



10 February 2025

Committee Secretariat

Environment Committee

Parliament Buildings

Wellington

Dear Committee members

Resource Management (Consenting and Other System Changes) Amendment Bill

1. Orion New Zealand Limited (Orion) welcomes the opportunity to make a submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (**Bill**).

About Orion

2. Orion owns and operates the electricity distribution infrastructure in Central Canterbury, including Ōtautahi Christchurch. Our network is both rural and urban and extends over 8,000 square kilometres from the Waimakariri River in the north to the Rakaia River in the south; from the Canterbury coast to Arthur's Pass. We deliver electricity to more than 224,000 homes and businesses and are New Zealand's third largest Electricity Distribution Business (EDB). Orion and its various predecessors have been providing this essential service to the region for close to 120 years.
3. Orion is a Lifeline Utility for the purposes of the Civil Defence Emergency Management Act 2002. Orion has a statutory duty under this legislation to ensure it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.
4. Orion has a fully owned subsidiary, industry service provider Connetics, and together with Orion the two organisations make up the Orion Group.
5. Central Canterbury is a place of rapid growth and transformation, embracing change and innovation, with Ōtautahi Christchurch at the heart of this diverse and vibrant region. Electricity distribution has

always been an essential service that underpins regional, community and economic wellbeing. Our service is vital to the wellbeing and livelihood of the people and businesses who live and operate here. Now, it also has a critical part to play in New Zealand's transition to a low carbon economy.

6. We are very conscious that we face a rapidly changing and massively different energy environment in the decades ahead. The changing landscape facing Orion is primarily driven by three factors – climate change, new technology and increasing demand for electricity. The increasing demand for electricity is driven by the need to both enable decarbonisation at pace, and support population growth.
7. With the need to decarbonise, New Zealand's electricity system must become more dynamic and distributed. The system (including distribution networks) is going to require significant new infrastructure and therefore investment, and as the Boston Consulting Group report stated,

“.. [It] requires a replacement of the RMA that is fit-for-purpose and meets the needs of a rapidly growing electricity sector. It must be supportive of modern technologies, and appropriately consider the benefits of renewable electricity development (not just its use of resources)¹

8. Orion has found the current consenting processes to be costly, complex and slow. The system does not allow us to deliver the distribution network in the most efficient and effective way. Making changes to the consenting system that recognise and reflect the linear and long-lived nature of the electricity network will be crucial in ensuring we are able to undertake the work needed.
9. We support the submission of Electricity Networks Aotearoa (ENA) on this Bill.

Submission on the Bill

10. Orion supports the policy intent of the Bill, particularly the following priorities:
 - a. making it easier to consent new infrastructure, including for renewable energy;

¹ See the Boston Consulting Group (BCG) report *The Future is Electric A Decarbonisation Roadmap for New Zealand's Electricity Sector 2022* which was commissioned on behalf of several participants across the electricity sector, comprising generators, distributors (including Orion), and retailers. Page 144

- b. cutting red tape to unleash the investment in renewable energy for New Zealand to meet its emissions reduction targets; and
 - c. simplifying the planning system.
11. Intent aside, Orion considers the current drafting of the Bill is unlikely to achieve its objectives as they relate to the provision of electricity network infrastructure. Amendments are necessary and are set out in the table attached at **Appendix A** to this submission.

Amendments Sought

12. In summary, Orion is seeking the following amendments:
- a. **Definitions** - Amendments to the definitions are proposed to strengthen and clarify definitions. The explanatory note to the Bill seeks an improvement in process and “outcome certainty” in Infrastructure and Energy. To achieve those objectives, it will be vital that the definitions set a clear foundation and are unequivocal in their intent. The amendments sought by Orion will help to achieve that.
 - b. **Duration of Consents** – Changes proposed to the duration of consents appear to seek an increase in certainty for long-lived infrastructure by increasing the duration of consents for to 35 years. Unfortunately, the changes appear to apply to land use consents, introducing a limited lifetime for consents where there currently is none. Orion seeks amendment to the provisions to ensure this change only applies to regional resource consents. Orion is also seeking the proposed duration of 35 years be lengthened to 50 years in recognition of the life of the infrastructure concerned.
 - c. **Default lapse period for designations and consents** – The Bill proposes to extend lapse dates for resource consents for renewable energy activity from 5 to 10 years. Orion is seeking that longer lapse date also apply to other long-lived infrastructure projects. We are also seeking a longer lapse date for designations, with 30 years appropriate in the context of works that are planned by requiring authorities.
 - d. **Timing for consenting processing** – Proposed amendments look to encourage faster processing of resource consents for “specified energy activities”, with a 1 year cap on

processing time. For larger, complex and contentious projects this may be a positive change, but Orion is concerned that this amendment may also capture straightforward, usually non-notified applications. Allowing such a long consenting window for the straightforward and non-notified applications would be contrary to the objectives of the Bill; changes will be necessary in order to avoid a negative outcome.

