

# ENA submission to the Planning Bill and Natural Environment Bill

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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**

EMAIL

**sophie@electricity.org.nz**

āhuarangi.  
kiritaki.  
mahi ngātahi.

climate.  
customers.  
collaboration.

# Contents

1	Introduction	3
2	ENA's interest in the Bills	3
3	System architecture	5
4	Regional Spatial Plans and Regional Combined Plans and zones	12
5	Environmental limits	14
6	Levies and coastal occupation charges	15
7	Consenting pathways	16
8	Designations	17
9	Treaty principles and duties	23
10	Regulatory relief	23
11	Appendix A	24

# 1 Introduction

Electricity Networks Aotearoa (ENA) represents New Zealand's 29 electricity distribution businesses (EDBs), which own and operate local and regional electricity distribution networks supplying electricity to more than two million homes and businesses across urban and rural New Zealand. Our members collectively employ approximately 7,800 people and have invested more than \$6 billion in network infrastructure over the past five years.

Electricity distribution networks are essential, long-lived, linear infrastructure. As a lifeline service, EDBs are responsible for providing a safe, secure and reliable supply of electricity to communities 24 hours a day, seven days a week.<sup>1</sup> Electricity distribution is a regulated natural monopoly: EDBs operate under Electricity Authority rules, Commerce Commission information disclosure requirements, and many also operate under price-quality regulation.

ENA supports the Government's intent to replace the Resource Management Act 1991 (RMA) with a more enabling, nationally consistent and efficient planning and environmental management system through the Planning Bill and Natural Environment Bill (the Bills). Our members do not have the luxury of waiting many years for consenting decisions while New Zealand undertakes rapid electrification. The detailed operation of the new system must learn from what did not work under the RMA and must be workable in practice.

## 2 ENA's interest in the Bills

ENA's interest in the Bills is driven by the scale, urgency, and essential nature of electricity distribution infrastructure investment required to support New Zealand's electrification.

The Boston Consulting Group has identified that electricity distribution networks will need to spend \$22 billion to enable electrification in the 2020s and prepare their networks for the rapid electrification and multidirectional flows of electricity in the 2030s. This investment is necessary to enable electrification of transport, industrial process heat, and buildings, while also maintaining security and resilience of electricity supply.<sup>2</sup>

If this level of investment cannot be delivered at pace, New Zealand risks:

- constraints on electrification uptake across transport, industry and households.
- delayed achievement of emissions reduction targets under domestic and international climate commitments; and
- reduced security, resilience and reliability of the electricity network.

EDBs therefore play a critical role in delivering climate change mitigation outcomes, supporting economic productivity, and maintaining community wellbeing.

The majority of EDB interaction with the resource management system relates to routine operation, maintenance, protection and incremental upgrading of existing assets, rather than new greenfield development. Typical routine activities include:

- pole, crossarm and foundation replacement.

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<sup>1</sup> This responsibility is enforced through EDB statutory duties under the Civil Defence Emergency Management Act 2002 (Section 60), which requires lifeline utilities to ensure their services remain available during and after emergency events.

<sup>2</sup> Boston Consulting Group, *The Future is Electric* (October 2022), available at: <https://www.bcg.com/publications/2022/future-is-electric>

- conductor upgrades and reconductoring.
- vegetation management beneath existing lines.
- minor realignments within existing corridors, including road corridors.
- replacement or upgrading of assets for safety, resilience, reliability or capacity purposes.

To enable this work to be carried out efficiently, unnecessary consenting burdens for routine and low-impact activities must be removed. Where new infrastructure is required, consenting processes must be fast, predictable and proportionate so that EDBs can have confidence in long-term investment decisions.

## 2.1 Diversity and common challenges for electricity distribution businesses

EDBs operate across highly diverse geographic, demographic and environmental contexts, ranging from dense urban networks to expansive rural systems covering thousands of kilometres of lines.

For example:

- Wellington Electricity operates a predominantly urban network with more than 176,000 customers and approximately 4,880 km of overhead lines and underground cables<sup>3</sup>; while
- The Lines Company serves a largely rural area with fewer than 24,250 customers spread across more than 4,500 km of network.<sup>4</sup>

Despite their differences in scale, geography and ownership structure, EDBs consistently report similar challenges when engaging with the resource management system. Regulatory complexity, consenting delays, and inconsistent application of national direction affect networks regardless of size or location. These challenges are systemic rather than site-specific, reinforcing the need for nationally consistent direction and proportionate consenting pathways that recognise the essential, linear and long-lived nature of electricity distribution infrastructure.

## 2.2 Increasing and uncertain demand on distribution networks

EDBs are experiencing increasing pressure from electrification-driven demand growth and a rising number of distributed generation connection requests. Electrification of transport and process heat is creating both steady demand growth and the potential for sudden step changes where large customers electrify.

Some ENA members report a significant increase in renewable generation and large-scale solar farm connection enquiries over the past two to three years, requiring rapid assessment of network capacity and upgrade options. Others report more modest or intermittent growth, with the potential for rapid change if a single industrial customer electrifies process heat in their area.

This variability highlights several realities of electricity distribution planning:

- demand growth is customer-driven and often uncertain.

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<sup>3</sup> Performance accessibility tool - New Zealand electricity distributors - Data and metrics | Tableau Public as at 20 Jan 2026.

<sup>4</sup> Performance accessibility tool - New Zealand electricity distributors - Data and metrics | Tableau Public as at 20 Jan 2026.

- investment decisions are frequently reactive rather than purely guided by long term strategic thinking; and
- networks must be capable of responding quickly to changing circumstances.

These characteristics underscore the need for a resource management framework that minimises duplication, accelerates planning, reduces consent requirements, increases permitted activities, and enables quicker, cheaper dispute resolution.

## 3 System architecture

ENA supports the funnel system architecture proposed in the Bills, which implements high-level goals through national instruments, Regional Spatial Plans, and consenting and permitting processes. However, there are a number of matters which ENA considers need to be amended or refined to ensure this new system runs smoothly and that the Government's intention to achieve a more efficient planning system is realised.

