

13 February 2026

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Dear Committee Members,

PLANNING BILL AND NATURAL ENVIRONMENT BILL

1. Thank you for this opportunity to make a submission on the Planning Bill and the Natural Environment Bill that have been proposed to replace the Resource Management Act 1991 (RMA).

SUMMARY OF SUBMISSION

2. Orion New Zealand Limited ("*Orion*") supports the Bill but seeks amendments to ensure the new system is able to meet the intentions it has set. As a frequent user of the RMA, Orion has a particular interest in ensuring the provisions of the Planning Bill and Environment Bill are workable and create the flexibility Electricity Distribution Businesses (*EDBs*) will need to meet demand and facilitate electrification.
3. At present the RMA can result in delays and increased costs that need to be addressed. Suggested amendments include:
 - 3.1. Refining the goals that guide the Planning Bill to ensure the whole lifecycle of infrastructure provision is covered.
 - 3.2. Including infrastructure provision in the exceptions to the general preclusion in considering demand for an activity in decision making.
 - 3.3. Ensuring there is adequate and timely consultation with infrastructure providers in the development of national instruments and regional spatial and combined plans.
 - 3.4. Addressing issues in the designation processes and seeking a more balanced approach to construction management plans.

3.5. Enabling the refinement of pathways for infrastructure providers to breach environmental limits where necessary.

3.6. Excluding infrastructure providers from levies and coastal charges under the Natural Environment Bill.

BACKGROUND

4. Orion is responsible for the electricity distribution network across Central Canterbury, covering both rural and urban areas, including Christchurch. The network spans over 8,000 square kilometres, serving more than 229,000 homes and businesses, making Orion the third largest EDB in New Zealand.
5. 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. Orion is also a network utility operator and a requiring authority within the meaning of section 166 of the RMA.
6. Orion is a Council-owned company, with its shareholders being the Christchurch City Council (via Christchurch City Holdings Ltd) and the Selwyn District Council. Orion also owns Connetics, an industry service provider, and together they form the Orion Group.
7. Central Canterbury is experiencing rapid growth and change, with Christchurch at its centre. Electricity distribution is fundamental to the wellbeing and economic prosperity of the region. Orion's services are crucial for both residents and businesses, and Orion is playing a key role in New Zealand's transition to a low carbon economy.
8. In this context Orion's Group Purpose of "Powering a cleaner and brighter future with our community" is central to all we do. As Aotearoa New Zealand transitions to a low carbon economy, the energy sector has a critical part to play, primarily through electrification. Orion has established its purpose to be a vital player in that transition for our community and our region. We are focused on helping our community realise its dreams for a future that is new, better, and more sustainable over the long term.

9. Looking ahead, Orion faces a rapidly evolving energy landscape, shaped by climate change, technological advancements, and increasing electricity demand. This demand is driven by the need for decarbonization and population growth. In this context it is important that the system that replaces the RMA allows Orion, and other EDBs, flexibility in how they respond to these pressures.
10. With that background in mind, we now set out our comments on the Bills

DEFINITIONS

11. The Planning Bill has multiple definitions of “infrastructure”. To avoid challenges in interpretation Orion suggests the use of one clear definition.

PART 2 – FOUNDATIONS

Goals

12. Clause 11 of the Planning Bill sets out the goals that will shape all key instruments and all decisions made under the Planning Bill. The “funnel system” that is proposed for the new system means the intent and drafting of the goals will be pivotal in the outcomes the new system is able to achieve. National instruments must provide centralised direction on how the goals are to be achieved and how conflicts between goals are to be handled. As set out in the explanatory material, goals cannot be relitigated at lower levels of the system.
13. The goals in clause 11 will therefore play a key role in driving all lower order provisions and decisions. With this context in mind Orion considers there are two key areas of importance in this part of the Planning Bill for EDBs:
 - 13.1. the protection and maintenance of existing infrastructure from incompatible land uses; and
 - 13.2. the ability to provide new infrastructure to meet demand without unnecessary impediment.

