17 August 2025

**Consultation**: Going for Housing Growth | Providing for urban development in the new resource management system
Te Tūāpapa Kura Kāinga – Ministry of Housing & Urban Development and Ministry for the Environment – Manatū Mō Te Taiao
Submitted by email to gfhg@hud.govt.nz

To whom it may concern,

ENA appreciates the opportunity to provide a submission on the *Going for Housing Growth* discussion document. The proposals raise important questions about how the new resource management system can deliver good housing and urban development outcomes while maintaining the safe and reliable operation of critical infrastructure.

ENA represents the 29 electricity distribution businesses (EDBs) operating across New Zealand (see Appendix C). Our members manage the local and regional electricity networks that connect homes, businesses, and communities to the national grid. These networks are essential to delivering safe, reliable, and affordable energy to consumers, and they form a critical part of the public infrastructure that underpins New Zealand's economy and quality of life.

In this submission, ENA emphasises the importance of ensuring that housing growth is planned and delivered in a way that supports, rather than undermines, the operation, maintenance, and future development of electricity distribution networks. Electricity infrastructure must be actively integrated into planning processes to avoid conflicts between urban intensification and network safety, operational needs, and long-term resilience.

Our comments focus on three consultation questions – Questions 1, 2, and 7 – which we consider to be the most relevant to EDBs (see Appendix A for ENA's response to these questions). In summary:

- Under **Question 1**, we highlight the need for the new system to provide a balanced and integrated approach that protects critical infrastructure in intensification areas, incorporates the New Zealand Electrical Code of Practice 34 (NZECP34) safe setback distances into legislation, and recognises electricity assets as Qualifying Matters where intensification could create safety or operational risks.
- Under **Question 2**, we support spatial planning as a tool to guide housing growth but emphasise that it must account for the operational realities of electricity networks, which are responsive to demand and adapt over time. Spatial plans should manage land use around network corridors and strategic sites, avoid reverse sensitivity risks, and be regularly updated to remain relevant.
- Under **Question 7**, we recommend that feasibility be defined in a way that ensures developments are not only financially viable but also physically and legally achievable

within safety and infrastructure constraints, including explicit compliance with NZECP34.

ENA and its members welcome further engagement to ensure that the new resource management system supports housing growth in a manner that is safe, resilient, and compatible with the essential services on which communities depend.

Do not hesitate to get in touch with ENA if you'd like to discuss any of the points raised in our submission. Please contact Sophie Tulley (sophie@electricity.org.nz) in the first instance.

Yours sincerely,

Sophie Tulley

Policy and Innovation Advisor

Electricity Networks Aotearoa

# Appendix A - ENA response

## Question 1 – What does the new resource management system need to do to enable good housing and urban development outcomes?

ENA considers that the new system must provide a balanced, integrated approach that recognises and protects critical infrastructure, including electricity distribution networks, within intensification provisions such as the Medium Density Residential Standards (MDRS). For example, the MDRS currently permits up to three dwellings of up to three storeys per site as a permitted activity in relevant residential zones. While this supports housing supply, it also increases the potential for development to encroach upon existing electricity infrastructure. Without safeguards, such proximity can result in operational issues, maintenance constraints, and safety risks. The planning system must ensure that critical infrastructure is appropriately factored into intensification rules, including through setbacks, height restrictions, or Qualifying Matters.

Housing developments must be planned and delivered with critical infrastructure needs addressed from the outset. Too often, developments are approved without regard for the location, operation, or capacity of electricity distribution networks, leading to costly and disruptive retrofitting. For example, road corridors or berms may need to be reopened to install new assets, or existing assets may need to be relocated at significant expense.

ENA also considers it essential that New Zealand Electrical Code of Practice 34 (NZECP34) safe setback distances are explicitly incorporated into urban development legislation or standards. NZECP34 is a key safeguard for public safety and operational reliability, and its requirements must be embedded within the legislative and regulatory framework to avoid ambiguity and reduce conflict between development aspirations and infrastructure safety needs.

Planning activities on land containing or adjacent to critical infrastructure should account for infrastructure constraints early in the process. Electricity distribution assets should be recognised as Qualifying Matters where intensification may conflict with safety, operational, or maintenance requirements. There is a need for stronger national direction to ensure infrastructure is consistently considered in plan-making processes. ENA is hopeful that the recent consultation on Phase Two of New Zealand's Resource Management Act reform is the beginning of the change that is needed for better recognition of EDB assets.

ENA emphasises that the new system must not prioritise housing numbers at the expense of safe and resilient urban environments.

ENA recommends that the essential role of supporting infrastructure, like electricity distribution networks, in enabling liveable, resilient, and well-functioning urban environments be recognised at a national level. This would strengthen the basis for engaging with councils and developers on infrastructure needs during both plan-making and consenting processes. Recognising electricity distribution as a critical enabler of housing growth would help ensure that network capacity, safety, and operational requirements are factored into decisions from the outset. Achieving development that is sustainable, safe, and future-proofed requires a

framework that actively supports the co-existence of housing growth and critical services like electricity distribution.

## Question 2 – How should spatial planning requirements be designed to promote good housing and urban outcomes in the new resource management system?

