

*Decision on Proposed Private Plan Change 19 –
Ruakura Electricity National Grid Corridor (PPC19) to
the Operative Hamilton City Plan under the Resource
Management Act 1991*

13 May 2025

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Introduction

1 Purpose and decision

- 1.1.1 This report records the decision of Hamilton City Council on Proposed Private Plan Change 19 (PPC19) to the Operative Hamilton City District Plan (ODP) under Clause 29 (4) of the Resource Management Act 1991.
- 1.1.2 Under Section 34A(1) of the Resource Management Act (RMA), Hamilton City Council (HCC) has delegated to me, Mark Tamura, as independent hearing commissioner, the power to hear submissions, determine, and make decisions on PPC19.
- 1.1.3 Having considered the relevant matters, in accordance with Clause 29(4) of the RMA, **I approve PPC19 without modification.**

2 The proposal

- 2.1.1 Transpower New Zealand Limited (Transpower) lodged a private plan change request on 25 July 2024.
- 2.1.2 PPC19 proposes to amend the ODP planning maps to reflect the new alignment of a section of electricity transmission lines at the Ruakura Inland Port and to amend the definition of National Grid Corridor by:
 - changing the planning maps to reflect the new alignment of a section of the electricity transmission line at Ruakura that has already been granted resource consent and built as shown in Appendix 1 - Maps; and
 - enabling the narrower mapped corridor to take precedence over the fixed width described in the definition by amending Volume 2, Appendix 1, 1.1 Definitions and Terms of the ODP to modify the definitions of National Grid Corridor and National Grid Yard as shown in Appendix 2 – Definition.
- 2.1.3 The plan change was subject to limited notification under Clause 5A (2) of the RMA. No submissions were received.

3 The site

- 3.1.1 PPC19 affects land within the Ruakura Structure Plan area, which is zoned: Logistics Zone, Open Space Zone, Ruakura Interface Design Control Area, and Transport Corridor. Ruakura Inland Port Limited owns all affected land other than the public road.
- 3.1.2 The general location is shown in Figure 1 below. The blue line marks the approximate location of the section of the existing national grid corridor.