### 3.1 Definitions

ENA notes that the Planning Bill has multiple definitions of “infrastructure” which may create some interpretation challenges. ENA supports the use of one clear and fulsome definition of infrastructure to be used throughout the Bills. The definition of infrastructure in Schedule 5 would be an appropriate definition to retain. We suggest also using “core infrastructure” where a narrower definition is required.

Industrial or trade premises is mentioned in the Natural Environment Bill but there is no definition for this. ENA’s requested amendments regarding definitions are set out in the table below.

#### ***Requested amendments – Definitions***

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill and Natural Environment Bill</b>	clause 3	EDB network infrastructure must expressly be excluded from being considered as “industrial or trade premises”	<p><u>Industrial or trade premises means–</u></p> <p><u>(a) any premises used for any industrial or trade purposes;</u></p> <p><u>or</u></p> <p><u>(b) any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic material; or</u></p> <p><u>(c) any other premises from which a contaminant is discharged in connection with any industrial or trade process; – But does not include any production land</u></p>

Bill	Clause	Issue	Suggested amendment
			<u>or any part of an electricity network.</u>
<b>Planning Bill and Natural Environment Bill</b>	Definitions of “infrastructure”	ENA notes that the Planning Bill has multiple definitions of “infrastructure” which will create interpretation issues.	Retain the definition of infrastructure in Schedule 5 as the primary definition across both Bills. Where a narrower definition is required, ENA suggests using the term “core infrastructure.”

## 3.2 Timing

ENA has concerns about the disjointed timing and sequencing of the documents that will operate under the two Bills. While the transition material refers to councils having up to 15 months to notify regional spatial strategies, Schedule 1, section 5(4)(a) of the Planning Bill requires notification either within 15 months of Royal assent or within six months of the first national policy direction being issued, whichever occurs first. Given the transition timeline indicates national policy direction may not be finalised until up to nine months after the Bills become law (late 2026/early 2027), councils could in practice have less than 15 months to prepare and notify regional spatial strategies.

National standards and environmental limits will also be delivered in stages, with further processes for ecosystem health limits not due until mid-2027. This sequencing means spatial plans may be developed and consulted on while the full suite of national direction is still being completed, undermining the intended top-down funnel logic. Spatial plan committees are nevertheless required to proceed using “robust and reliable evidence” and the Planning Bill expressly provides that uncertainty or inadequacy in available information must not be used as a reason to omit necessary content from spatial plans. ENA is therefore concerned that, in the absence of fully developed and binding national limits, councils may be required to “plug the gap” with local assumptions and judgments, leading to inconsistency and premature constraint setting that must later be amended. ENA has added a recommendation to reflect this in the table below.

### *Requested amendments – Timing*

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill</b>	Schedule 1, s 5(4)(a) (transition timing for notifying regional spatial strategies/plans)	Disjointed timing/sequencing may force councils to notify RSPs before national policy direction/environmental limits are final, undermining the “funnel” and creating inconsistent local “gap-filling”.	Amend Schedule 1 s 5(4)(a) so the 15-month notification period runs from the date the first national policy direction is issued (or provide a minimum period after NPD is issued), rather than whichever occurs first.

## 3.3 Goals

The Planning Bill includes provisions requiring the separation of incompatible land uses, including a goal that directs decision-making under this Bill “to ensure that land use does not unreasonably affect others, including by separating incompatible land uses.” Regional Spatial Plans also require consideration of “existing and planned uses that require separation from incompatible activities.” While these provisions provide an important opportunity to manage reverse sensitivity, they don’t go

as far as requiring the protection of infrastructure. This is of significant concern for EDBs, as without stronger and more directive language, the Planning Bill may do little to safeguard existing electricity distribution infrastructure from the adverse effects of incompatible land uses. ENA has provided some suggested wording to rectify this in the table below.

Transformation of the electricity industry and embedding of energy sources across the electricity distribution network highlights the increasing significance and criticality of electricity distribution infrastructure. This emphasises the importance of having a planning framework that enables further expansion and reinforcement of the network to accommodate the future needs of the community. The network must be able to cope with, and support, efforts towards adaptation to and mitigation of climate change.

In this context, it is essential that facilitating decarbonisation is included in the goals in clause 11 of the Planning Bill and it is also noted that this aligns with “doubling renewable energy” and “adapting to the effects of climate change” which are listed in the Planning Bill Explanatory note as specific objectives of the new system. ENA has provided some drafting for a new goal to give effect to this in the table below.

#### ***Requested amendments – Goals***

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill</b>	clause 11(1)	Infrastructure is not specifically protected under the Planning Bill.	[...] (e) To plan, <del>and provide for, enable and protect</del> infrastructure to meet current and expected demand.
<b>Planning Bill</b>	clause 11(1)	Decarbonisation is a driver for key infrastructure and should be a goal of the new system.	[...] (j) <u>enabling the benefits of the use and development of renewable energy.</u>

## **3.4 National instruments**

### **3.4.1 Role and importance of national instruments**

ENA strongly encourages the Government to ensure appropriate resourcing for the development of the National Policy Direction, including meaningful engagement with infrastructure providers, to support a successful transition. The new system relies heavily on the quality of national instruments, and it is critical that these are clear and effective. Any issues at the national instrument stage will flow through into Regional Combined Plans, leading to unnecessary consent requirements and/or inconsistent decision-making, undermining the effectiveness of the new regime. ENA has included a recommendation for meaningful engagement with infrastructure providers to the table below.

### **3.4.2 Need for coherent and consistent national direction**

ENA sees significant benefit in a single, coherent national policy direction for core infrastructure operating across both the Planning Bill and the Natural Environment Bill. National policy direction is the primary mechanism for resolving tensions between competing outcomes, and infrastructure policy must therefore be expressed consistently rather than fragmented across parallel instruments. Decision-makers need to consider land use, corridor enablement, environmental effects and

operational constraints in an integrated way. Separate or duplicated direction risks reintroducing conflict, inconsistency and uncertainty at the project level.

