

Proposed Waikato District Plan Environment Court Outcome: National Grid and Ancillary Earthworks

Waikato District | November 2024

What is the Proposed Waikato District Plan?

The Proposed Waikato District Plan was notified on 18 July 2018 as a comprehensive district plan review to replace the former Waikato District Plan (Waikato and Franklin Sections). The Proposed Plan introduced a new land use and subdivision regime for the Waikato District and HortNZ was an active participant in the plan change process focusing on achieving the best planning framework to support existing horticultural activity and future industry growth.

Decisions on submissions on the Proposed Plan were notified on 17 January 2022. Council had previously sought two ministerial approvals to extend the decisions delivery deadline, of which both were granted.

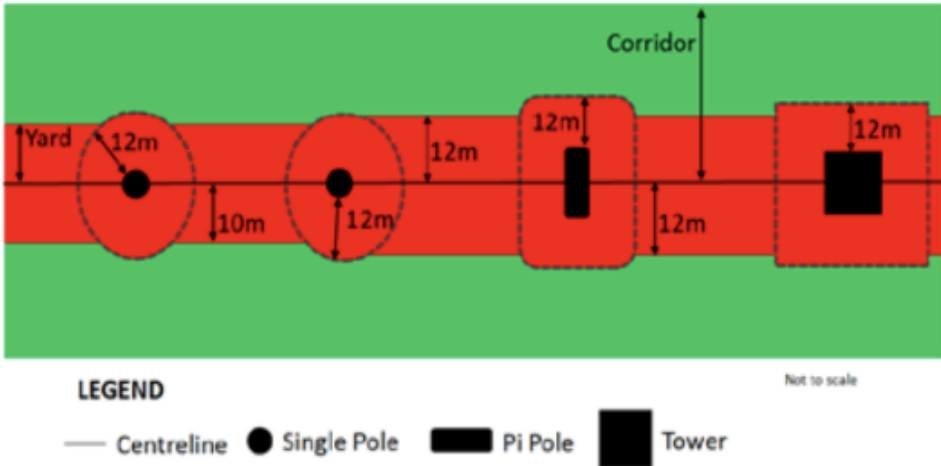
Key changes /provisions

HortNZ appealed some decisions on the Proposed Plan and has been active in mediation discussions. Consent orders have recently been issued by the Environment Court to amend rules EW-R2 (Earthworks including ancillary rural earthworks within the National Grid Yard) and GRID-R2 (Earthworks including ancillary rural earthworks within the National Grid Yard) which enabled the inclusion of ancillary earthworks as a permitted activity within the National Grid Yard.

Under the decisions version of the Proposed District Plan, the provisions regarding activities within close proximity to the National Grid sit within the various zone chapters – subdivision, earthworks and the hazardous substances chapters. During mediation, the parties agreed that all of the provisions regarding activities in close proximity to the National Grid should be located within the GRID chapter of the proposed district plan.

HortNZ appeal on EW-R2 was incorporated into GRID- R2.

HortNZ is still in mediation or awaiting consent orders on a number of other topics. These are expected to be resolved in the first half of 2025.

Term	Definition
National Grid yard	<p>Means the area located within:</p> <ul style="list-style-type: none"> (a) 12 metres in any direction from the visible outer edge of a national grid support structure foundations; and (b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and (c) 12 metres either side of the centre line of any above-ground national grid line on towers. <p>The National Grid yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.</p>  <p style="text-align: center;">Figure 2 - National Grid yard</p>

Summary of HortNZ appeal

Summary of HortNZ's appeal	Amended rule
<p>HortNZ sought the inclusion of ancillary earthworks as a permitted activity within the National Grid Yard</p>	<p>GRID-R2 Earthworks including ancillary rural earthworks within the National Grid Yard</p> <p>(1) Activity status: Permitted (no consent)</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Earthworks, including ancillary rural earthworks, within the National Grid Yard that comply with all of the following standards: <ul style="list-style-type: none"> (i) Do not exceed a depth (measured vertically) of 300mm within 12m of the outer visible edge of any National Grid support structure foundation.

(ii) Do not compromise the stability of a National Grid support structure;

(iii) Do not result in the loss of access to any National Grid support structure; and

(iv) Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line.

(b) The following earthworks, including ancillary rural earthworks, activities are exempt from Rule GRID-R2(1)(a):

(i) Earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991;

(ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;

(iii) Vertical holes not exceeding 500mm in diameter that:

(1) are more than 1.5m from the outer edge of the pole support structure or stay wire; or

(2) are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower support structure foundation.

(c) Earthworks, including ancillary rural earthworks, where prior to any earthworks being undertaken, Transpower has provided written approval, or dispensation under NZECP 34:2001.

WHERE TO GO FOR MORE INFORMATION

- [Waikato Proposed District Plan \(appeals version\)](#)
- [Consent Order](#)