

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2025] NZEnvC 172

IN THE MATTER OF an appeal under clause 14 of the First
Schedule to the Resource Management
Act 1991

BETWEEN FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED

(ENV-2022-AKL-000051)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

AND HORTICULTURE NEW ZEALAND

KĀINGA ORA – HOMES AND
COMMUNITIES

TRANSPower NEW ZEALAND
LIMITED

PUKEKOHE VEGETABLE
GROWERS ASSOCIATION

Section 274 Parties

Court: Environment Judge S M Tepania, sitting alone under s 279 of the
Act

Last case event: 23 May 2025

Date of Order: 29 May 2025

Date of Issue: 29 May 2025



Appeals against the Waikato PDP – Topic 4.1: Infrastructure – National Grid

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the amendment of Objective AINF-O4 in the AINF – All infrastructure chapter in the Waikato District Plan – Operative in Part, as follows:

AINF-O4 – National Grid;

The national significance of the National Grid is recognised, ~~protected~~ and provided for.

- (2) the appeal, with respect to Topic 4.1: Infrastructure – National Grid, is otherwise dismissed.

B: Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] This consent determination relates to an appeal by Federated Farmers of New Zealand Incorporated (**Federated Farmers**) against the decisions of the Waikato District Council on the proposed Waikato District Plan (**PDP**) in relation to the All-infrastructure chapter (**AINF**) of the PDP (**Decision**). The PDP became operative on 30 October 2024 (**DP-OP**).

[2] This Order resolves that part of Federated Farmers' appeal assigned to Topic 4.1: Infrastructure – National Grid (**Topic 4.1**). This appeal point is the only remaining extant point in Topic 4.1.

[3] During the hearings on the PDP, the Independent Hearing Panel (**IHP**) made the decision to amend the notified PDP to adopt the National Planning Standards

which came into force after notification of the PDP. As a result, the chapters and provisions referenced in submissions, further submissions, and in some notices of appeal do not reflect the chapter and provision references in the decisions version of the PDP. The decisions version provisions are referred to in this Order.

Background

[4] Federated Farmers is a primary sector organisation representing the needs and interests of New Zealand farmers involved in a range of rural businesses.

[5] Federated Farmers made a submission on the PDP opposing the wording in AINF-O4, and seeking that the Objective be amended as follows:

AINF-O4 – National Grid

- (a) The national significance of the National Grid is recognised and managed in order to meet the needs of present and future generations ~~protected~~.

[6] The IHP's Decision rejected Federated Farmers' submission and accepted the submission of Transpower New Zealand Limited (**Transpower**) to add "and provided for" at the end of Objective AINF-O4. The IHP considered Transpower's wording to be more consistent with the terminology used in Policy 2 of the NPS-ET, which requires that "decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network".

The appeal

[7] Federated Farmers' appeal sought the following amendment with respect to Topic 4.1:

- (a) amend AINF-O4 to remove the words "and protected" and;
- (b) any consequential changes needed to support this.

[8] Federated Farmers sought this relief as it considered that the proposed amendment would ensure consistency with the NPS-ET. Federated Farmers' view is that a District Plan is not the right instrument to protect the assets used or owned by

Transpower and that easement agreements would be better suited to achieve that outcome.

[9] The following parties joined the appeal under s 274 of the Act:

- (a) Horticulture New Zealand (**HortNZ**);
- (b) Kāinga Ora – Homes and Communities (**Kāinga Ora**);
- (c) Transpower;
- (d) Pukekohe Vegetables Growers Association (**PVGA**); and
- (e) Hamilton City Council (**HCC**).

[10] The s 274 parties' interests and positions on the appeal are as follows:

- (a) Transpower opposed the relief sought on the basis it does not give effect to the NPS-ET and objectives 3.5(e) and 3.12(c) and(e) of the Waikato Regional Policy Statement (**WRPS**). In particular, Transpower stated that the NPS-ET requires the PDP to recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid (Policy 2) and to manage activities to avoid reverse sensitivity effects to ensure the operation, maintenance, upgrading and development of the electricity transmission is not compromised (Policy 10).
- (b) HortNZ supported the relief sought on the basis the NPS-ET does not include a “protect” policy direction, rather it seeks to manage activities to the extent reasonably possible.
- (c) PVGA did not state a position.
- (d) Kāinga Ora supported the relief sought on the basis it will provide a more appropriate balance by more efficiently managing activities in close proximity to, and under, the National Grid, whilst still giving effect to the NPS-ET.

- (e) HCC later withdrew its interest in this part of the appeal.

Agreement reached

[11] The parties entered into direct discussions regarding AINF-O4.