ENA expects that the National Policy Statement on Electricity Networks (NPS EN) and the National Environmental Standards for Electricity Networks Activities (NES ENA) will be rolled over into the new system. It will be important to ensure that limits based on effects that are now out of scope for consideration (for example, height limits to the extent they are based on visual effects) are not carried over without considering whether they remain appropriate. ENA would welcome the opportunity to work with Government to ensure this national policy direction will achieve the desired outcomes and be workable in practice.

### 3.4.3 Updating and amending national instruments

ENA supports the simplified process to amend national standards to correct errors but considers it should also apply to national policy direction where unintended consequences arise. It would also be logical to expand the addressing of unintended consequences to the corresponding Natural Environment Bill clause 90. The cross-references in this provision are also incorrect and should be amended, as set out in the table below with our recommendation around unintended consequences.

### 3.4.4 Consultation Risks in the development of national instruments

A key risk is that the Bills' process for developing national instruments heavily constrains input from infrastructure providers. Clause 46 of the Planning Bill contains no pre-notification consultation requirements other than with iwi, and the post-notification submission period may be as short as 20 working days. While Schedule 1 provides early notice for iwi authorities, there is no equivalent requirement for infrastructure providers who may be directly affected.

This creates significant potential for poor outcomes. EDBs and Transpower have already experienced the consequences of limited consultation through the rollout of the National Environmental Standards for Detached Minor Residential Units (NES DMRU). Although the version of the NES DMRU put out for public consultation protected distribution lines from 'granny flats' being built unsafely beneath them, changes made following consultation have created the apparent ability for these activities to occur under existing lines. As the NES DMRU came into force in January 2026, EDBs are without any remedy to this situation until it is potentially addressed through the NES ENA which is intended to be released in the first quarter of 2026. This example shows how without careful consultation with core infrastructure providers, seemingly minor changes made post consultation can lead to serious issues with the implementation of these instruments.

ENA sees that the consultation requirements should be amended so that there are two rounds of consultation with core infrastructure. The initial consultation would focus on scoping the document, followed by a second consultation on the final draft. Another solution could be having a core infrastructure technical working group that can feed into the development of the national direction. This would also ensure that standards are kept up to date as the process for updating these standards needs to be relatively fluid to accommodate for technology change. ENA is concerned that the process for updating certain provisions could become politicised, particularly if amendments rely solely on ministerial discretion. To avoid similar situations as outlined in 3.4.4 occurring in the future, ENA suggests the following amendments identified in the table below to enable engagement with infrastructure providers.

### 3.4.5 Content requirements for national instruments

ENA supports clause 86 of the Natural Environment Bill applying to infrastructure activities generally, with national instruments being able to appropriately constrain scope of the clause in practice.



Electricity distribution networks must be explicitly recognised as nationally and regionally significant infrastructure through national instruments so they can be appropriately included and anticipated in Regional Spatial Plans. Without clear national policy direction confirming their strategic importance, there is a risk that distribution networks will be excluded from spatial planning or required to repeatedly justify their significance on a case-by-case basis. ENA also submits that national direction must clearly prioritise and provide for core infrastructure, including through explicit conflict-resolution mechanisms where infrastructure outcomes interact with environmental limits. It is important that infrastructure providers are involved in the development of national instruments prior to and post public consultation for the reasons mentioned throughout 3.4.

#### ***Requested amendments – National instruments***

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill and Natural Environment Bill</b>	Planning Bill clause 46; Natural Environment Bill clause 70	Risk of poor outcomes due to limited engagement with core infrastructure providers during development of national instruments (short submission windows; no pre-notification duty beyond iwi).	Insert explicit consultation requirements with infrastructure providers (pre-notification scoping and consultation on draft) and require the Minister to have regard to advice received.
<b>Planning Bill</b>	clause 53–57	Fragmented infrastructure direction across both Acts risks inconsistency and uncertainty for nationally significant linear infrastructure.	Require a single national policy direction to sit across both Acts.

## **3.5 The Planning Tribunal**

ENA supports the role of the Planning Tribunal in promoting consistency and predictability in decision-making under the new planning system and we consider that a centralised model is preferable to avoid regional divergence in interpretation and application of national direction. There are a few areas that would benefit from clarification and some of these have been addressed with suggested amendments in the table below.

### **3.5.1 Issues requiring clarification**

- Schedule 10 uses the term “applicant” to refer to more than one type of party, which creates ambiguity and makes the provision difficult to interpret. ENA suggests amending the drafting so that distinct terms are used for each party.
- It is unclear whether Schedule 10, clause 16 enables the party that applied for a consent / permit to go to the Planning Tribunal to review a notification decision. We presume this is the intention but suggest clarifying that the clause can be used by the party who applied for the consent or permit.
- Substantive consent or permit decisions will not be notified to third-party applicants. In these circumstances, the statutory 25-working-day period to apply for a review or appeal should commence only from the date the decision is notified to the party seeking the consent or permit. If the appeal period begins earlier, third parties may be unaware that a decision has been made and could inadvertently lose their right to seek review within the statutory timeframe.

- The creation of a statutory right of appeal to the Planning Tribunal may limit or preclude access to judicial review in the High Court. This could be problematic for third parties if the appeal pathway is difficult to access or subject to short statutory timeframes.

### 3.6 Integration of the Bills

ENA notes that many electricity distribution projects will routinely require approvals under both Bills. While ENA accepts that decisions may appropriately be granted or refused under each Bill depending on the effects being regulated, the Bills do not currently provide a clear, efficient and integrated process for proposals that trigger both a planning consent and a natural resource permit. Without strong integration in the Bills, proponents may be forced into parallel processes with duplicated information requirements, inconsistent sequencing, and multiple hearings for the same proposal. This would undermine the stated objective of a more efficient and enabling system and risks recreating the fragmented experience that infrastructure providers faced under the RMA framework.