- e. **Natural Hazards** – Several changes are proposed in recognition of the increasing risk that natural hazards pose. The changes should be amended to include more nuance in how the provisions approach the risk for infrastructure provision, as opposed to residential development. Infrastructure should not have to face the same consenting hurdles as other activities. The Bill should reflect the linear nature of electricity infrastructure and the lack of flexibility in respect of location.

- 13. **Appendix A** contains drafting changes and more fulsome commentary on each specific amendment sought.

Conclusion

- 14. Thank you for the opportunity to provide this submission. We do not wish to be heard in support of this submission.
- 15. We do not consider that any part of this submission is confidential. If you have any questions about this submission please contact Hannah Marks, Land and Planning Advisor, Orion New Zealand Ltd at hannah.marks@oriongroup.co.nz

Yours sincerely

Hannah Marks
Land and Planning Advisor

Appendix A

Resource Management (Consenting and Other System Changes) Amendment Bill	Orion Comments	Suggested Amendments to Drafting
Definition of “electricity distribution network”	<p>The Bill proposes definitions of “electricity network”, “electricity distribution network” and “electricity transmission network”. It appears that the definition of “electricity network” is intended to capture the assets of both the national grid and the 29 lines companies, the definition of “electricity distribution network” is intended to capture the assets of the 29 lines companies and the definition of “electricity transmission network” is intended to capture the assets of the national grid.</p> <p>The definition of “electricity distribution network” currently captures national grid assets in addition to lines company assets, as Transpower is both an electricity operator and an electricity distributor for the purpose of the Electricity Act.</p>	<p>Amend the definition as follows:</p> <p>electricity distribution network</p> <p>Means any part of the electricity network that is controlled by a person or body who is both an electricity distributor and an electricity operator as those terms are defined in section 2 of the Electricity Act 1992; <u>and does not include Transpower New Zealand Limited.</u></p>
Definition of “electricity network”	See comments above in relation to “electricity distribution network”.	Retain this definition but amend the definitions of “electricity distribution network” and “electricity transmission network.”
Definition of “electricity transmission network”	This definition would benefit from broadening to ensure it captures all of Transpower’s activities and all the assets that make up the national grid.	<p>Amend the definition, as follows:</p> <p>electricity transmission network means all parts of the national grid of <u>electricity transmission network that:</u></p> <p>a) <u>Comprises the network of transmission</u> lines and cables (aerial, underground, and <u>submarine, undersea,</u> including the high-voltage direct current link), stations, and sub-stations, <u>facilities and works, and all ancillary activities</u> and other</p>

		<p>works used to connect grid injection points and grid exit points to convey electricity.</p> <p>b) is owned or used by Transpower New Zealand Limited; and</p> <p>c) is commonly known as the national grid.</p>
<p>Definition of “long-lived infrastructure”</p>	<p>We are concerned the definition of “long-lived infrastructure” refers only to a narrow aspect of electricity distribution (“<i>lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity</i>”) and in doing so excludes critical elements of electricity distribution infrastructure. Infrastructure such as substations or transformers, among others, have a long lifespan which should warrant their inclusion in this definition. There is also no reference to cables, and commonly in the sector, lines are overhead, while cables are underground.</p> <p>Orion seeks the definition of “long-lived infrastructure” be amended to refer to the electricity network.</p>	<p>Retain, subject to the amendments below:</p> <p>(c) facilities for the generation of electricity, and electricity networks lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines and support structures that a person -</p> <p>Or, in the alternative, separate generation from transmission and distribution:</p> <p>(c) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines and support structures that a person -</p> <p>(ca) electricity networks:</p>
<p>Definition of “specified energy activity”</p>	<p>The wording of this definition is uncertain and should be simplified to ensure the activities intended are captured. We suggest reference to electricity network would simplify and clarify this definition.</p> <p>In addition, we are concerned the activities enabled by the proposed definition are quite narrow – limited to “establishment, operation, or maintenance.” We suggest that these activities need to be broadened to capture upgrade and development of existing assets.</p>	<p>Amend the definition so that it reads:</p> <p>(b) the establishment, operation, or maintenance, upgrade or development of the transmission and distribution of electricity through the electricity networkss.</p>
<p>Clause 10 - Section 36 amended (Administrative charges)</p>	<p>Orion is concerned that this amendment could lead to unnecessary financial and administrative burdens on lifeline utilities. While monitoring permitted activities has value, this provision allows councils to charge for</p>	<p>Amend as follows:</p>