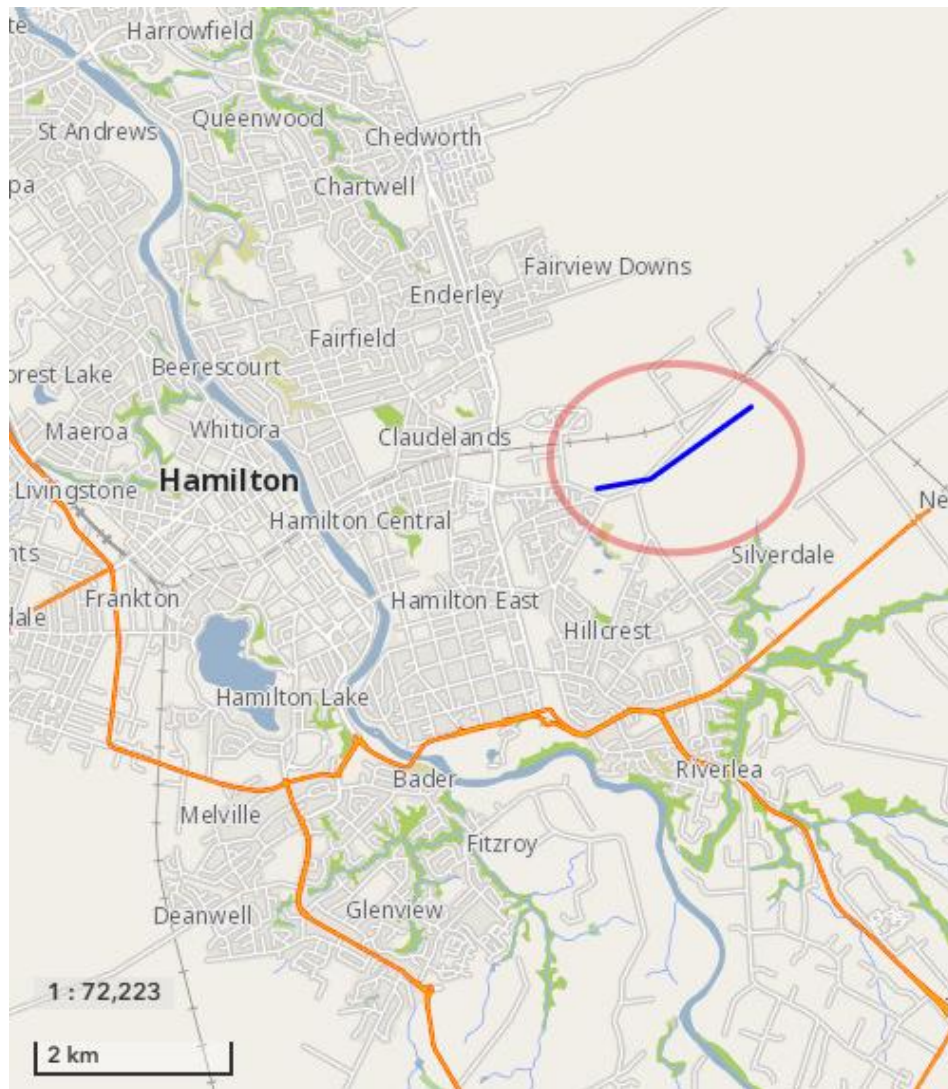


Figure 1: Location of proposal

Planning framework

- 3.1.3 Sections 74 and 75 of the RMA set out the matters to be considered by a territorial authority when preparing or changing a district plan and the content of district plans. The relevant matters are addressed in turn below.

4 RMA functions of territorial authorities

- 4.1.1 Under section 31(1) RMA, has the function of:

...the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

- 4.1.2 In accordance with Section 31 (1), PPC19 is within the matters that can be addressed through a district plan.

5 Part 2 of the RMA

- 5.1.1 The council must ensure it carries out its functions in accordance with part 2 of RMA - s5 (purpose), s6 (matters of national importance), s7 (other matters), and s8 (principles of the Treaty of Waitangi).
- 5.1.2 Of the matters set out in sections 6 and 7, of relevance to this proposal is section 7 (b), the efficient use and development of natural and physical resources.

6 Higher-order planning documents

- 6.1.1 Sections 74 and 75 of the RMA set out a hierarchy of planning documents that plans and plan changes must:
- give effect to:
 - national policy statements
 - any New Zealand coastal policy statement
 - a national planning standard
 - a regional policy statement;
 - not be inconsistent with:
 - Water conservation order
 - A regional plan
 - have regard to:
 - Any proposed regional policy statement or proposed regional plan;
 - Any management plans and strategies prepared under other Acts; and
 - Entries on the New Zealand Heritage List / Rārangī Kōrero
 - relevant regulations
 - relevant project area and project objectives under the Urban Development Act 2020.
 - Any relevant planning document recognised by an iwi authority and lodged with the territorial authority.
 - Emission reduction and adaptation plans under the Climate Change Response Act 2002.

7 National Policy Statement Electricity Transmission 2008

- 7.1.1 The National Policy Statement on Electricity Transmission 2008 (NPSET) establishes a national framework for electricity transmission infrastructure that has direct relevance to private plan change requests concerning National Grid corridors.
- 7.1.2 The NPSET recognises the need to operate, maintain, develop, and upgrade the electricity transmission network as a matter of national significance under the Resource Management Act 1991

and provide a mandate to manage activities near transmission infrastructure to prevent risks to the network and protect public safety. The NPSET also sets specific requirements for district plans:

- Policy 10 requires councils to *consult with the operator of the national grid to identify an appropriate bigger corridor in which sensitive activities will generally not be provided for in plans and/or given resource consent.*
- Policy 12 requires authorities to map the electricity transmission network in their planning maps.

8 Waikato Regional Policy Statement

- 8.1.1 The WRPS provides specific direction for district plans, in line with the NPSET.
- 8.1.2 Objective ET01 recognises and provides for the national significance of electricity transmission, the national, regional and local benefits of electricity transmission and the technical and operational constraints of the electricity transmission network.
- 8.1.3 Policy EIT-M2 goes on to set out the corridor management approach and echoes the requirements of the NPSET by requiring district plans to explicitly identify key transmission corridors and integrate them into zoning provisions.
- 8.1.4 This ensures the corridors are protected from the adverse effects of inappropriate subdivision use and development, including reverse sensitivity effects.
- 8.1.5 EIM-M2 also promotes the alignment of transmission corridors with other infrastructure corridors.

9 The ODP

- 9.1.1 25.7 of the ODP includes provisions for network utilities and the electricity national grid corridor.
- 9.1.2 25.7.2 contains three objectives relevant to the proposal. 25.7.2.1 refers to the importance of network utilities supporting the development and functioning of Hamilton. In giving effect to the RPS and NPSET, these policies enable the operation and maintenance of the national grid within the electricity transmission corridor and manage reverse sensitivity effects.
- 9.1.3 Objective 25.7.2.2 seeks to manage the adverse effects of network utilities including electricity transmission on the environment. Among other things, the supporting policies promote the colocation of network utilities where possible and minimising adverse effects to adjacent properties.
- 9.1.4 25.7.2.4 guides the operation, maintenance, upgrading and construction of transmission networks. The policies ensure such proposals have policy support, that the specific technical and operational requirements of the electricity transmission network are recognised and opportunities to avoid establishing new transmission infrastructure and sensitive locations are promoted.
- 9.1.5 The ODP also contains rules specific to the National Grid corridor and National Grid yard that restrict the establishment of activities that may give rise to reverse sensitivity effects, as well as activities that may impede the operation and maintenance of the National Grid. This includes the placement of buildings, and specific to the Ruakura Logistics Zones, makes the loading and unloading of

containers and operating of associated mobile plant a Non-Complying activity within the National Grid Yard and a Restricted Discretionary activity within the National Grid Corridor.