In practice, an integrated pathway is needed so that where a single proposal triggers approvals under both Bills, it can proceed through a single coordinated process, including (as appropriate):

- a single application package that identifies the approvals required under each Act and provides a consolidated assessment of effects.
- a single coordinated hearing process (including joint or combined hearings) and one set of submitter participation steps.
- clear statutory direction that decision-makers may coordinate information requests, expert conferencing, and hearings across both Bills.

ENA's recommended amendments to enable integrated processes are set out in the recommendations table below.

#### *Requested amendments - System architecture*

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill and Natural Environment Bill</b>	clause 46(1) in Planning Bill clause 70(1) in Natural Environment Bill	Insufficient engagement with core infrastructure providers	(a) Provide iwi authorities <u>and infrastructure providers</u> with a draft of the proposed national instrument or a summary of it; and  (b) Give iwi authorities <u>and infrastructure providers</u> what the Minister considers to be adequate time and opportunity to consider the document and provide advice on it; and  (c) Have regard to any advice received from iwi authorities <u>and infrastructure providers</u> on the document.
<b>Planning Bill</b>	Schedule 1, clause 7(3)(b)	Insufficient engagement period for all parties.	(b) Those notified (under either Act) must be given <del>20</del> <u>40</u> working days to make submissions on the subject matter of the proposal unless the minister considers that further time is needed.
<b>Planning Bill</b>	clause 62(1)	Expansion of a simplified process to	(1) The Minister may amend a national standard <u>or national policy direction</u>

Bill	Clause	Issue	Suggested amendment
		amend national standards to address unintended consequences. Correction of cross-references in this provision.	without complying with <b>section 70 46</b> if the amendment is needed for 1 of the following reasons:  [...]  (f) to make changes that are no more than minor in effect, to correct errors, or to make similar technical alterations <u>to address unintended consequences</u> .  (2) <b>Section 69 45</b> does not apply to amendments made under this section.
<b>Natural Environment Bill</b>	clause 90	Expansion of a simplified process to amend national standards to address unintended consequences.	(1) [...]  (f) to make changes that are no more than minor in effect, <u>to address unintended consequences</u> , to correct errors, or to make similar technical alterations
<b>Planning Bill</b>	clause 135(3) and related regulation-making powers	Joint/combined hearing mechanisms rely heavily on regulations	Strengthen primary legislation to clearly enable coordinated or combined processes for projects triggering both Bills.
<b>Natural Environment Bill</b>	Relevant consent and hearing provisions	No explicit statutory hook for joint or combined hearings	Insert an explicit provision enabling joint or combined hearings and coordinated decision-making where a project triggers approvals under both Bills.
<b>Planning Bill</b>	Schedule 10, clause 16	Clarification of what is meant by “the applicant”	(1) [...] If the permit or consent application or an application for a proposed designation was not publicly notified, any application for review must be filed within 25 working days after the substantive decision on the application is notified to <del>the applicant</del> <u>the person seeking a consent, permit, or designation</u>
<b>Planning Bill</b>	clause 293(3)–(6)	Joint planning documents are enabled, but there is no equivalent statutory mechanism for coordinated consenting approvals across both Bills.	Insert an explicit provision in the Bills requiring or enabling combined applications/hearings where both planning consents and natural resource permits are triggered.

## 4 Regional Spatial Plans and Regional Combined Plans and zones

### 4.1 Regional Spatial Plans

ENA supports strategic spatial planning in principle but has some concerns about how these plans will operate in practice for electricity distribution networks. EDBs are required to respond to customer-driven and often uncertain demand. Identifying future distribution projects with a high degree of spatial certainty is frequently impractical as route selection for new or upgraded lines is constrained by:

- engineering feasibility and safety clearance requirements.
- land access negotiations and property rights.
- existing development patterns.
- environmental overlays and constraints.
- relocations caused by other infrastructure.

Many distribution projects arise reactively in response to customer connection requests, electrification of industrial processes, or network resilience and safety needs rather than through long-term strategic planning. Route options are often narrowed late in the process, once landowner engagement and detailed design have occurred. Therefore, any Regional Spatial Plans that require detailed, granular mapping of future distribution infrastructure risk excluding essential projects simply because they were not known or sufficiently developed at the time the plan was prepared. Appropriate regional spatial plan content for EDBs could include high-level mapped existing distribution assets and indicative planned and anticipated significant works (at varying levels of certainty).

ENA is also concerned that the proposed timeframe of ten years for mandatory reviewing of the Regional Spatial Plans is too long to support the agility required for infrastructure and energy investment. Regional Spatial Plans are intended to provide strategic direction for growth and infrastructure investment over the next thirty-plus years, but the electricity sector is operating in an environment of rapid technological change, evolving demand, and increasing resilience and decarbonisation pressures. The Regional Spatial Plans therefore need to remain fluid and responsive, rather than becoming static documents that lock in assumptions for a decade at a time. ENA considers a more frequent mandatory review cycle will ensure Regional Spatial Plans are useful to infrastructure decision makers. We have added this suggested amendment in the table below.

### 4.2 Infrastructure engagement in spatial planning

Prior to notifying a regional spatial plan there is no legislative requirement to consult with infrastructure providers. Clause 69(1)(g) of the Planning Bill requires local authorities to agree upon how they will work with "infrastructure providers, development and sector groups, others with a strong interest in spatial planning, and communities". As drafted, there is insufficient direction requiring spatial planning committees to engage with infrastructure providers when preparing the regional spatial plan. ENA has drafted a proposed amendment to this in the table below.