Incompatible Land Uses

14. Clause 11(1) requires the separation of incompatible land uses. Regional spatial plans also require consideration of "*existing and planned uses that require separation from incompatible activities*"¹. Orion agrees that managing reverse sensitivity effects should be a central goal in the new system and we seek further amendment to the goal in clause 11(e) to ensure greater specificity and direction in what the Planning Bill is seeking to achieve.
15. While the Bills specify that there is no hierarchy between the goals set in clause 11, the wording used will inherently result in differences in the way the goals are particularised and how conflicts are addressed. In this respect, Orion considers the Planning Bill does not currently go far enough in protecting existing infrastructure from more sensitive land uses that may be incompatible. The suggested amendment looks to meet the wider requirements of EDBs, including maintenance, development of new infrastructure and protection of existing infrastructure.

Electrification and Renewable Energy

16. The electricity network as a whole will play a critical role in achieving New Zealand's decarbonisation policies and supporting renewable energy use. It is estimated that EDBs will need to spend \$22 billion in the 2020s to enable electrification and to prepare networks for electrification and multidirectional flows of electricity in the 2030s². It is essential that Orion (and other EDBs) is supported and enabled as a facilitator of new energy technology.

¹ Planning Bill, clause 3(1)(h), sch 2

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

17. The electricity and wider energy industry is transforming rapidly, resulting in more change than it has experienced at any other point over the last 50 years. Electricity distribution networks are now playing a role in facilitating the connection of low carbon distributed generation; people are installing equipment at their home or business to generate power for their own use. This equipment can include solar panels, wind or micro-hydro turbines. Decarbonisation of the transport network and the rise in electric vehicle use also results in changes to demand levels and patterns. The success of this transition and change in the energy system will depend on the availability, reliability and affordability of electricity and access to the distribution network.
18. 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.
19. 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 as specific objectives of the new system³.

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
Planning Bill	Clause 11(1)	Protection of infrastructure should be a key goal of the new system.	[...]

Bill	Clause	Issue	Suggested Amendment
			<i>(e) To plan, and provide for, <u>enable and protect infrastructure</u> to meet current and expected demand.</i>
Planning Bill	Clause 11(1)	Decarbonisation is a driver for key infrastructure and should be a goal of the new system.	[...] <i><u>(j) enabling the benefits of the use and development of renewable energy and electrification.</u></i>

Effects outside the scope of the Planning Bill

20. Clause 14 of the Planning Bill introduces a list of effects that are outside the scope of consideration by those exercising or performing a duty. Of particular interest to Orion is clause 14(1)(d) that prohibits the consideration of *“the demand for or financial viability of a project unless it is a matter to which section 11(1)(b) or (d) relates”*.
21. Works undertaken by Orion (and all EDBs) are almost entirely driven by demand. Orion is therefore very concerned 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.
22. Orion seeks an additional carve out be added to clause 14(1)(d) confirming that demand may be considered for matters relating to infrastructure development in clause 11(1)(e).

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
Planning Bill	Clause 14(1)	Consideration of demand when considering matters relating to infrastructure provision is necessary given much infrastructure is entirely demand driven in terms of timing and location.	[...] <i>(d) the demand for or financial viability of a project unless it is a matter to which section <u>11(1)(b), (d) or (e) relates:</u></i>

National Instruments

23. The success of the new system relies heavily on the content and quality of national instruments. Issues in national instruments will flow through to regional spatial plans, combined plans and consent requirements with little ability for challenge or change in lower order documents.
24. Orion welcomed the development of the National Policy Statement on Electricity Networks that came into effect early this year and strongly supports the use of that policy framework being utilised in the new national policy direction. It is noted that review and amendment will need to take place to ensure the policies that are “rolled over” from the RMA national direction are updated to reflect that some effects that can no longer be considered under clause 14 of the Planning Bill.

