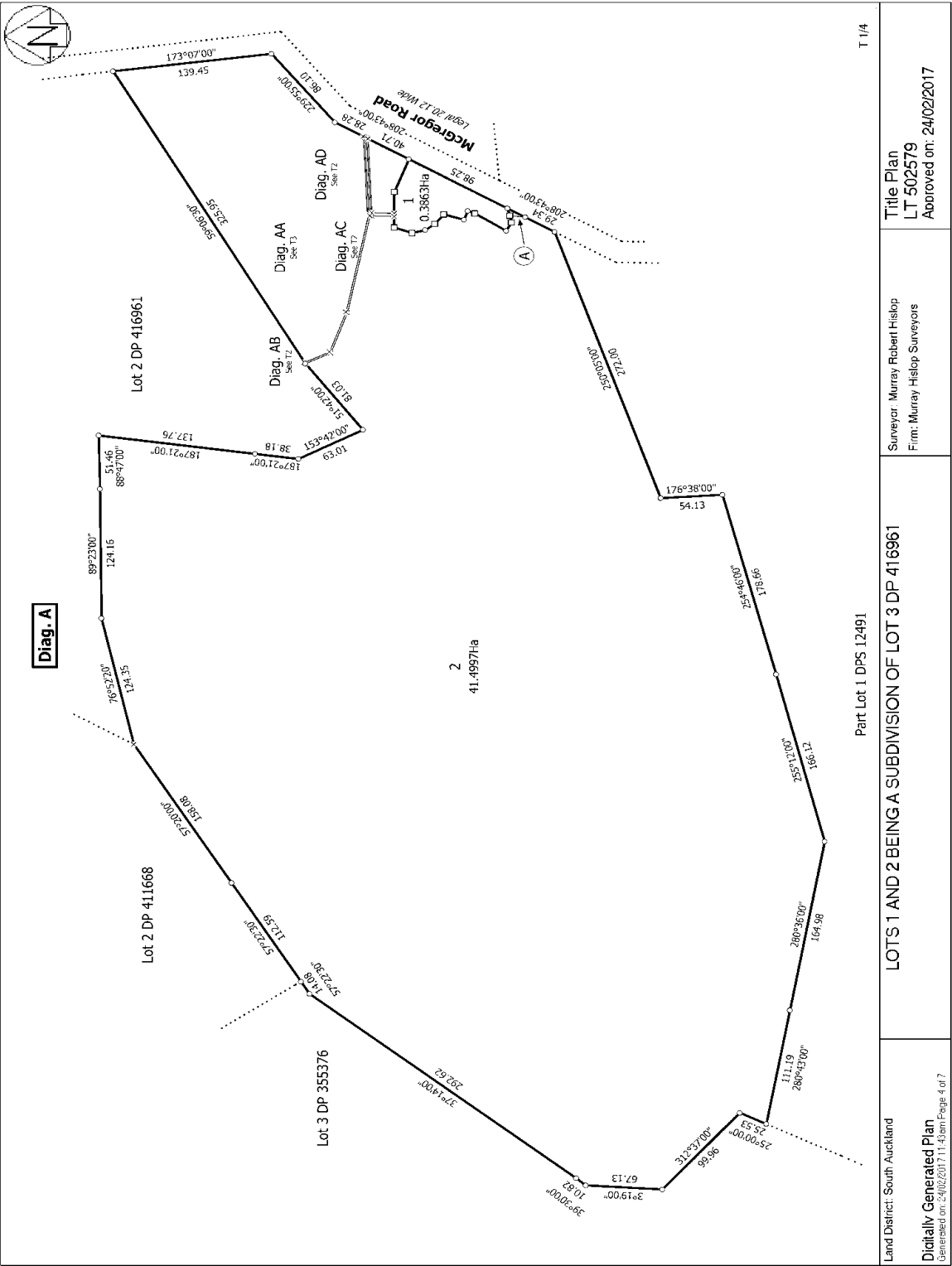
The easements created by Easement Instrument 10570453.3 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way over part marked A on DP 502579 and right to convey electricity, telecommunications and computer media over part marked C on DP 502579 created by Easement Instrument 10570453.4 - 20.2.2017 at 12:15 pm