ENA also understands that clause 69(2) of the Planning Bill provides that national standards may specify how infrastructure providers are to be engaged in the preparation of Regional Spatial Plans. Where such standards apply, local authorities would be required to engage with infrastructure

providers in accordance with those requirements. We recommend that this be extended to national instruments to cover national policy direction as well to strengthen alignment between national direction and regional planning outcomes. It would also support more consistent and effective engagement across regions and reduce the risk of fragmented or variable approaches by different local authorities. We have included a proposed amendment to reflect this in the table below.

ENA submits that Regional Spatial Plans should:

- allow for varying levels of spatial detail depending on project maturity.
- require pre-notification consultation with EDBs as core infrastructure providers.
- enable staged or indicative inclusion of infrastructure projects.
- include efficient and timely mechanisms for updates between formal plan reviews; and
- appropriately recognise linear infrastructure that traverses multiple districts and regions.

## 4.3 Regional Combined Plans

Within the Regional Combined Plans, we expect the use of zones and provisions will be helpful if they are done well. However, if the standardised provisions are not workable, there is little scope for amendment, with appeals only available on points of law. Zones must account for the possibility that EDB assets will be within them. For example, a substation should be a consideration in all zones. Consultation with infrastructure providers would be helpful when these zones are being drafted. ENA's requested amendments in relation to Regional Spatial Plans and Regional Combined Plans are set out in the table below.

### *Requested amendments – Regional Spatial Plans and Regional Combined Plans*

Bill	Clause	Issue	Suggested amendment
Planning Bill	clause 69	The issue is that clause 69(2) only requires local authorities to follow engagement requirements set out in national standards, leaving a gap where engagement requirements in national policy direction or other national instruments may not be consistently applied.	Clause 69(2) applies where engagement requirements are set out in national instruments to cover national policy direction, not just national standards.
Planning Bill	clause 70(1)	As drafted, there is insufficient direction requiring spatial planning committees to engage with core infrastructure providers when preparing the regional spatial plan.	<b>70 Consultation <del>with iwi</del></b> (1) A spatial plan committee must consult— (a) iwi authorities <b>and infrastructure providers</b> in the region in preparing the draft regional spatial plan; and (b) any customary marine title groups in the region on aspects of the draft regional spatial plan that relate to the coastal marine area.

Bill	Clause	Issue	Suggested amendment
<b>Planning Bill</b>	Schedule 2, clause 32(1)(a)	Ten-year mandatory review is too long for infrastructure/energy investment needs; RSPs risk becoming static and locking in assumptions.	Amend Schedule 2, clause 32(1)(a) to require Regional Spatial Plans to be reviewed more frequently, and/or provide for an efficient interim update mechanism between full reviews to ensure plans remain responsive to changing infrastructure needs and national direction.

## 5 Environmental limits

### 5.1 Infrastructure constraints in sensitive environments

Electricity distribution assets frequently intersect with sensitive environments such as wetlands, waterways, significant natural areas and coastal margins. In many cases, avoidance of these environments is not technically feasible, particularly where existing assets are already lawfully located in such areas or where assets must connect specific points of supply and demand. For example, EDBs report difficulties upgrading existing lines that traverse wetlands, where avoidance is impossible and RMA effects management hierarchies would require offsetting or redress disproportionate to the scale and effects of the work.

### 5.2 Practical implementation of monitoring and restoration requirements

ENA expects that national policy direction and associated national standards will provide further detail on how monitoring, remediation and replanting requirements should be applied in practice for infrastructure activities. ENA submits that where such requirements apply to electricity distribution activities, EDBs should have the option of making a financial contribution to a council- or authority-led programme instead of undertaking site-specific monitoring or replanting themselves. This would support more coordinated and effective environmental outcomes, avoid fragmented and duplicative efforts across numerous small works, and recognise that councils and specialist organisations are often better placed to deliver monitoring and restoration at scale. It also reflects that EDBs are not ecological or planting experts, and that environmental restoration is likely to be more effective when led by those with the appropriate expertise, while still giving effect to national policy direction.

### 5.3 Significant Natural Areas and vegetation maintenance risks

Within the Natural Environment Bill, we see there is potential for councils to impose conditions on the Significant Natural Areas (SNAs) that conflict with vegetation maintenance that EDBs need to carry out. While the new system promotes nationally standardised plan provisions, regional councils are also able to include bespoke SNA provisions where authorised by national instruments, allowing locally tailored rules and conditions to be applied. SNAs are explicitly identified as a specified topic for regulation, meaning councils will be expected to actively manage indigenous biodiversity through enforceable plan rules. At the same time, the Natural Environment Bill's land use restrictions make it

unlawful to use land in a manner that contravenes a rule in a natural environment plan unless expressly allowed, and the definition of land use is sufficiently broad to capture vegetation clearance and habitat disturbance. In practice, this means routine vegetation maintenance around electricity lines within SNAs could be subject to restrictive plan rules or natural resource permitting, with conditions that delay or constrain works. This presents a material risk for EDBs, as vegetation management is a non-discretionary activity required to meet statutory safety, reliability, and wildfire prevention obligations. Without explicit safeguards, councils may inadvertently impose SNA controls that conflict with timely vegetation maintenance around critical electricity infrastructure. This can lead to higher costs, delays and increased outage risk.

To address this risk, national instruments should clearly provide that vegetation maintenance and clearance necessary for the safe and reliable operation of electricity distribution networks is enabled within SNAs, including by classifying routine and preventative vegetation management as a permitted activity. The Natural Environment Bill should also ensure that emergency and urgent works can be undertaken without delay or additional approvals, and that SNA provisions cannot impose conditions that prevent EDBs from meeting their statutory safety and reliability obligations.

## 5.4 Consenting pathways and environmental limits

Clause 15 of the Natural Environment Bill, like the Planning Bill, mentions no consideration of less than minor effects. ENA is unsure how this interacts with the goal of no net loss in indigenous biodiversity in clause 11 (d) of the Natural Environment Bill.