ENA supports the use of spatial planning as a tool to inform development decisions and guide urban growth, particularly where it helps to coordinate infrastructure and land use.

Spatial plans frequently overlook small footprint but critical infrastructure such as distribution substations, overhead lines, and underground cables. ENA recommends that electricity distribution assets are identified (where possible) in spatial plans especially in written policies. This would help to ensure their functional needs are recognised and protected. This includes accounting for safety setbacks, maintenance access, and future capacity upgrades. Treating electricity infrastructure as a core component of spatial planning will reduce avoidable delay and cost when EDBs carry out their activities.

For spatial planning to be effective and realistic from an electricity distribution perspective, the following design considerations are essential:

- Spatial planning must recognise the operational nature of electricity distribution systems, which are largely reactive to demand. Forecasts are inherently uncertain due to delayed developments, unplanned growth, changes in policy, or renewable energy initiatives. Unlike some infrastructure sectors, electricity distribution cannot always anticipate demand on long horizons with high accuracy. For example, a 50-year forecast would exceed current regulatory planning obligations, which require 30-year asset management plans with indicative, area-based demand forecasts.
- The effectiveness of spatial planning is currently limited to existing infrastructure corridors and strategic sites, such as substations. Distribution networks are highly dispersed and adapt over time based on emerging needs. Spatial planning should therefore guide, not predetermine, infrastructure outcomes.
- Spatial planning should manage land use around infrastructure corridors and strategic electricity sites, ensuring staged development, avoiding reverse sensitivity risks, and providing for safe operation, maintenance, and potential expansion of critical assets. ENA recommends that roads and other transport corridors are formally recognised as multi-utility infrastructure corridors that accommodate electricity alongside telecommunications, water, gas, and other services. This approach allows for coordinated use of shared corridors, minimises duplication of work, and reduces community disruption. This approach would involve planning rules assuming that wherever a road or public corridor is shown on a spatial plan, it will also be required to house electricity distribution assets, with adequate space and design allowances for this purpose.
- Spatial planning must balance development rights with the functional needs of infrastructure. Land use decisions around infrastructure corridors or critical sites must weigh the essential public function these assets provide.

- ENA supports the proposal to include minimum infrastructure content requirements in spatial plans. However, this content must be updated regularly to reflect changing conditions, forecasts, and development pathways. Outdated infrastructure assumptions risk undermining the relevance and usefulness of the spatial plan and could lead to perverse outcomes.

## Question 7 – How should feasibility be defined in the new system?

ENA sees there is an opportunity for the new system to avoid repeating the shortcomings of the MDRS, which permitted up to three dwellings of up to three storeys per site with a 1.5m road setback. In many urban environments, this would have enabled buildings to breach safe electrical setback requirements under NZECP34. It is worth noting that compliance with NZECP34 is legally required by Regulation 17 of the Electricity (Safety) Regulations 2010, but consents are still being issued for buildings that cannot be constructed, occupied, or maintained because they are dangerously close to overhead electricity lines. It is an offence under Regulation 17(3) if safe distances are not maintained.

The lack of compliance with NZECP34 is a result of a long-term regulatory gap between the Electricity Act 1992 and compliance processes under the Building Act 2004 and Resource Management Act 1991. This has effectively excluded NZECP34 from consideration when new buildings are consented. As a direct result, many building owners and others in the building sector are unaware of the obligation to comply with the requirements of NZECP34. This is a longstanding issue for EDBs, with those operating networks in bigger cities being the most affected. The electricity distribution, transmission, and engineering sectors have called for this issue to be corrected since 2009 via submissions on successive legislative amendments. The issue has largely been ignored despite the serious safety and financial risks for homeowners and developers associated with non-compliance with NZECP34. Where a building is not NZECP34 compliant, wind swaying a line or a tree falling may push a live line into the building. The line touching the building can cause an electrical fault, leading to a spark or arc. If the spark ignites flammable materials, it could pose a significant fire risk. There is also the risk of death or serious injury to people on the property if they contact material that has been livened by the electricity line. Building owners might only become aware of their non-compliance with NZECP34 if the local EDB notices that the building is too close to an electricity line and informs someone on the premises. The cost to retroactively achieve compliance with NZECP34 can, in some cases exceed the value of the building work. ENA has provided photos of some buildings that do not meet the NZECP34 requirements in Appendix B.

Feasibility should be clearly defined to ensure proposed developments are not only economically viable but also physically and legally achievable within safety and infrastructure constraints. ENA recommends that either:

- A level of regulatory oversight is retained to verify compliance with NZECP34; or
- NZECP34 is explicitly included as a compliance requirement within any permissive development framework.

ENA would welcome further engagement with the Ministry to discuss these matters and help ensure that housing growth is achieved in a manner that preserves the safe and reliable operation of electricity networks.

# Appendix B: Buildings not compliant with NZECP34

**Figure 1:** Non-compliant building and scaffold near 400V and 11kV lines – the building had to be partially demolished and reconsented to compliance. *Source: Vector.*

**Figure 2:** Non-compliant rural building below 400v and 11 kV lines. *Source: Vector.*

**Figure 3:** Non-compliant building and scaffold near 400V lines. Unauthorised third-party insulation was applied by an unknown person. *Source: Vector.*

# Appendix C: ENA Members

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