10 Section 32– evaluation reports

- 10.1.1 Sections 74 (1)(d) and (e) require councils to prepare and have particular regard to evaluation reports prepared in accordance with Section 32 of the RMA.
- 10.1.2 Section 32 requires that an evaluation report examine firstly whether the objectives of the proposal are the most appropriate way for achieving the purpose of the RMA. The second part of the evaluation is whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for the provisions.
- 10.1.3 As no submissions were received, no section 42A report was received and the requirements of section 32AA to further evaluate changes to the proposal are not relevant.

Process

11 Lodgement of PPC19

- 11.1.1 PPC19 was lodged with HCC on 25 July 2024 in accordance with Clause 22 of Part 2, Schedule 1 of the RMA as a private plan change request. On 4 September 2024 Pursuant to Schedule 1, Clause 25 (2)(b) of the RMA HCC Chief Executive under delegated authority accepted the private plan change for processing.
- 11.1.2 The application included an evaluation of the proposal and the decision on application for resource consent for the realignment of the section of electricity transmission line (Resource Consent 10.2022.12281.001) dated 19 September 2022.

12 JMA process

- 12.1.1 The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires local authorities in the Waikato and Waipā river catchments to enter into joint management agreements with the Waikato Raupatu River Trust (the Trust).
- 12.1.2 The Joint Management Agreement (JMA) between the council and the trust sets out the procedure for processing proposed private plan changes that relate to Te Ture Whaimana (the Vision and Strategy for the Waikato River).
- 12.1.3 Te Ture Whaimana was considered relevant to this proposal insofar as it gives effect to the objective:

...the restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.

- 12.1.4 In accordance with the JMA the council notified relevant parties and in February 2025 received confirmation that the Trust has no concerns. On this basis the Council continued to process the application.

13 Notification

- 13.1.1 Clause 5A of the RMA gives the option of limited notification of plan changes and variations where all affected parties can be identified.
- 13.1.2 On 20 February 2025, under delegated authority the Unit Director Urban and Spatial Planning Unit approved PPC19 for limited notification.
- 13.1.3 The application was notified to land owner and lessees who were directly affected by the proposed change, in addition to those required under Clause 5A (8) of the RMA. The memo recommending limited notification is included as **Appendix 2** to this decision.
- 13.1.4 Submissions were requested on 21 February 2025 and closed on 21 March 2025 and no submissions were received.

14 Site visit

- 14.1.1 I undertook a site visit on Friday 2 May 2025, to familiarise myself with the location.

Decision

- 14.1.2 I agree with the evaluation of relevant matters under sections 74 and 75 of the RMA as set out in the application. In particular that the PPC19 gives effect to the NPSET and WRPS.
- 14.1.3 Having had particular regard to the evaluation of the proposal and alternatives contained in the application, I agree that the proposed approach is the preferred option.
- 14.1.4 Changing the planning maps ensures that the relocated section of transmission lines is recognised and protected by the district plan in accordance with the NPSET while releasing land within the former corridor from those same constraints.
- 14.1.5 Amending the definition to enable a bespoke corridor to apply where appropriate technical work has been undertaken and co-location with stormwater infrastructure, lessens the impact of the national grid on the ability to make efficient use of land in that location. This gives effect to the policy direction of the RPS and ODP. Amending the definition in this way provides opportunities to adopt the same approach more easily in other locations where appropriate.
- 14.1.6 Having considered the relevant statutory tests, I consider that PPC19 promotes the sustainable management of natural and physical resources in accordance with Part 2 of the RMA.
- 14.1.7 In accordance with Clause 29(4) of the RMA **I approve PPC19 without modification.**
- 14.1.8 The ODP is to be amended to change the definition of National Grid Corridor and National Grid Yard and to change the planning maps in accordance with information contained in the memo seeking

limited notification of PPC19 (**Appendix 2**). Specifically, Appendix 2 (pages 15-16) and figures 8-10 from Appendix 3 (pages 19-21) of that memo.

Signed:

A handwritten signature in blue ink, appearing to read 'Mark Tamura', is written over a horizontal dotted line.

Mark Tamura

Appendix 1: Private plan change request and section 32 evaluation (Transpower)

Appendix 2: Memo seeking limited notification of PPC19 (Hamilton City Council)