	<p>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. To mitigate these risks, we recommend explicitly exempting lifeline utilities by adding “other than lifeline utility” to the provision.</p>	<p>(caaa) charges payable by a person (other than a lifeline utility) carrying out a permitted activity, for the carrying out by the local authority of monitoring the person’s compliance with any rule in a plan that relates to the permitted activity:</p>
<p>Clause 11: section 37 amended (Section 37(1B) (Power of waiver and extension of time limits)</p>	<p>New section 37(1B) provides that a consent authority must not extend the time for deciding an application for a specified energy activity. New section 88BA provides that these activities must be determined within 12 months of lodgement, unless time is extended for a further period not exceeding 1 year. Orion supports new section 37(1B), as we consider that there is sufficient time within section 88BA for an application to be processed (subject to our comments below about the difficulties with s88BA).</p>	<p>Retain in its proposed form.</p>
<p>Clause 22: section 80E(2) amended (Meaning of intensification planning instrument)</p>	<p>Orion does not place assets in high-risk natural hazard areas as a first choice; rather infrastructure must often 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.</p> <p>While Orion 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 electricity distributors are already well-equipped to address these risks through their asset management and planning processes. Orion recommends that natural hazard-related provisions in section 80E be limited to residential development.</p>	<p>Retain, with amendments:</p> <p>(h) natural hazard risks to residential development:</p>

<p>Clause 25: new section 86B(3)(f) (When rules in proposed plans have legal effect)</p>	<p>Orion opposes rules relating to natural hazards taking immediate effect for infrastructure.</p> <p>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.</p> <p>The scope of section 86B(3)(f) should be limited to residential development.</p>	<p>Amend, as follows:</p> <p>(f) relates to natural hazards risks to residential development:</p>
<p>Clause 27 – Section 87A(2)9a) (i) amended (Classes of activities)</p>	<p>This clause relates to a clause 37/new section 106A, and enables a consent authority to decline land use consent due to natural hazard risks.</p> <p>Orion 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.</p>	<p>Retain the provision in its proposed form, provided the changes sought to section 106A are made.</p>
<p>Clause 29: new section 88BA inserted (Certain consents must be processed and decided no later than 1 year after lodgement)</p>	<p>Orion supports the intent of this amendment, particularly as it aims to limit delays in the resource consent process. However, Orion is concerned that the current drafting may allow an interpretation that all resource consent applications, including applications for small rule breaches, can take up to a year to process.</p> <p>Many of Orion’s applications for resource consent are able to be processed as non-notified, with a decision required within 20 working days (s115) from lodgement; allowing an interpretation that could lengthen that processing timeframe to a year would be run contrary to the intent of this Bill.</p> <p>Orion can see benefit in the proposed provision where applications are required for activities that are complex or where there is a level of contention. In those instances, a one-year cap on processing would provide certainty.</p>	<p>Delete, unless amendments below are made:</p> <p>(1A) Section 88BA applies to a specified energy activity where requested by an applicant and/or requiring authority.</p> <p>(1) The time period in which a consent authority must process and decide an application for a resource consent or notice of requirement for a specified energy activity or wood processing activity</p>

	<p>Amending the proposed section to allow the time limit to be applied at the Applicant's request would ensure smaller scale, uncontentious activities are able to be processed within shorter timeframes.</p> <p>Orion also considers the ability to apply for a one year time limit should be available for requiring authorities lodging notices of requirement. Larger projects often require both designations and resource consents to be obtained and applying the same timeframes to both processes is appropriate.</p>	
<p>Clause 32 - New section 92AA inserted (Consequences of applicant's failure to respond to requests, etc)</p>	<p>Orion supports the intent of the proposed section 92AA, which enables a consent authority to return an application as incomplete in some circumstances.</p> <p>Orion is concerned that the way the new provision is currently drafted, consent authorities will be able to return applications as incomplete where all affected parties have not provided approval. The consequence of failing to provide an affected party approval is, and should remain, that the affected party can then submit on an application that is limited or publicly notified.</p>	<p>Retain, subject to deleting section 92AA(1)(a)(iv).</p>
<p>Clause 34 – Section 100 replaced (Obligation to hold a hearing)</p>	<p>Amendments to section 100 mean that a consent authority can decide not to hold a hearing if it decides there is sufficient information to decide an application. Appreciating that the intent of this change is to increase efficiency, Orion considers that there may still be situations where a hearing is appropriate, particularly in very complex matters.</p> <p>The option for an applicant to request a hearing should be retained.</p>	<p>Retain, subject to the following amendments:</p> <p>(1) A consent authority must not hold a hearing on an application for a resource consent if it determines that it has sufficient information to decide the application, <u>unless the applicant in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.</u></p>