Consultation on Development of national Instruments

25. The process for development of national instruments does not require consultation with infrastructure providers at the earliest opportunity. Clause 46 of the Planning Bill does not require any consultation prior to the public submission period other than consultation with iwi. When considered in the context of potentially short submission periods, this provides little opportunity for constructive input from those involved in infrastructure provision. Infrastructure providers hold specialist knowledge that should form part of the development of national instruments. Orion is seeking amendments to require consultation with infrastructure providers prior to public notification, alongside Iwi consultation.
26. The consequences of inadequate consultation with infrastructure providers can be seen in the recent National Environmental Standards for Detached Minor Residential Units (NES DMRU) (*granny flats NES*). Despite written submissions being lodged at public submission stage, the granny flats NES potentially allows buildings to be built underneath power lines in breach of safety regulations. Early and considered consultation with infrastructure providers will help to limit risks of this nature.
27. Improved consultation will also be crucial to ensure a workable interplay between the Natural Environment Bill and the Planning Bill, particularly where breaches of environmental limits by infrastructure providers are likely to be necessary to ensure maintenance, upgrades and continued connections are possible.

Amendments to National Instruments

28. Orion holds some concern that there is no formal trigger, or application process for, amendments to national instruments. The ability to apply for a plan change to alter provisions of district and regional plans allows infrastructure providers to bring about change to provisions that are not effective or efficient. No such provision exists to trigger a review or change at a national level. The “funnel system” and increase in national instruments and national planning standards means many provisions will be essentially frozen until they can be amended by government. Orion is concerned that if the only way to effect change is by applying political pressure, then delays may result that increase costs and/or impede infrastructure provision.

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
<p>Planning Bill / Natural Environment Bill</p>	<p>Clause 46(1) in Planning Bill</p> <p>Clause 70(1) in Natural Environment Bill</p>	<p>Insufficient engagement with critical infrastructure providers</p>	<p>(a) Provide iwi authorities <u>and infrastructure providers</u> with a draft of the proposed national instrument or a summary of it; and</p> <p>(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</p> <p>(c) Have regard to any advice received from iwi authorities <u>and infrastructure providers</u> on the document.</p>
<p>Planning Bill</p>	<p>Schedule 1, clause 7(3)(b)</p>	<p>Insufficient engagement with critical infrastructure providers</p>	<p>(b) Those notified (under either Act) must be <u>given 20 40</u> working days to make submissions on the subject matter of the</p>

Bill	Clause	Issue	Suggested Amendment
			<i>proposal unless the minister considers that further time is needed.</i>
Planning Bill	clause 62(1)	<p>Expansion of a simplified process to amend national standards to address unintended consequences.</p> <p>Correction of cross-references in this provision.</p>	<p><i>(1) The Minister may amend a national standard <u>or national policy direction</u> without complying with section 70 46 if the amendment is needed for 1 of the following reasons:</i></p> <p><i>[...]</i></p> <p><i>(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>.</i></p> <p><i>(2) Section 69 45 does not apply to amendments made under this section.</i></p>
Natural Environment	clause 90	Expansion of a simplified process to amend	<i>(1) [...]</i>

Bill	Clause	Issue	Suggested Amendment
Bill		national standards to address unintended consequences.	<i>(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</i>
Planning Bill	clause 135(3) and related regulation-making powers	Joint/combined hearing mechanisms rely heavily on regulations	<i>Strengthen primary legislation to clearly enable coordinated or combined processes for projects triggering both Bills.</i>
Natural Environment Bill	Relevant consent and hearing provisions	No explicit statutory hook for joint or combined hearings	<i>Insert an explicit provision enabling joint or combined hearings and coordinated decision-making where a project triggers approvals under both Bills.</i>

Permitted Activity Rules

29. Clause 38, relating to “permitted activity rules”, should be redrafted to assist with clarity. As it is currently drafted it appears to require all permitted activities to be registered which would have a heavy administrative burden for councils and likely result in unintended complexity and additional consenting requirements.

REGIONAL SPATIAL PLANS AND REGIONAL COMBINED PLANS

Regional Spatial Plans

30. Orion supports spatial planning at a strategic level in principle and has been involved in the creation and review of the spatial plans already in place for Greater Christchurch. However, under the Planning Bill, the role to be played by EDBs in this process is uncertain. Identifying the specific geographical location of future distribution projects can be difficult, as demand plays such a central role in location and timing of delivery. Orion sees the potential benefit in high level mapping of future upgrades, new zone substations and new high voltage infrastructure, but such mapping would only be able to be indicative.
31. Whether Orion infrastructure is included in spatial plans or not, it will be important that EDBs are able to participate at an early stage with the creation of the spatial plans. The Planning Bill needs to confirm that consultation with infrastructure providers should be at a pre-notification stage, to enable creation of spatial plans that are reliable before public notification and to allow infrastructure providers to work together on shared locations and routes where necessary.

