ENA submission on the Resource Management (Consenting and Other System Changes) Amendment Bill

Submission to the Environment Select Committee

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NAME OF SUBMITTER
Electricity Networks Aotearoa

INDUSTRY/AREA OF INTEREST
Utilities/infrastructure

CONTACT
Sophie Tulley

ADDRESS
Level 5, Legal House
101 Lambton Quay
Wellington 6011

TELEPHONE
045550072

EMAIL
sophie@electricity.org.nz

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Introduction

Electricity Networks Aotearoa (ENA) appreciates the opportunity to make a submission to the Environment Select Committee on the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill).

ENA represents the 29 electricity distribution businesses (EDBs) in New Zealand (see Appendix B) which provide local and regional electricity networks. EDBs employ 7,800 people, deliver energy to more than two million homes and business and have spent or invested over $6 billion in the last five years.

Electricity distribution, along with generation and transmission, is significantly impacted by the long-time frames and expenses that come with our current planning system. Electrifying Aotearoa requires enormous investment in renewable generation, transmission and distribution – more than $40 million by 2030.[1] For Aotearoa to meet its climate change targets, our infrastructure planning system must change. An efficient consenting scheme is key to keeping the power system reliable, safe, and affordable for customers. In addition to directly powering communities, electricity is also critical to the operation of many other essential services (e.g. reticulated water supplies, mobile and fixed telecommunications infrastructure, etc). All these essential services will be impacted by barriers to deploying new electricity infrastructure.

Executive summary

ENA broadly supports the intent of the Bill, as it seeks to make our resource management system more enabling for infrastructure and service providers like EDBs. ENA's submission focuses on definitions, the duration of consents, default lapse periods, natural hazards, and emergency works provisions. ENA supports many of the suggestions made in Transpower New Zealand's submission.

Within the Resource Management Act 1991 the provisions addressing critical infrastructure provisions are extremely important. Land use by EDBs is not limited to specific locations in the same way it may be for hospitals, airports and many other critical infrastructure providers. Instead, land use by network utilities is often widespread and operates across district and regional boundaries, with their assets placed in a wide variety of environments. For example, Powerco operates their network within six regions and across 29 district or city council areas.[2] This shows why network infrastructure should not be assessed within the same category as residential and commercial activities, especially in relation to natural hazard decision making. Further clarification is needed in the Bill to ensure that this distinction is obvious. This is further addressed in Appendix A.

ENA's comments on the Bill are attached in Appendix A.

[1] BCG (2022), "The Future is Electric," Climate Change In New Zealand | The Future Is Electric | BCG.
[2] Powerco submission, National Infrastructure Plan Testing our Thinking, 9 December 2024

Appendix A – ENA comments

THE BILL	ENA COMMENTS
Clause 2(4) and (5)	ENA supports the comments made by Transpower. We support delaying the commencement of section 22, particularly if the changes sought to section 80E(2)(h) are not made. ENA appreciates that government wants to move quickly to enact changes on the ground. However, we strongly recommend that the delay be extended to two years, rather than the shorter timeframe currently provided in clause 2(4). A two-year delay would ensure that government initiatives related to natural hazard management are properly joined up and sequenced. In particular, the proposed National Policy Statement (NPS) on Natural Hazards will provide critical policy direction to support consistent, evidence-based risk management that aligns with the needs of infrastructure providers.
Electricity distribution network	ENA supports Transpower's proposed amendment. It is important that there are separate definitions for "electricity distribution" and "electricity transmission," even with the broader category of "electricity network" in place. The main concern with the proposed amendment is that the definition refers to "any part of the electricity network" but the definition of 'electricity network' then refers back the 'electricity distribution network' as the main part of its definition. This is not particularly helpful as it is very circular in nature. ENA recommends adopting to approach proposed by Transpower to amend this definition.
Electricity network	ENA supports the drafted definition.
Long-lived infrastructure	The current definition where it concerns EDB infrastructure is focussed specifically on electricity lines which would exclude substations and transformers. Both these latter types of assets have a lifespan of over 25 years, which should warrant their inclusion as long-lived infrastructure. ENA supports Transpower's drafting suggestions for amending this definition.
Clause 10 - Section 36 amended (Administrative charges)	ENA is concerned that this amendment, which expands councils' ability to impose fees and recover compliance costs for permitted activities, could lead to unnecessary financial and administrative burdens on lifeline utilities. While monitoring permitted activities has value, this provision allows councils to charge for investigations even when no non-compliance is found, effectively enabling them to use compliance as a revenue tool. This could result in unjustified scrutiny of network infrastructure, simply because it did not require a consent. Moreover, the ability for councils to recover costs based on complaints—regardless of merit—raises concerns, particularly when many district plans have allowed residential development near long-standing network infrastructure, creating reverse sensitivity issues. New residents may raise complaints about noise or visual impacts from the infrastructure, despite it being in place before the new development. To mitigate these

