

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ**

Decision No. [2026] NZEnvC 203

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN HORTICULTURE NEW
ZEALAND

(ENV-2026-CHC-047)

Appellant

AND TIMARU DISTRICT COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 6 August 2026

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991 (the Act), the
Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that amendments shown in
Annexure 1 are made to the proposed Timaru District Plan; and
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Act, there is no order as to costs.

HORTICULTURE NEW ZEALAND v TIMARU DISTRICT COUNCIL – CONSENT
ORDER



REASONS

Introduction

[1] This proceeding concerns an appeal by Horticulture New Zealand against part of the proposed Timaru District Plan.

[2] The appeal relates to rules GRUZ-R17 and GRUZ-R20.¹ The key issue is the efficiency of these rules in managing adverse effects on neighbouring sites and roads while appropriately providing for important elements of primary production activities, being shelterbelts and woodlots; and artificial crop protection structures (ACPS).

[3] I have read and considered the consent memorandum of the parties dated 24 July 2026 which proposes to resolve the appeal.

Agreement reached

[4] The parties have agreed how the appeal can be resolved by consent. This includes making amendments to GRUZ-R17 to delete standard PER-1; and amending standard PER-3 in GRUZ-R20 and the matters of discretion applying to resource consents triggered under this rule. The reasons for these changes are:

- (a) Standard PER-1 in GRUZ-R17 can be deleted as a consequence of the decision introducing a new standard within the rule (PER-3) which provides a more targeted approach to managing potential adverse effects of shelterbelts and woodlots on adjoining residential units. PER-1 requires shelterbelts to meet recession plane requirements where within 100m of a residential unit on an adjoining site. The standard was intended to avoid potential shading from

¹ The appeal notice refers to these as GRUZ-R15 and GRUZ-R18, which was the numbering used in the notified version. These have been renumbered through the decision to GRUZ-R17 and GRUZ-R20.

shelterbelts and woodlots on existing residential units. However, through the decision, PER-3 was added, which requires a setback of 30m between any shelterbelt or woodlot and an existing residential unit. The separation required will be sufficient to avoid potential shading and is considered to be a more targeted and therefore efficient approach to manage potential effects on adjoining residential units;

- (b) Standard PER-3 in GRUZ-R20 sets out setbacks applying to ACPS. These take a graduated approach, depending on the height of the structure. The amendments agreed would remove the graduated approach:

- (i) for road boundary setbacks, this is considered appropriate, as the setbacks – of 20m for arterial roads, and 10m from other roads – and are considered to be sufficient to mitigate potential adverse effects on road users, (including visual amenity effects as well as shading) regardless of the height of an ACPS. A minor drafting change is also agreed to the ordering of the road setback standards to provide greater clarity as to the setback applying to different types of roads;
- (ii) for setbacks from adjoining properties, the amendments agreed take a more targeted approach, and apply a setback (of 5m), and height limit (of 6m), only where the adjoining site contains an existing sensitive activity within 20m of the boundary. This takes into account that through the decision, new sensitive activities (such as residential units) are required, under GRUZ-S4, to be setback either 10m or 20m from any site where a primary production activity is undertaken, being activities where ACPS would be in use. This standard will ensure that an appropriate level of separation is achieved between sensitive activities and primary production activities, including those which use ACPS. As such, it is considered that a setback (and height limit) for ACPS is only needed where a residential unit or

other sensitive activity already exists close to the boundary where the ACPS is proposed;

- (c) where any aspect of GRUZ-R20 is not complied with, a restricted discretionary activity status is applied, with corresponding matters of discretion. The agreed amendments to the matters of discretion are to simplify the first matter to refer to potential adverse visual effects, without listing out further aspects of the consideration that this might include. This is considered appropriate because the amended matter of discretion is still sufficiently broad to allow these considerations, without inferring that all the matters set out will be relevant in all instances. The simplified drafting is also more consistent with the drafting of other matters of discretion set out in the GRUZ Chapter. An additional matter of discretion is also agreed to allow for consideration of the adverse effects on the character and qualities of the zone. This provides for a more explicit link between the objectives and policies that set these out, and the assessment of a resource consent application triggered under this rule. Again, this is consistent with the drafting approach taken in other rules in the GRUZ Chapter.

Other relevant matters

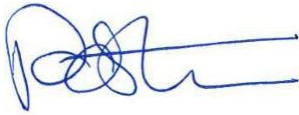
[5] No person has given notice of an intention to become a party under s274 of the Act.

[6] The parties advise that:

- (a) all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2; and
- (b) there are no issues as to costs.

Outcome

[7] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



Annexure 1

GRUZ-R17	Shelterbelts and woodlots	
General Rural Zone	Activity status: Permitted Where: PER-1 The height of any shelterbelt located within 100m of a residential unit on an adjoining site are contained within an envelope defined by a recession plane of 1m vertical for every 3.5m horizontal that originates from the closest point of the residential unit; and <u>PER-21</u> Shelterbelts are not in such a position that they cause icing of a road as a result of shading the road between 10.00am and 2.00pm on the shortest day; and <u>PER-32</u> Any shelterbelt or woodlot shall be setback 30m from any residential unit or other principal building on an adjoining property.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. height and setback of trees from property boundaries and roads; and 2. shading of residential units; and 3. shading of roads; and 4. traffic safety; and 5. tree species; and 6. wildfire risk on buildings.



GRUZ-R20	Artificial crop protection structures	
General Rural Zone	Activity status: Permitted Where: PER-1 The structure is open at the side; or PER-2 Dark green or black cloth is used for all vertical faces located within 20m of the boundary of the site; and PER-3 The structure meets the following setbacks: 1. for structure(s) less than 4m high, measured from existing ground level, the structure(s) are setback a distance of: a. 10m from road boundaries; or 20m from road boundaries that are a national, regional or district arterial road; and or 2. 10m from any other road boundaries; and e. 15m from a non-road boundary of a site in different ownership; and 23. for structure(s) greater than 4m in height, measured from existing ground level, then the horizontal setback distance between the boundary and the structure should increase a further 5m than that stated above for every 2m increase in height. where the structure adjoins a site containing a building used for a sensitive activity, and the building is located within 20m of the boundary, the structure shall be: a. setback 5m from the boundary, at any point where the building is located within 20m of the boundary; and b. no greater than 6m in height, measured from existing ground level.	Activity status when compliance not achieved: Restricted discretionary Matters of discretion are restricted to: 1. the <u>extent of potential adverse visual impacts including; limiting view shafts and panoramas from properties and public areas; changing the character of a location; changing the naturalness of the landscape; and creating an incongruous colour variation effects on neighboring properties or road users;</u> and 2. the extent of shading adverse effects on adjoining sites, activities and roads; and 3. mitigation measures; <u>and</u> 4. <u>adverse effects on the character and qualities of the zone.</u>

