

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2026-CHC**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of appeals under Clause 14(1) of the First  
Schedule of the Act in relation to the  
Proposed Timaru District Plan

**BETWEEN** **Horticulture New Zealand**

Appellant

**AND** **Timaru District Council**

Respondent

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**NOTICE OF APPEAL  
ON THE PROPOSED TIMARU DISTRICT PLAN**

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**To:** The Registrar  
Environment Court  
Christchurch

1. Horticulture New Zealand (“**HortNZ**”) appeals part of the decisions of the Timaru District Council on the Proposed Timaru District Plan.
2. HortNZ made a submission and further submissions on the Proposed Timaru District Plan (submission number 245)
3. HortNZ is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. HortNZ received notice of the decisions on 18 March 2026.
5. The decisions were made by the Timaru District Council.
6. Decisions appealed against:
  - (a) GRUZ - R15 Shelterbelts
  - (b) GRUZ - R18 Artificial Crop Protection Structures
7. The reasons for the appeals and relief sought are detailed in the table below.
8. General relief sought:
  - (a) That consequential amendments be made as a result of the relief sought from the specific appeal points above (including where the same provisions are in several different zone chapters).
9. The following documents are attached to this notice:
  - (a) a copy of HortNZ’s submission and further submissions
  - (b) a copy of the relevant parts of the decision
  - (c) A list of the relevant names and addresses of persons who lodged a submission who are to be served with a copy of this notice.

**Charlotte Wright**  
Senior Policy Advisor  
Horticulture New Zealand

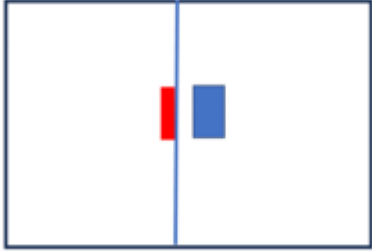
6 May 2026

**Address for service of the Appellant:**

Horticulture New Zealand  
PO Box 10232, Wellington 6143  
Phone: 04 470 5664  
Email: [charlotte.wright@hortnz.co.nz](mailto:charlotte.wright@hortnz.co.nz)  
Contact person: Charlotte Wright

## Decisions of Timaru District Council on the Proposed Timaru District Plan which are appealed by HortNZ:

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
1.	GRUZ – R15 Shelterbelts	HortNZ submitted on GRUZ – R15 Shelterbelts	<p>HortNZ opposed PER-1, which required the height of shelter belts to remain within a prescribed recession plane envelope.</p> <p>The decision has retained the requirement under PER-1. A 30m setback for shelterbelts or woodlots has also been inserted (PER-3).</p> <p>HortNZ considers that PER-3 is sufficient to address concerns and was under the understanding that PER-1 would be deleted as a consequence of the addition of PER-3.</p> <p>HortNZ seeks the deletion of PER-1.</p>	<p>Amend GRUZ-R15</p> <p><i><del>PER-1 The height of any shelterbelt trees 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</del></i></p> <p><i><del>PER-2 Shelterbelts Trees 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</del></i></p> <p><i><del>PER-3 Any shelterbelt or woodlot shall be setback 30m from any residential unit or other principal building on an adjoining property.</del></i></p>
2.	GRUZ – R18 Artificial Crop Protection Structures	HortNZ submitted on GRUZ – R18 Artificial Crop Protection Structures	<p>The council officer agreed that artificial crop protection structures are necessary to enable primary production activities. In evidence, HortNZ sought to refine the rule to better address setbacks.</p> <p>The decision accepts the HortNZ evidence regarding PER-2 but rejects the evidence with respect to PER-3 setbacks and accepts the evidence with respect to PER-4 structure length.</p> <p>HortNZ maintains that PER-1 should take a more nuanced approach to setbacks where they are only required from a neighbouring boundary where a residential unit is present.</p> <p>HortNZ disagrees with the panel's view that the Waikato approach does not easily translate to Timaru, because the panel was not privy to the details of the appeal or the issues that had been raised with the Council decision which was appealed in that case. However, HortNZ presented the entire consent order as part of its hearing evidence.</p>	<p>PER-3</p> <p>The structure meets the following setback:</p> <p><del>1. For structure(s) less than 4m high, the structure(s) are setback a distance of:</del></p> <p><del>a. 10m from road boundaries;</del></p> <p><del>b. 20m from road boundaries that are a national, regional or district arterial road;</del></p> <p><del>c. 15m from a non road boundary of a site in different ownership; and</del></p> <p><del>2. For structure(s) greater than 4m in height, 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; and</del></p> <p><u>Where they are located adjacent to an internal boundary where there is an existing lawfully established residential unit located on an</u></p>

Appeal Point	Provision or Decision	Scope	Reason	Relief sought
				<p>adjacent site and within 12m of the boundary. In this circumstance a minimum 5m setback shall apply to that portion of the Artificial Crop Protection Structure that is parallel to the face of the neighbouring residential unit and a maximum height of 6m.</p> <p>Advice note: To clarify the application of GRUZ-R18(3) the below diagram shows the applicant site on the left, and the neighbouring property is to the right of the blue internal boundary line. The blue rectangle is the neighbouring residential unit, set less than 12m off the internal boundary. The red area on the left is the area subject to the 5m setback – there is no setback required along the balance of the shared boundary</p> 

**List of submitters to be served with a copy of this notice**

<b>Sub. No.</b>	<b>Submitter Name</b>	<b>Email address</b>
60	Milward Finlay Lobb	admin@mflnz.co.nz
74	HB	globeplanning@gmail.com
172	Silver Fern Farms Limited	steve.tuck@mitchelldaysh.co.nz
182	Federated Farmers	jsutherland@fedfarm.org.nz ajohnston@fedfarm.org.nz ELinscott@fedfarm.co.nz