	risks, we recommend explicitly exempting lifeline utilities by adding "other than a lifeline utility" to the provision.
Clause 22 – Section 80E (2) amended	ENA opposes the proposed changes to natural hazard provisions in resource management plans. EDBs do not place their assets in high-risk natural hazard areas as a first choice; rather, they are often required to do so because their infrastructure must follow where development occurs. In cases where assets are located in areas susceptible to natural hazards, such as floodplains, this is typically because no viable alternative exists. While ENA supports the intent behind section 80E to provide additional controls on residential development in hazard-prone areas, the current drafting risks unnecessarily applying broad and restrictive provisions to critical infrastructure. This approach overlooks the fact that EDBs are already well-equipped to address these risks through their asset management and planning processes. Therefore, ENA recommends that natural hazard-related provisions in section 80E be limited to residential development.
Clause 25 – New section 86B(3)(f)	ENA opposes the natural hazard-related rules taking immediate legal effect for infrastructure. The risks posed by natural hazards to infrastructure are fundamentally different from those faced by residential developments. Electricity networks are critical lifeline utilities, designed and managed with robust risk mitigation measures that do not apply to residential properties. Granting immediate legal effect on notification, as outlined in clause 22, risks creating unnecessary complexity for consenting and compliance related to electricity network activities. This could lead councils to apply overly restrictive rules, treating essential infrastructure as if it poses similar environmental risks to residential development, which is not the case. The scope of section 86B(3)(f) should be limited to residential development.
Clause 27 – Section 87A(2)9a) (i) amended	This clause refers to clause 37 and the new section 106A, which grants a consent authority the power to reject land use consent due to natural hazard risks. ENA opposes councils having the ability to decline land use consent for infrastructure based on natural hazard risk for the reasons outlined later in our submission in reference to section 106A.
Clause 29 – New section 88BA inserted (Certain consents must be processed and decided no later than 1 year after lodgement	ENA generally supports the proposed amendment, as it aims to accelerate the consent process. The inclusion of a one-year deadline may inadvertently lead consenting authorities to interpret this as an entitlement to take up to a year to process an application, even when the process could be completed in a much shorter timeframe. To safeguard against this, we recommend that the 1 year timeframe be applied only when requested by the applicant and/or the requiring authority, particularly for complex or contentious proposals. This will ensure the amendment is applied correctly and the response time is proportionate to the consent request.
Clause 32 - New section 92AA inserted (Consequences of	ENA supports the intent of this amendment. Currently, section 92 is focused on ensuring that a processing officer has enough information to