Within the Natural Environment Bill, clause 86 provides for national standards to create a consenting pathway for significant infrastructure activities that breach or are likely to break environmental limits. This pathway is only available to infrastructure activities that have significant public benefits. ENA notes that 'significant infrastructure' is not defined but we are concerned that routine EDB activities needed for the function of the network may not be captured by this definition. This provision is essential in ensuring that core infrastructure has a consenting pathway, however, it is important that the qualifier of "significant" is removed as there is likely to be dispute over what this term means, and the restriction is unnecessary considering that the pathway will be narrowed by national standards. ENA also recommends the removal of the word "consenting" here as it broadens the possibilities for what can be established by national standards. This suggested amendment has been captured in the table below.

### *Requested amendments - Environmental limits*

Bill	Clause	Issue	Suggested amendment
Natural Environment Bill	clause 86	"Significant" infrastructure risks not capturing key EDB activities that require use of this consenting pathway.	(1) National standards may establish a <b>consenting</b> pathway for <b>significant</b> infrastructure activities that breach or are likely to breach environmental limits

## 6 Levies and coastal occupation charges

Under the Natural Environment Bill, regulations may be set to prescribe a levy for the taking or use of natural resources. ENA submits that infrastructure providers should be exempt from these charges. Similarly, the Natural Environment Bill sets out a regime for regional councils to impose coastal



occupation charges. ENA seeks that infrastructure providers are exempt from these charges. These suggested amendments are set out in the table below.

***Requested amendments - Levies and coastal occupation charges***

Bill	Clause	Issue	Suggested amendment
<b>Natural Environment Bill</b>	clause 313	ENA is concerned that applying such levies to electricity distribution infrastructure would impose additional and potentially significant costs on essential services, despite these activities being necessary, location-constrained, and undertaken for the public benefit rather than private gain.	(4) the following are exempt from any charges prescribed by regulations made under this section:  [...]  <a href="#">(c) infrastructure providers</a>
<b>Natural Environment Bill</b>	clause 321	ENA is concerned that imposing such charges on infrastructure would create an ongoing financial burden on assets that are essential for community wellbeing and national resilience, and which often cannot reasonably be located elsewhere. This financial burden can also increase customer electricity bills.	(5) A coastal occupation charge must not be imposed on—  [...]  <a href="#">(c) infrastructure providers</a>

## 7 Consenting pathways

ENA supports the move toward targeted notification rather than default public notification for planning consents and natural resource permits, with public notification limited to cases involving significant adverse effects.

ENA notes that many electricity distribution projects will routinely require approvals under both the Planning Bill and the Natural Environment Bill. ENA's overarching recommendation on integration of processes under the Planning Bill and Natural Environment Bill is set out in section 3.6 above.

ENA supports the intention in clause 128 of the Natural Environment Bill for natural resource permits to include wildlife approvals in the same permit. EDBs have experienced delays in works as a result of needing wildlife permits in addition to resource consents and supports these processes being rolled together where possible. Wildlife authorities can take a considerable time to process and including them in set, reliable timeframes under the Natural Environment Bill would be a positive step.

### 7.1 Registration of permitted activities

ENA understands national standards will ultimately determine which activities are subject to registration. We recognise the intent behind "permitted but must register" mechanisms in both the Planning Bill and the Natural Environment Bill, however, in practice registration operates as an additional layer of regulatory compliance for activities that are otherwise intended to be permitted as of right.

ENA considers an amendment is needed to clarify that registration should only apply where national instruments expressly require it. This proposed amendment is outlined in the table below.



### Requested amendments – Consenting pathways

Bill	Clause	Issue	Suggested amendment
Planning Bill	clause 38	Registration of permitted activities.	<p>(1) A permitted activity rule <del>must</del></p> <p>(a) <u>must</u> require an activity to be registered <u>if required by a national rule; or and</u></p> <p>(b) <del>relate to a matter described in section 151 or Part 1 of Schedule 7. This may require an activity to be registered if not precluded by a national rule; and</del></p> <p>(c) <u>must not require any activity undertaken pursuant to a permitted activity rule to be registered if it is undertaken in order to provide for new and or existing infrastructure.</u></p> <p>(2) A permitted activity <del>rule referred to in subsection (1)(a)</del> <u>that is required to be registered</u> must provide that an activity is a permitted activity only if [...]</p>

## 8 Designations

ENA sees that designations remain an important and necessary tool for securing land and operational certainty for electricity distribution infrastructure. Schedule 5 of the Planning Bill contains interpretation definitions that would be better placed at the beginning of the Bill, under Part 1, clause 3, as these terms are used throughout the document.

### 8.1 Strategic need and road corridor designations

ENA supports the removal of the assessment of alternatives that existed under the RMA. Requirements to undertake detailed assessments of alternatives often provide limited practical value for linear electricity infrastructure. While alternative routes or locations may exist in theory, they frequently become infeasible once engineering constraints, safety standards, terrain, land access, network efficiency and existing development are considered.

Under the new system, designating authorities will be required to demonstrate a “strategic need” to secure a designation. ENA is concerned that this may create unnecessary evidential burdens for EDBs, particularly where designations are sought within road corridors, which are the expected and established location for network infrastructure. In such circumstances, the strategic need for electricity lines and associated assets should be assumed rather than repeatedly required to be justified.

Works undertaken in the road corridor should not need to show strategic need because of the inherent benefits of undertaking additional work in the road corridor rather than elsewhere. ENA has suggested some drafting to reflect this in the table below.

Outside of road corridors, ENA considers it would be more appropriate for the requiring authority to require information on the positive benefits of enabling the project as opposed to showing strategic need. Those benefits will need to be considered when the decision-maker determines whether to include an indicated location in the Regional Spatial Plan (particularly if there is a potential conflict

with other matters to be addressed in the Regional Spatial Plan). This suggestion aligns with Policy 4(1) of the NPS EN that decision makers must recognise that it is the role of the electricity distribution network provider to determine the purpose, scope, required capacity and technical solution for proposed electricity network activities and identify the preferred site, route and method. ENA has provided drafting amendments to give effect to this in the table below.