<p>Clause 37 – New section 106A inserted (Consent authority may refuse land use consent in certain circumstances)</p>	<p>Orion 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.</p> <p>We are concerned that section 106A takes a “one-size-fits-all” approach, without considering the differences between EDB infrastructure and residential development. Uninhabited, regionally and nationally significant infrastructure should not face the same consenting hurdles as residential development.</p> <p>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. EDBs are also best placed to balance natural hazard risks with broader network needs and customer expectations.</p> <p>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, in particular electricity network infrastructure.</p>	<p>Retain provision, subject to adding a new section 106(1A) after section 106(1):</p> <p>(1A) This section does not apply to a land use consent for, or related to, infrastructure.</p> <p>Or, in the alternative:</p> <p>(1A) This section does not apply to a land use consent for the electricity network.</p>
<p>Clause 38 – New section 107G inserted (Review of draft conditions of consent)</p>	<p>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.</p> <p>Orion frequently engages with consent authorities in relation to draft consent conditions and that engagement has played an important role in ensuring the conditions ultimately applied are practical and workable. The process has not led to inefficiencies.</p>	<p>Retain, subject to the following amendments:</p> <p>(4) A consent authority may take those comments into account only to the extent they cover technical or minor matters.</p>

	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)	<p>Orion supports the intent of this new section but hold serious concerns about the consequences of the current drafting.</p> <p>Orion’s activities often require land use consents, the majority of which run with the land and do not require renewal. Subjecting land use consents to a finite term does not align with the principles of effects-based consenting or the simplification of the planning system.</p> <p>Orion recommends that the provision should be limited to regional consents and not to long-lived infrastructure that will not change.</p>	<p><u>Retain section 123B subject to the following amendments:</u></p> <p><u>(1A) A land use consent for long-lived infrastructure is granted for an unlimited period.</u></p> <p>(1) A resource consent authorising a renewable energy or long-lived infrastructure activity <u>that contravenes sections 12, 13, 14 and 15</u> must specify the period for which it is granted.</p>
Clause 43: section 125 amended (Section 125(1B)) (lapse dates for renewable energy activities)	We consider it appropriate that the default lapse period is also extended for long-lived infrastructure. However, we query whether a default lapse period of 10 years is sufficient. Orion considers that the default period should be longer – see our submission on clause 52, section 184 below.	<p>Retain, subject to amendments:</p> <p>(1C) Despite subsection (1), if a resource consent authorises a renewable energy activity <u>or long-lived infrastructure</u>, -</p>
Clause 46 – Section 149N amended (Process if section 149M applies or proposed plan or change not yet prepared)	Orion generally supports this amendment, provided that it is limited to residential development.	<p>Retain, subject to the following amendments:</p> <p>(v) relates to natural hazards <u>risks to residential development</u>:</p>
Clause 49 – Section 168 amended (Notice of requirement to territorial authority)	Orion opposes the amendments to section 168 for a number of reasons. Firstly, the information requirements for an AEE under the amended section 168 would be greater than those proposed in section 171 – where alternatives must be documented only where a requiring authority does not have an interest in land sufficient for undertaking the work. A mismatch between the information requirements in section 168 and the statutory	<p>Delete clause 49, section 168(3A)-(3C).</p> <p>Add a Schedule to the RMA and/or amend Form 18 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 to provide explicit guidance on the level of information required for designations, for example using a similar format as schedule 4 of the RMA,</p>

	<p>test in section 171 could result in unnecessary cost and time for projects.</p> <p>Secondly, in line with the approach suggested by Transpower, we consider that the requirements for an AEE would be more appropriately located in a new schedule, similar to schedule 4 for resource consents.</p> <p>Further, Orion opposes the reference to “<i>possible alternative locations or methods</i>” as it introduces potential for requiring authorities to have to document alternatives that, while theoretically possible, are not practicable or even feasible from a technical or economic perspective.</p>	<p>appropriately tailored for designations processes. These requirements should include the need for an alternatives assessment where the requiring authority does not have an interest in the land sufficient for undertaking the work.</p>
<p>Clause 52 – Section 184 amended (Lapsing of designations which have not been given effect to)</p>	<p>Orion 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.</p>	<p>Replace “5 years” with “30 years”</p>
<p>Clause 63 – Section 330A amended (Resource consents for emergency works)</p>	<p>Orion supports the intent of this amendment; however, 20 working days remains insufficient and we would instead recommend 30 working days. This allows more time for EDBs to organise the necessary documentation for what can be very complex applications involving specialist opinions.</p>	<p>Retain section 330A, subject to the following amendments:</p> <p>(2) Where an activity, but for section 330, contravenes any of sections 9, 12, 13, 14 and 15 and the adverse effects of the activity continue, then the person (other than the occupier), authority, network utility operator, or lifeline utility who or which undertook the activity shall apply in writing to the appropriate consent authority for any necessary resource consents required in respect of the activity within 20 30 working days of notification under subsection (1).</p>