applicant's failure to respond to requests, etc)	make a decision about a proposal. However, under the new section 92AA, the failure to provide affected party approval could be used to deem an application incomplete. This seems to expand the scope of section 92 inappropriately, as the decision of whether or not to notify affected parties is a separate process. This amendment may lead to unnecessary delays and ENA recommends the removal of 92AA(1)(a)(iv) to remedy this.
Clause 34 – Section 100 replaced (Obligation to hold a hearing)	ENA recommends that applicants should still have the option to request a hearing. This is important because, in some cases, especially for complex projects, a hearing provides an opportunity for the consent authority (and any hearings panel) to fully understand the details and potential impacts of the proposal. By keeping the ability for applicants to request a hearing, it ensures that all relevant aspects of the application are thoroughly considered, especially in more complicated or contentious cases.
Clause 37 – New section 106A inserted (Consent authority may refuse land use consent in certain circumstances)	ENA strongly recommends that infrastructure be excluded from the scope of this provision. Resilience to natural hazards is a key factor in decision-making regarding the operation, maintenance, and development of networks, especially given that, as linear infrastructure, assets will inevitably traverse areas with natural hazard risks. We are concerned that section 106A takes a "one-size-fits-all" approach, without considering the differences between EDB infrastructure and residential development. Uninhabited, nationally significant infrastructure should not face the same consenting hurdles as residential development. EDBs have the expertise to assess and mitigate risks to infrastructure posed by natural hazards, as it aligns with the best interests of both their owners and customers. They are also best placed to balance natural hazard risks with broader network needs and customer expectations. Additionally, ensuring network resilience in the face of natural hazards supports national electrification ambitions by maintaining a reliable electricity supply, which is essential for the transition to a low-emissions economy and the increased uptake of renewable energy and electrified transport. Applying section 106A to infrastructure would hamper the ability for EDBs to make timely, cost-effective, and expert-driven decisions. Therefore, this provision should not apply to land use consent for infrastructure.
Clause 38 – New section 107G inserted (Review of draft conditions of consent)	Limiting a consent authority's ability to consider an applicant's feedback to only "technical or minor matters" could lead to conditions being imposed that are impractical or difficult to implement. The lack of clarity on what qualifies as a "technical, or minor matter" could further complicate this process. ENA recommends the consent authority can consider all comments from the applicant.
Clause 42 – New section 123B (duration of consent for renewable energy and long-lived infrastructure)	ENA supports the intent of this clause to provide greater certainty for significant investments in long-lived infrastructure. However, the provision should be amended to extend the maximum consent period for certain assets, from 35 years to an unlimited period. Reconsenting

	these assets, when no physical work is required, is purely administrative and does not align with the principles of effects-based consenting or the simplification of the planning system. The effects often occur when the asset is first erected, as opposed to being ongoing so reconsenting these assets leading to inefficiencies for both EDBs and councils. ENA recommends that the provision should apply only to regional consents, not to long-lived infrastructure assets that do not change. We also recommend that where "adverse effects on the environment" is mentioned, this is qualified by being "more than minor adverse effects". We support Transpower's proposed amendment clarifying that land-use consents for long-lived infrastructure should be granted for an unlimited period.
Clause 46 – Section 149N amended (Process if section 149M applies or proposed plan or change not yet prepared)	ENA generally supports this amendment, provided that it is limited to residential development.
Clause 49 – Section 168 amended (Notice of requirement to territorial authority)	This amendment should focus on natural hazards to residential developments and ENA supports Transpower's proposed drafting.
Clause 52 – Section 184 amended (Lapsing of designations which have not been given effect to)	ENA supports extending the default lapse period, but 10 years remains too short given the long lifespan of distribution assets. We endorse Transpower's proposed amendment to extend the lapse period to 30 years, ensuring greater investment certainty and alignment with long-term infrastructure planning.
Clause 63 – Section 330A amended (Resource consents for emergency works)	ENA supports the intent of this amendment; however**,** 20 working days remains an insufficient timeframe for this work. ENA supports Transpower's proposed increase to 50 working days instead. This more accurately reflects the time it takes for EDBs to organise the necessary documentation for what can be very complex applications involving specialist opinions.

Appendix B

Electricity Networks Aotearoa makes this submission along with the support of its members, listed below.

- Alpine Energy
- Aurora Energy
- Buller Electricity
- Centralines
- Counties Energy
- Firstlight Network
- Electra
- EA Networks
- Horizon Networks
- Mainpower
- Marlborough Lines
- Nelson Electricity
- Network Tasman
- Network Waitaki
- Northpower
- Orion New Zealand
- Powerco
- PowerNet (which manages The Power Company, Electricity Invercargill, OtagoNet and Lakeland Network)
- Scanpower
- Top Energy
- The Lines Company
- Unison Networks
- Vector
- Waipa Networks
- WEL Networks
- Wellington Electricity
- Westpower