Regional Combined Plans

32. Orion considers the use of standardised zones and provisions will be helpful, provided there is sufficient input into the provisions from the infrastructure providers who will ultimately utilise them.

Requested Amendments

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.	<i>Clause 69(2) applies not only where engagement requirements are set out in national instruments to cover national policy direction, not just national standards.</i>
Planning Bill	clause 70(1)	As drafted, there is insufficient direction requiring spatial planning committees to engage with infrastructure providers when preparing the regional spatial plan.	70 Consultation with iwi <i>(1) A spatial plan committee must consult— (a) <u>iwi authorities and infrastructure providers</u> in the region in preparing the draft regional spatial plan; and</i>

			<i>(b) any customary marine title groups in the region on aspects of the draft regional spatial plan that relate to the coastal marine area.</i>
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DESIGNATIONS

33. Orion supports the retention of designations in the Planning Bill to provide certainty to infrastructure providers. Orion holds a number of designations, including 32 designations that enable zone substations. Zone substations are critical hubs in the Orion network, housing high voltage infrastructure that typically serves multiple suburbs. The ability to obtain and utilise designations assists also sends a clear signal to the community about land use intentions where land has not yet been developed. There are aspects of the proposed provisions (including those that are essentially carried over from the RMA) that Orion considers should be improved if the intentions of enabling delivery of high-quality infrastructure (including doubling renewable energy) and reducing the cost and complexity of the designation process are to be met.

Strategic Need

34. Orion 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.

35. The Planning Bill requires a designating authority to demonstrate a “strategic need” for a designation in its location as part of the notice of proposed designation. In this respect, Orion highlights Policy 4(1) of the recently operative NPSEN which confirms that it is the role of the EDB to determine the purpose, scope, required capacity and technical solution for proposed electricity network activities. This includes determining the preferred site, route and method. By the time Orion commences designation processes, a significant amount of work has already been undertaken resulting in site selection.

Funnel Approach

36. It is not clear why Schedule 5, clause 24(1)(b)(i) requires a recommending authority considering a designation to assess goals of the Planning Bill when considering a proposed designation. Clause 12 of the Planning Bill sets out the “funnel approach” and requires that decisions do not need to consider higher order instruments, unless there is some uncertainty or conflict within or between higher order provisions that has not yet been resolved. Orion suggest this reference is removed.

Construction Project Plans

37. It is Orion’s experience that the existing process for obtaining outline plans of work can be a more intensive and expensive process than would be required for the equivalent resource consent in some cases. This is particularly the case where a zone substation is designated and developed and then upgrades or additions to the already developed site are later proposed.
38. The benefit of the designation is lost if, as is the case under the RMA, applying for a construction project plan requires more detail and cost than a straightforward resource consent for the same activity. While it is possible to simply apply for resource consent, that is directly at odds with the fact that the overall activity on and potential effects have already been assessed and confirmed as appropriate. The process should be simpler and more straightforward.
39. The Planning Bill should recognise that once a major project to which a designation applies has been completed, construction management plans for further stages or upgrades should only require a level of information, detail and cost as is commensurate with the change proposed. Wording to this effect is suggested below.
40. Orion is also concerned that the way Schedule 5, Clause 37(1)(b) of the Planning Bill is currently worded inadvertently narrows the scope for managing potential effects on the built environment. In this respect Orion seeks that “*avoid, minimise or remedy*” is replaced with “*manage*”, this change looks to ensure that other types of management measures (e.g. offsetting or compensation) are not precluded.