The easements created by Easement Instrument 10570453.4 are subject to Section 243 (a) Resource Management Act 1991

Identifier

753262





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier 808629
Land Registration District South Auckland
Date Issued 27 November 2017

Prior References

378898 378900

Estate Fee Simple

Area 11.4615 hectares more or less

Legal Description Lot 1 Deposited Plan 517505 and Lot 1
Deposited Plan 394777

Registered Owners

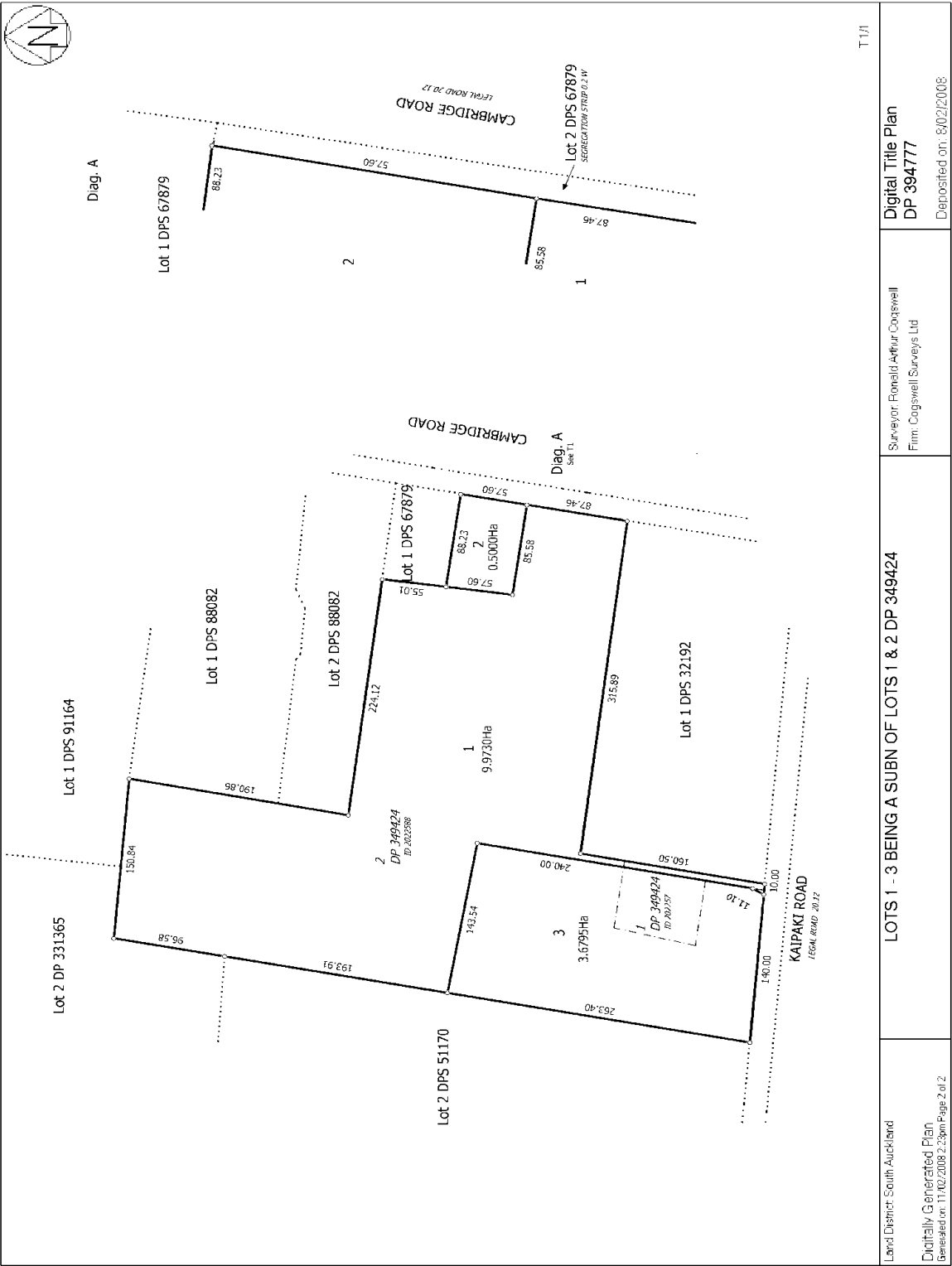
Whitehall Fruitpackers Holdings Limited

Interests

Appurtenant hereto is a water right created by Transfer S439796 - 20.2.1969 at 11:10 am