## 8.2 Funnel approach and consideration of goals

ENA is unsure why Schedule 5, clause 24(1)(b)(i) requires the recommending authority to consider the goals when considering a proposed designation. This requirement is contrary to the funnel approach that is central to the new system. ENA suggests the reference to “goals” is deleted, as there will be no need to consider goals if national instruments effectively address infrastructure and resolve conflicts with other goals. ENA has addressed this amendment in the table below.

## 8.3 Relationship between national rules and designations

ENA submits that the Bills should avoid replicating the effect of section 43D of the RMA which has created ongoing difficulties for infrastructure providers in managing the interaction between national standards and designations. Under the RMA, section 43D has had the practical effect of preventing new designations from being used for activities regulated by national environmental standards, even where those activities are integral to the operation, maintenance or upgrading of existing electricity networks. This has unnecessarily reduced the range of approval tools available to infrastructure providers, without a clear policy justification.

In practice, this has led to situations where infrastructure providers are required to obtain both approvals under national standards and designations for effectively the same activity, for example where works are undertaken within an existing corridor while a designation is still required to secure long-term route and asset protection. This duplication is inefficient, adds complexity and cost, and undermines the role of designations as a strategic, long-term planning tool.

ENA therefore supports the intent of clause 42(1) of the Planning Bill and Schedule 5, clause 4(b)(i), which contemplate national rules that allow activities undertaken in accordance with a designation to be more enabling than the rules themselves. However, ENA is concerned that, as drafted, this approach would require every national rule to expressly specify whether a designation may be more enabling than it. ENA submits that the relationship between national rules and designations should instead be addressed coherently and once through national direction, so that requiring authorities can determine the most appropriate approval pathway for a particular circumstance without unnecessary constraint or duplication. ENA supports the drafting from Transpower’s submission that gives effect to this.

## 8.4 Appeal rights and process efficiency

ENA supports the retention of appeal rights in the designation process but submits that these rights should be proportionate and consistent with the objective of a more efficient and streamlined planning system. Appeal rights should be limited to circumstances where a recommendation on a proposed designation is rejected or materially modified, rather than applying in all cases. ENA also considers that appeal rights should be confined to submitters who have substantively participated in the designation process, for example by presenting evidence at the hearing. This would ensure that appeals are focused on genuinely contested matters, reduce unnecessary delay and duplication, and support timely delivery of essential electricity distribution infrastructure. ENA supports the drafting from Transpower’s submission that gives effect to this.

## 8.5 Designation transfers and infrastructure relocation

ENA notes that under the current designation framework, a requiring authority is generally unable to seek or amend a designation on behalf of another requiring authority. This can create practical difficulties where third-party projects require the relocation or alteration of existing electricity distribution assets, for example where road widening or other public works necessitate the movement of network infrastructure.

ENA understands Schedule 5, clause 51, is intended to address this issue. However, as drafted, the provision may not be effective because it does not clearly enable the temporary transfer of the original infrastructure operator's designating authority approval, which is necessary to confer the legal status required to obtain a new or altered designation. In addition, the clause does not clearly provide for the new designating authority to seek a new or amended designation where this is required to facilitate infrastructure relocation. ENA supports Transpower's proposed amendments outlined in their submission that address this.

## 8.6 Demand and viability considerations

ENA supports the intent of clause 14 (1)(d) setting out an exception that demand for, or financial viability of a project can be considered in a matter to which section 11(10)(d) relates. This is important because it helps address a potential disconnect between the requirement for designating authorities to demonstrate strategic need (and have that tested) and other provisions that otherwise exclude demand-related considerations from the new system. However, as works undertaken by EDBs are almost entirely driven by demand, it is concerning that the demand for infrastructure will no longer form part of a decision makers consideration. While there is a possibility that the carve out for matters relating to clause 11(1)(b) might allow consideration of demand for infrastructure work ("to support and enable economic growth and change by enabling the use and development of land") this is by no means certain enough to meet the intended ease in development of infrastructure and particularly not the doubling of renewable energy that the Planning Bill intends. ENA therefore seeks an additional carve out to be added to clause 14(1)(d) confirming that demand may be considered for matters relating to infrastructure development in clause 11(1)(e). This proposed amendment is set out in the table below.

## 8.7 Construction project plans

ENA recommends deleting clause 42(4) because it introduces unnecessary ambiguity about whether a construction project plan must relate only to certain aspects of a designation. Clause 42(2) already provides a clear and workable approach, and retaining clause 42(4) risks creating uncertainty, delay, and inconsistent interpretation for infrastructure projects undertaken under designations.

ENA recommends that the local authority be the centralised space for the publishing of construction project plans. This is a logical place for interested parties to look for project plans, as opposed to on each individual designating authority's website. ENA has suggested an amendment to reflect this in the table below.

ENA requests that "avoid, minimise or remedy" is replaced with "manage" in Schedule 5, clause 37, so that it does not exclude other types of management measures (e.g. offsetting or compensation). This is addressed in the table below.

## 8.8 Notification of proposed designations

As currently drafted, the Planning Bill requires territorial authorities to give targeted notification of proposed designations to affected persons, including owners or occupiers of land to which the designation applies. While Schedule 5, clause 20(3)(c) appears to allow an owner or occupier to be disregarded as an affected person where written approval has been provided, ENA considers the drafting would benefit from clearer confirmation of this position. This is reflected in the table below.

As drafted, Schedule 5, clause 42 of the Planning Bill requires a person to apply to a designating authority for approval to do something that would otherwise prevent or hinder the work. If the designating authority does not respond within 40 working days, the application is treated as if it were approved without conditions. ENA recommends that this process is amended to ensure that a designating authority has genuinely received an application and had an opportunity to respond.