Notification of Proposed Works within a Designation

41. 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 public work. If the designating authority does not respond within 40 working days, the application is treated as if it were approved without conditions. Orion 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

Bill	Clause	Issue	Suggested Amendment
Planning Bill	Schedule 5, clause 24(1)(b)(i)	Relitigating goals at the designation tier.	<p><i>When considering a proposed designation and any submissions received, the recommending authority must have regard to—</i></p> <p><i>[...]</i></p> <p><i>(b)</i></p> <p><i>any relevant provisions of—</i></p> <p><i>(i)</i></p> <p><i>the goals, the national policy direction, and a national standard in accordance with section 12; and</i></p> <p><i>[...]</i></p>

Bill	Clause	Issue	Suggested Amendment
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.	<i>(c) must disregard <u>not consider any person to be an affected person</u> if [...]</i>
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.	<i>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.</i>
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.	<i>Deletion of clause 42(4)</i>
Planning Bill	Schedule 1, clause 28	Confusion as to status of requiring authorities following the transition	<i>Deletion of Schedule 1 clause 28</i>

Bill	Clause	Issue	Suggested Amendment
<p>Planning Bill</p>	<p>Schedule 5, clause 13(4)</p>	<p>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.</p>	<p><i>(4) However, an assessment of strategic need under subclause (2)(e) is not required</i></p> <p><i>if-</i></p> <p><i>[...]</i></p> <p><i>(c) the proposed designation is a project to be undertaken in a road corridor.</i></p>
<p>Planning Bill</p>	<p>Schedule 5, clause 40</p>	<p>The requirement for designating authorities to publish construction project plans should be done via the local authority.</p>	<p><i>(1) A designating <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.</i></p> <p><i>(2) A designating authority must <u>provide a plan to the local authority to publish</u> a plan [...]</i></p>
<p>Planning Bill</p>	<p>clause 42 and Schedule 5, clause 4(1)(b)(ii)</p>	<p>As drafted the clause requires every national rule to expressly specify whether a designation may be more enabling than it.</p>	<p><i>(1) A designation or a construction project plan may be more enabling than a national rule—</i></p>

Bill	Clause	Issue	Suggested Amendment
			<p><i>(a) if the <u>standard or</u> rule expressly allows the designation or construction project plan to be more enabling than it; and</i></p> <p><i>(b) in which case, this subsection prevails over the other provisions of this section.</i></p> <p><i>Amend clause 4(1)(b) of Schedule 5 as follows:</i></p> <p><i>(b) the designating authority may use land for a project in way that contravenes a national rule, if—</i></p> <p><i>(i) the use of land for the project is authorised by the designation; and</i></p> <p><i>(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</i></p>

Bill	Clause	Issue	Suggested Amendment
<p>Planning Bill</p>	<p>Schedule 5, clause 37</p>	<p><i>Construction project plans currently exclude some types of management measures (e.g. offsetting or compensation).</i></p>	<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>

PLANNING TRIBUNAL

42. Orion supports the role of the Planning Tribunal in promoting consistency and predictability in decision-making under the new planning system and considers 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 amendment in the table below.

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
Planning Bill	Schedule 10, clause 16	<i>Clarification of what is meant by “the applicant”</i>	<i>(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 the applicant <u>the person seeking a consent, permit, or designation</u></i>

SUBDIVISION

43. Orion has recently submitted on proposed amendments to the Public Works Act 1981 (PWA), seeking that Council owned EDBs be extended the same powers under the PWA as Transpower. Currently, network utility operators (NUOs) that are requiring authorities only have access to the PWA through section 186 of the Resource Management Act 1991 (RMA) and only after an application to the Minister for Land Information who would exercise his/her powers. This structure has significant drawbacks.
44. The new Part 2B (Acquisition or taking of land for Transpower works) of the Bill recognises that Transpower New Zealand Ltd is a Crown entity and so is unlike many other NUOs who are often private commercial entities, for whom direct PWA access would be inappropriate.

45. In line with the submission on the PWA, Orion considers that there would be significant benefit in providing a simplified subdivision pathway for core infrastructure providers when dealing with infrastructure lots. An example of where this would be of benefit is where Orion subdivides very small kiosk sites from larger lots. Such subdivisions must go through a full consenting process. Considerable time and cost could be saved if there was a truncated process that recognised that infrastructure providers frequently create and deal with undersized and unserviced lots for infrastructure purposes.