[12] Through discussions, Transpower accepted that deletion of “and protected” from AINF-O4 would be appropriate as it considered that, whilst not specific to the National Grid, the protection of infrastructure from reverse sensitivity effects under AINF-O2 is sufficient.

[13] The parties have therefore agreed to amend AINF-O4 so that it reads:

AINF-O4 – National Grid;

The national significance of the National Grid is recognised, ~~protected~~ and provided for.

Planning assessment

[14] The parties have considered the statutory framework applicable to the preparation of plans under the Act. They consider that the proposed amendment to AINF-O4 meets the relevant statutory requirements.

Part 2 of the RMA

[15] The parties advised that the proposed amendment accords with the sustainable management of natural and physical resources under s 5(1) of the Act by recognising the national significance of the National Grid in accordance with Policies 2 and 10 of the NPS-ET.

NPS-ET

[16] As set out in section 4 of the NPS-ET, the need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance. The parties consider that the proposed amendment appropriately focuses the objective on recognising and providing for the National Grid by mirroring the wording of Policy 2 of the NPS-ET.

[17] Policy 2 of the NPS-ET states that any decision on the DP-OP must recognise and provide for the effective operation, maintenance, upgrading and development of the National Grid. By removing reference to “protected” from objective AINF-O4, the objective will reflect the wording used in the NPS-ET.

[18] Policy 10 of the NPS-ET requires management of activities (to the extent reasonably possible) to avoid reverse sensitivity effects on the electricity transmission network. The parties consider that the proposed amendment supports Policy 10 by ensuring the National Grid is recognised and provided for in the DP-OP.

Waikato Regional Policy Statement

[19] The parties advise that the proposed amendment will give effect to the WRPS, including the amendments made under Change 1 which is currently under appeal, by being consistent with, and contributing to, the following objective and policy:

<p>EIT-O1 – Energy</p> <p>Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:</p> <p>...</p> <p>4. recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;</p> <p>5. recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;</p>	<p>This objective does not direct the National Grid to be “protected”. Therefore, removing the word “protected” in AINF-O4 is consistent with, and gives effect to, EIT-O1.</p> <p>The amendment gives effect to matter 5 in EIT-O1 – as the wording in the proposed amendment reflects the wording used: recognise as provide for.</p>
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<p>EIT-P1 – Significant infrastructure and energy resources</p> <p>Management of the built environment ensures particular regard is given to:</p> <p>...</p> <p>2. the benefits can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, ...</p>	<p>The proposed amendment mirrors the wording used in EIT-P1(2) to recognise and provide for electricity transmission, which includes the National Grid within the region.</p>
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Section 32AA evaluation

[20] Section 32AA of the Act requires a further evaluation of any changes to the DP-OP since the initial s 32 evaluation report and the decision of the IHP. The proposed amendment is supported by a standalone s 32AA evaluation prepared by the Council.

[21] In summary, the s 32AA evaluation concludes that the proposed amendment is the most appropriate way to achieve the objectives of the Act as:

- (a) the proposed amendment constitutes sustainable management of natural and physical resources in accordance with s 5(1) of the Act as it appropriately focuses objective AINF-O4 on recognising and providing for the National Grid; and
- (b) the proposed amendment ensures that the national significance of the National Grid is recognised and provided for thereby enabling a stable and secure electricity supply which is essential for the economic and social wellbeing of people and communities in accordance with s 5(2) of the Act.

Consideration

[22] The Court has read and considered:

- (a) Federated Farmers' notice of appeal dated 1 March 2022;
- (b) the joint memorandum of the parties which proposes to resolve the appeal dated 23 May 2025; and
- (c) the s 32AA evaluation prepared by the Council.

[23] The Court is making this Order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this Order; and
- (b) all parties are satisfied that 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 Part 2.

[24] The Court is satisfied that the changes sought are within the scope of the submission and appeal by Federated Farmers.

[25] The Court is satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable, and that the Council has undertaken a s 32AA evaluation of the amended provision. The Court concludes that the parties have taken a nuanced and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, the Court considers the sustainable management purpose, and the other relevant requirements of the Act are broadly met.

Order

[26] Accordingly, under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (a) the appeal is allowed subject to the amendment of Objective AINF-O4 in the AINF – All infrastructure chapter in the Waikato District Plan – Operative in Part, as follows:

AINF-O4 – National Grid:

The national significance of the National Grid is recognised, ~~protected~~ and provided for.

- (b) the appeal, with respect to Topic 4.1: Infrastructure – National Grid, is otherwise dismissed.

[27] Under s 285 of the Act, there is no order as to costs.



S M Tepania

Environment Judge | Kaiwhakawā i te Kōti Taio