### *Requested amendments – Designations*

Bill	Clause	Issue	Suggested amendment
Planning Bill	Schedule 5, clause 1	Interpretation definitions in Schedule 5 are used throughout the Bill and would be clearer in the main interpretation section.	Relocate Schedule 5 definitions into Part 1, clause 3.
Planning Bill	Schedule 5, clause 24(1)(b)(i)	Relitigating goals at the designation tier.	When considering a proposed designation and any submissions received, the recommending authority must have regard to— [...] (b) any relevant provisions of— (i) <del>the goals</del> , the national policy direction, and a national standard in accordance with section 12; and [...]
Planning Bill	Schedule 5, clause 20(3)(c)	Unclear that an owner or occupier of land is not an affected party if they have given written approval.	(c) must <del>disregard</del> <u>not consider</u> any person <u>to be an affected person</u> if [...]
Planning Bill	Schedule 2, clause 7(3)	It is inappropriate for EDBs to need to prove a broader “strategic need” for an indicated location, rather than focusing on the positive benefits and technical rationale that electricity network providers are best placed to provide.	An application in response to an invitation under subclause (1)(a) must include a description of the positive benefits of enabling the project an assessment of the strategic need for the future designation in that indicative location.

Bill	Clause	Issue	Suggested amendment
Planning Bill	clause 42(4)	Uncertainty as to whether the construction project plan for a designation needs to relate to the same aspect of the designation.	Deletion of clause 42(4)
Planning Bill	Schedule 1, clause 28	Confusion as to status of requiring authorities following the transition	Deletion of Schedule 1 clause 28
Planning Bill	Schedule 5, clause 13(4)	EDB projects undertaken in the road corridor should not need to prove their need to be in the road corridor as this is inherently the intended space for their projects.	(4) However, an assessment of strategic need under subclause (2)(e) is not required if- [...] <u>(c) the proposed designation is a project to be undertaken in a road corridor.</u>
Planning Bill	Schedule 5, clause 40	The requirement for designating authorities to publish construction project plans should be done via the local authority.	(1) A <del>designating</del> <u>local</u> authority must publish construction project plans provided to it by designating authorities on an internet site to which the public has free access.  (2) A designating authority must <u>provide a plan to the local authority to</u> publish <del>a plan</del> [...]
Planning Bill	clause 42 and Schedule 5, clause 4(1)(b)(ii)	As drafted the clause requires every national rule to expressly specify whether a designation may be more enabling than it.	(1) A designation or a construction project plan may be more enabling than a national rule—  (a) if the <u>national standard or</u> rule expressly allows the designation or construction project plan to be more enabling than it; and  (b) in which case, this subsection prevails over the other provisions of this section.  Amend clause 4(1)(b) of Schedule 5 as follows:  (b) the designating authority may use land for a project in way that contravenes a national rule, if—

Bill	Clause	Issue	Suggested amendment
			<p>(i) the use of land for the project is authorised by the designation; and</p> <p>(ii) the <u>national standard or</u> rule expressly allows a designation to be more enabling than the national rule or section 42 otherwise allows the designation to prevail over the national rule; and</p>
<b>Planning Bill</b>	clause 14(1)	Consideration of demand when considering matters relating to infrastructure provision is necessary given EDB infrastructure is almost entirely demand driven in terms of timing and location.	<p>[...]</p> <p>(d) the demand for or financial viability of a project unless it is a matter to which section 11(1)(b), <del>or</del> (d) <u>or (e)</u> relates:</p>
<b>Planning Bill</b>	Schedule 5, clause 37	Construction project plans currently exclude some types of management measures (e.g. offsetting or compensation).	<p>(1) The purpose of a construction project plan for a project authorised by a designation is to—</p> <p>(a) confirm the final design of the project; and</p> <p>(b) set out how any adverse effects of the project or its construction on the built environment will be <u>managed avoided, minimised, or remedied (unless already addressed in the designation conditions)</u>.</p> <p>(2) A construction project plan...</p> <p>(b) must identify any adverse effects of the construction on the built environment; and</p> <p>(c) must set out how the designating authority will be <u>managed avoided, minimised, or remedied (unless already addressed in the designation conditions)</u>; and</p>

## 9 Treaty principles and duties

ENA supports meaningful Māori participation in planning and environmental management and recognises the increasing role of Māori in the electricity sector. ENA can see that there is a risk of gaps in Te Tiriti o Waitangi protection unless further requirements for obligations are included in combined plans. However, ENA expects that even without specific statutory requirements, infrastructure providers will actively engage with mana whenua.

## 10 Regulatory relief

ENA supports the current approach in the Bills, which confines regulatory relief to specific and narrowly defined matters such as Significant Natural Areas and historic heritage. This targeted approach is appropriate and should be retained.

Electricity distribution infrastructure is essential, long-lived, linear and location-constrained. Electricity network assets are often located across a wide range of environments and land uses, including rural areas, road corridors, coastal environments, and sensitive ecological areas. The ongoing presence and operation of this infrastructure is an expected and managed feature of the planning and environmental management system, rather than an exceptional circumstance that warrants regulatory relief.

ENA is concerned that expanding regulatory relief to apply more broadly, including to situations involving existing electricity distribution assets, would risk reopening settled regulatory settings and create significant uncertainty for infrastructure providers. Such an approach could:

- undermine nationally consistent infrastructure enabling provisions.
- create inconsistent local outcomes through ad hoc relief mechanisms.
- increase complexity and litigation over when relief should apply.
- weaken the clarity and predictability needed to support timely investment in core infrastructure.
- make electricity more expensive for consumers.

Regulatory relief is not an appropriate mechanism for managing the routine operation, maintenance, upgrading or protection of electricity distribution networks. These matters are better addressed through clear national direction, proportionate permitted activity frameworks, and robust transitional protections. ENA recommends that the regulatory relief provisions in the Bills remain confined to the specific matters currently identified, and that the scope of regulatory relief is not expanded to apply to the ongoing presence or operation of electricity distribution infrastructure.

## 11 Appendix A

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