ENVIRONMENTAL LIMITS

46. The environmental limits framework constitutes a considerable risk for all infrastructure providers, in particular linear infrastructure providers such as electricity distribution. Setting binding environmental limits that cannot be breached, with little leeway for flexibility in lower order planning documents, carries a risk that necessary infrastructure will not be able to carry out works as required. For networks like the Orion distribution network, that have infrastructure located across rural areas, within biodiversity areas and outstanding natural landscapes, with multiple river crossings and works required in beds of waterbodies, it will be essential to ensure there is a pathway for work to continue.
47. The provision of linear infrastructure, such as electricity lines, is often constrained as to location. The provision of potential pathways for these activities, even where environmental limits may be breached, will be important in ensuring the goals of the new system are able to be met.
48. While the tension between the enabling works under the Planning Bill and protecting environmental bottom lines in the Natural Environment Bill will need to be clarified in national instruments, ensuring the legislation allows flexibility in undertaking that task is important. Orion seeks amendment to clause 86 to remove the reference to "*significant infrastructure*", which is an undefined term. How clause 86 is particularised through national instruments will likely refine the infrastructure that may breach environmental limits, but the starting point should be "infrastructure" generally.
49. Should the preference remain to refine the infrastructure that clause 86(1) applies to, Orion considers the use of "*core infrastructure*" as it is defined in the Planning Bill would be more appropriate than adding another definition. This is sought in the alternative to simply referencing "*infrastructure*" although Orion is confident that consultation with infrastructure providers in the national instrument process will allow application of the more general "*infrastructure*" to be refined to appropriate circumstances.

50. A further amendment is sought to clarify that the pathway in clause 86 may not always involve need for a consent.

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
Natural Environment Bill	Clause 86	The use of an undefined term risks exclusion of electricity infrastructure and other linear infrastructure.	<i>(1) National standards may establish a consenting pathway for significant infrastructure activities that breach or are likely to breach environmental limits</i>

LEVIES AND COASTAL OCCUPATION CHARGES

51. Under the Natural Environment Bill, regulations may be set to prescribe a levy for the taking or use of natural resources. Orion considers 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. Orion seeks that infrastructure providers are exempt from these charges. Suggested amendments are set out in the table below.

Requested Amendments

Bill	Clause	Issue	Suggested Amendment
Natural Environment Bill	clause 313	<i>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.</i>	<i>(4) the following are exempt from any charges prescribed by regulations made under this section: [...] <u>(c) infrastructure providers</u></i>
Natural Environment Bill	clause 321	<i>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.</i>	<i>(5) A coastal occupation charge must not be imposed on— [...] <u>(c) infrastructure providers</u></i>

WILDLIFE PERMITS

52. Orion supports the intention in clause 128 of the Natural Environment Bill for natural resource permits to include wildlife approvals in the same permit. Orion has 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 considerable time to process, including these permits in set, reliable timeframes under the Natural Environment Bill would be a positive step.

53. Orion notes that the same could potentially be done with archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014 in the Planning Bill to allow further simplification.

TRANSITIONAL ISSUES

54. The transitional and savings provisions in Schedule 1 of the Planning Bill require review to ensure that the timeframes set out are feasible. For example, the first set of national policy direction must be issued no later than 9 months after royal assent of the Planning Bill, some of the first national standards are required to be both after the national policy direction but somehow also "*within 9 months after royal assent*".
55. Another example is the requirement for draft regional spatial plans to be notified either within 15 months of royal assent or within 6 months of the first national policy direction, whichever is sooner. This means draft regional spatial plans are required to be notified before all of the national standards are likely to be completed.
56. Orion is concerned that the timing resulting from the current transitional provisions may undermine the funnel system being developed. Development of regional spatial plans should rely on complete and fulsome national standards.

CONCLUDING COMMENTS

57. Orion supports the Planning Bill and Natural Environment Bill with the amendments sought. Orion is already a frequent user of the RMA processes and expects a significant increase in that interaction given the scale, urgency and essential nature of the investment needed in the immediate future. This investment will allow electrification of transport, industrial process heat, and buildings, while also maintaining security and resilience of electricity supply. It is vital that this investment can take place without the constraints and increased costs currently seen.

58. Thank you again for the opportunity to provide this submission. We wish to be heard in relation to this submission.
59. If you have any questions please contact Hannah Marks, Land and Planning Advisor, hannah.marks@oriongroup.co.nz.