7706645.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 8.2.2008 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 517505)







**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R. W. Muir
Registrar-General
of Land

Identifier **848007**
Land Registration District **South Auckland**
Date Issued 19 December 2018

Prior References

431050 739641

Estate Fee Simple
Area 7.8840 hectares more or less
Legal Description Lot 2 Deposited Plan 527059 and Lot 2
Deposited Plan 498881

Registered Owners

Whitehall Fruitpackers Holdings Limited

Interests

Subject to Section 206 Land Act 1924

Appurtenant hereto is a right of way specified in Easement Certificate B115505.3 - 30.11.1992 at 2.15 pm

The easements specified in Easement Certificate B115505.3 are subject to Section 309 (1) (a) Local Government Act 1974

Subject to a right of way over part Lot 2 DP 498881 marked A on DP 498881 and a right of way over part Lot 2 DP 527059 marked B on DP 527059 specified in Easement Certificate B115505.3 - 30.11.1992 at 2.15 pm

Appurtenant to Lot 2 DP 527059 are electricity supply rights created by Transfer B227128 - 8.9.1994 at 9:02 am

5560082.1 Variation of the conditions of the easement created by Transfer B227128 - 17.4.2003 at 9:00 am

8219619.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 11.9.2009 at 10:34 am (affects Lot 2 DP 527059)

Subject to a right to convey telecommunications and computer media over part Lot 2 DP 498881 marked A on DP 498881 and subject to a right of way over part Lot 2 DP 527059 marked B and C and a right to convey telecommunications and computer media over part Lot 2 DP 527059 marked B on DP 527059 created by Easement Instrument 8219619.3 - 11.9.2009 at 10:34 am

Appurtenant to Lot 2 DP 527059 is a right to convey telecommunications and computer media and appurtenant to Lot 2 DP 498881 is a right of way created by Easement Instrument 8219619.3 - 11.9.2009 at 10:34 am

Some of the easements created by Easement Instrument 8219619.3 are subject to Section 243 (a) Resource Management Act 1991 (See DP 408545)

Land Covenant in Easement Instrument 8219619.4 - 11.9.2009 at 10:34 am (affects Lot 2 DP 527059)

10459996.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.8.2016 at 2:29 pm (affects Lot 2 DP 498881)

Subject to a right (in gross) to convey telecommunications and computer media over part Lot 2 DP 498881 marked A, B, C, D and E on DP 498881 in favour of Chorus New Zealand Limited created by Easement Instrument 10459996.3 - 30.8.2016 at 2:29 pm

The easements created by Easement Instrument 10459996.3 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way over part Lot 2 DP 498881 marked A and B and a right to convey telecommunications and computer media over part Lot 2 DP 498881 marked A, B, C, D and E and a right to convey electricity and

Identifier**848007**

water over part Lot 2 DP 498881 marked D and E all on DP 498881 created by Easement Instrument 10459996.4 - 30.8.2016 at 2:29 pm

Appurtenant to Lot 2 DP 498881 is a right of way created by Easement Instrument 10459996.4 - 30.8.2016 at 2:29 pm

The easements created by Easement Instrument 10459996.4 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 10459996.5 - 30.8.2016 at 2:29 pm (affects Lot 2 DP 498881)

11238408.1 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.12.2018 at 2:58 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 527059)

Appurtenant hereto is a right of way and a right to convey water created by Easement Instrument 11238408.5 - 19.12.2018 at 2:58 pm

The easements created by Easement Instrument 11238408.5 are subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right to convey water created by Easement Instrument 11238408.6 - 19.12.2018 at 2:58 pm

The easements created by Easement Instrument 11238408.6 are subject to Section 243 (a) Resource Management Act 1991

11578519.4 Mortgage to Bank of New Zealand - 30.10.2019 at 3:27 pm

