

**Date:** 3 April 2009

**Address:** Clerk of the Committee  
Local Government and Environment Select Committee  
Select Committee Office  
Parliament Buildings  
Wellington

**To:** **The Local Government and Environment Select Committee**

**Submission on:** **Resource Management (Simplifying and Streamlining)  
Amendment Bill 2009**

**From:** MainPower New Zealand Ltd ("MainPower")  
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**Appearance:**

1. MainPower do wish to be heard by the Committee. Our representative will be Todd Mead, MainPower's Commercial Manager.

**Organisation:**

2. MainPower owns and operates the power lines used to supply electricity to the people and businesses of North Canterbury, and Kaikoura.
3. MainPower services households, farms, business and community organisations in its area. Its vision is to be the leading regional energy company in New Zealand. Part of this vision includes looking for opportunities to use the region's abundant renewable resources to, ultimately, achieve energy self-sufficiency.

4. The MainPower electricity distribution network delivers energy from Transpower's National Grid to approximately 32,700 customers, using 492 GWh of energy annually and carrying approximately 86 MW at peak demand.
5. Importantly for the MainPower region, this demand is forecast to continue to grow at around twice the national average, a demand which is simply not being met locally.
6. At present there is no electricity generation within MainPower's region. Ultimately, MainPower's aim is for the region to become energy self-sufficient using a combination of improved energy efficiency and its renewable resources.
7. In November 2007, MainPower applied for resource consents to develop a windfarm at Mt Cass near Waipara. It is anticipated that the Mt Cass wind farm could generate between 41 - 69 MW of power, producing between 22%-40% of the region's annual energy requirements. Mt Cass is MainPower's first renewable energy project to reach the consenting stage.
8. MainPower has recently obtained consent for 1MW mini-hydro project and is also investigating a number of other mini-hydro projects.

**Executive Summary:**

9. MainPower generally support the aspects of the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 ("the Bill") designed to remove vexatious objectors, decrease local authority resource consent processing timeframes, and increase accountability by promoting the use of independent commissioners. MainPower has recent experience with the RMA and has been frustrated by delays in consenting.
10. MainPower does not support the aspects of the Bill that diminish the powers of requiring authorities. These changes may result in major infrastructure being delayed.

11. MainPower does not believe the RMA gives adequate weight to the issue of climate change. Any amendments to the Bill should reflect that urgent action is required in relation to climate change.

**Clause by clause analysis:**

**Clauses 63, 64 – limiting stopping of processing clock**

12. Clauses 63 and 64 restrict the stopping of the processing clock when further information requests are made. The clock will only be able to be stopped once for the first further information request.
13. MainPower supports a limit to further information requests and one stop should be enough for small scale applications. However MainPower is concerned that there will be situations where large and/or complex applications will require dialogue between local authorities and the applicant. MainPower suggest a solution could be that further stoppings are allowed with the consent of the applicant. This would allow a reasonable dialogue while not frustrating applicants who want their application to proceed to the decision maker.

**Clause 76 – 10 day limit for closing a hearing**

14. Clause 76 inserts a new section 103A that requires resource consent hearings to be formally closed no later than 10 working days following completion of the last party's presentation at the hearing.
15. MainPower fully supports this clause.

**Clause 25 – discount policy for a late consent**

16. Clause 25 requires all councils to develop a discount policy in respect of late consents. There is a 12 month transitional period for developing the discount policy.
17. MainPower supports a discount policy being implemented but it should be regulated at the national level, rather than at a local level for consistency across New Zealand and speed of implementation. A requirement that councils do not adjust fees upwards to compensate for reduced income must be included in any national regulation.

**Clause 60 – direct referral to the Environment Court**

18. Clause 60 inserts new sections 87C-G providing for direct referral to the Environment Court when requested by an applicant and agreed to by the consent authority.
19. MainPower support this clause as it may enable some important developments to progress directly to the Environment Court which were inevitably going to end up there any-way, with a consequential faster final Environment Court decision.

**Clause 73 – request for independent commissioners**

20. Clause 73 inserts a new section 100A that requires consent authorities to use an independent commissioner when requested by an applicant or submitter.
21. MainPower supports the use of accredited independent commissioners.
22. MainPower also support the amendment to section 36 whereby a submitter who requests the use of an Independent Commissioner either pays for, or contributes to, any additional costs that are incurred.

**Clause 35 – new Part 4A inserted to establish Environmental Protection Authority**

23. Clause 35 inserts a new section 42B and 42C establishing and setting out the functions of an Environmental Protection Authority. The EPA will administer the call-in process for matters of national significance and a 9 month time limit for decisions is imposed. The criteria for a project being called-in are not significantly altered from the current legislation (with the exception that the criteria is expanded to include work that relates to a network utility operator that may extend to more than one region).
24. MainPower support the establishment of the EPA and the general policy direction towards an increased number of applications being called in. Centralising the administration of these large and/or complex projects should create teams of people who have expertise in matters such as energy projects and will be familiar with best practice. While the developer will still pay for the processing of the application by the

EPA some costs may be reduced as, hopefully, staff will already have requisite expertise and not require upskilling.

**Clauses 110 & 111 – decisions on notices of requirement made by local authority instead of requiring authority**

25. Clause 110 amends section 171 and clause 111 repeals section 172. Decisions on section 171 notices of requirement will be made by the relevant council. Currently the council makes a recommendation that is fed back to the requiring authority for a decision.
26. MainPower does not support these clauses. Diminishing the powers of requiring authorities is a negative step as requiring authorities are key infrastructure providers, with the appropriate expertise in this area. The downgrading of requiring authorities will lead to projects being delayed, and could lead to the politicisation of key infrastructure decisions.
27. MainPower submit that clauses 110 and 111 be deleted from the Bill.

**Clause 116 – outline plans can be changed by local authority**

28. Clause 116 amends section 176A so that the local authority can require a change to an outline plan. Currently the local authority can only request a change.
29. MainPower oppose this clause as, like clauses 110 and 111 above, this could potentially result in increased litigation between the local authority and requiring authority.
30. MainPower submit that clause 116 be deleted from the Bill.

**Recommendations**

31. MainPower supports the amendments that will reduce delays to the RMA consent process. Restricting councils' ability to stop the processing clock only once is supported but the clock should be able to be stopped subsequently with the agreement of the applicant. A national discount policy is also supported.

32. MainPower requests that clauses 110, 111 and 116 relating to requiring authorities and outline plans be removed from the Bill.