NZ AIRPORTS ASSOCIATION

Resource Management (Consenting and Other System Changes) Amendment Bill

Submission from the NZ Airports Association

Introduction

1 Thank you for the opportunity to submit on this Bill. NZ Airports represents airports across New Zealand. NZ Airports' members operate 47 airports across the country, including the international gateways to New Zealand and the domestic airports which make up the national air transportation network.

2 Our member airports include Alexandra Airport, Ardmore Airport, Ashburton Airport, Auckland Airport, Chatham Islands Airport, Christchurch Airport, Dunedin Airport, Gisborne Airport, Hamilton Airport, Hawke's Bay Airport, Hokitika Airport, Invercargill Airport, Kapiti Coast Airport, Kaikohe Airport, Katikati Airport, Kerikeri Airport, Marlborough Airport, Masterton Airport, Matamata Airport, Motueka Airport, Nelson Airport, New Plymouth Airport, Oamaru Airport, Pauanui Airfield, Palmerston North Airport, Queenstown Airport, Rangiora Airport, Rotorua Airport, Takaka Airport, Taupo Airport, Tauranga Airport, Te Kowhai Aerodrome, Thames Aerodrome, Timaru Airport, Wairoa Airport, Wanaka Airport, Whanganui Airport, Wellington Airport, West Auckland Airport, Westport Airport, Whakatane Airport, and Whangarei Airport.

3 New Zealand's airports are essential infrastructure of national and regional significance that play a crucial role in the socio-economic wellbeing of our communities. New Zealanders consider their airports the best performing infrastructure in the country.[1] This is because airports plan 30 years in advance to ensure their infrastructure can support the population growth, freight growth, airline capacity and industrial development that drives the economy.

4 It is critical that we have a well-functioning resource management system that recognises and facilitates this long-term planning approach and protects the ability of critical infrastructure to develop and operate over time.

5 We submit in support of the Bill, in particular its provisions to facilitate renewable energy development and streamline consenting and designation processes, subject to some refinements which we outline in further detail below.

(a) Critically, we request an amendment to the definition of 'long-lived infrastructure' in the Bill to ensure airport infrastructure is captured.

(b) We support the provisions that will enable new infrastructure to be consented efficiently. However, throughout the reforms it is important to continue to balance these provisions with protections for existing infrastructure to avoid future operational conflicts. For this reason, we recommend long-lived infrastructure (using our suggested amended definition) is added to the groups that can request an extension to consenting timeframes for a specified energy activity, under clause 29.

(c) In relation to resource consents, we request an amendment to clause 37 so that resource consents are not declined in natural hazard areas if there is an operational or functional need for infrastructure to be located there, and to clause 42 to clarify that the default duration of resource consents for renewable energy activities and long-lived infrastructure only applies to regional resource consents.

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[1] *Ipsos Global Infrastructure Index*, 2024

(d) We support the longer lapse date for designations and seek amendments to clarify the circumstances in which requiring authorities are required to provide assessments of alternatives.

Defining long-lived infrastructure

6 We seek a change to the proposed definition of 'long-lived infrastructure' in the Bill to include airports.

long-lived infrastructure means—

(a) pipelines that distribute or transmit natural or manufactured gas:

(b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:

(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—

(i) uses in connection with the generation of electricity for the person's use; and

(ii) does not use to generate any electricity for supply to any other person:

(d) structures for transport on land by cycleways, rail, roads, walkways, or any other means:

(e) facilities for the loading or unloading of cargo or passengers transported on land by any means:

(f) any activity or thing that regulations made under section 360 prescribe as long-lived infrastructure

7 The intent behind the Bill's definition is to support certain 'long-lived infrastructure' that provides a public benefit such as those delivered under s166 of the RMA (which includes airport authorities) and has a more than 50-year life span.

8 Airport authorities are network utility operators that deliver a considerable public benefit by enabling rapid transport across New Zealand, contributing to the New Zealand economy and supporting trade. Airports are also among New Zealand's most long-lived infrastructure, with our major airports 75-85 years old. Since the 50s and 60s, airports have continuously evolved to meet the demands of modern aviation. Their long-standing presence and ongoing investment in infrastructure make them quintessential examples of long-lived infrastructure.

9 The current definition in the Bill has a focus on land transport and could be read as excluding structures and facilities for air transport purposes (or only providing for airport infrastructure in a very narrow way). Airports are significant infrastructure assets of local, regional and national importance and are an integral part of the New Zealand and international air transport system. In order to recognise the enduring nature of airport infrastructure and the ongoing public benefit that airports provide, it is vital that they are recognised and provided for as long-lived infrastructure to safeguard their continued operation and development.

10 The Government is rightly focused on ensuring regulation is well-considered and better aligned across instruments and processes. This should encourage us to ensure that the definition of long-lived infrastructure in this Bill is robust from the outset. While the definition allows for additional infrastructure to be added, the significance of airport infrastructure means that it should be included in the definition now, rather than though inclusion via subsequent regulation. Excluding airports from this definition (or only providing for them in a limited way) would be counter to the efficiency and productivity this reform process is trying to create.

11 Accordingly, we request a new sub-section is inserted in clause 4 as follows:

(x) an airport as defined in section 2 of the Airport Authorities Act 1966 and an aerodrome as defined in section 5 of the Civil Aviation Act 2023:

12 Or **alternatively,** NZ Airports seeks that the following amendments be made to paragraphs (d) and (e):

long-lived infrastructure means—

[…]

(d) structures for transport by air, or on land by cycleways, rail, roads, walkways, or any other means:
(e) facilities for the loading or unloading of cargo or passengers transported ~~on land~~ by any means:

The Bill will support essential renewable energy developments

13 This Bill includes important provisions that will facilitate the development of new renewable energy generation. This is critical for New Zealand's future prosperity. It is NZ Airports' view that New Zealand's decarbonisation transition will require renewable energy generation capacity at a far greater scale than is currently planned or even contemplated. Renewable energy developments are needed at a nation building scale, and infrastructure timelines require these developments to commence quickly.

14 Airports are becoming renewable electricity generators and airlines will, over time, become some of the largest energy users, for battery electric and hybrid aircraft charging, green hydrogen, and Power to Liquid (PtL) Sustainable Aviation Fuel.

15 New Zealand is dependent on aviation for both international and domestic connectivity. Future energy demand from aviation, as well as the electrification of other sectors and the rise of carbon capture technology, data centres and AI, require a strategy to achieve 'energy abundance' to position New Zealand for the future.

16 Airports are doing what they can to prepare for future energy requirements in their regions. Regional airports have seen success planning and delivering solar farms quickly at relatively small scale. Large airports and other investors will need to develop significantly larger scale facilities in short timeframes. Measures including those in this Bill will better facilitate the planning and consenting process for these larger scale projects.

17 In particular, we support the inclusion of clause 42 which provides a default duration of 35 years for resource consents authorising a renewable energy activity and long-lived infrastructure. However, clause 42 as currently drafted could imply that *all consents* required for those activities (including land use consents which currently have no expiry date) are subject to a 35-year duration.

18 We seek that clause 42 be amended to clarify that the 35-year duration is only intended to apply to regional consents:

123B Duration of consent for renewable energy and long-lived infrastructure

(1) A resource consent that would otherwise be subject to section 123(c) or (d) authorising a renewable energy or long-lived infrastructure activity must specify the period for which it is granted.

(2) The period specified under subsection (1) is 35 years from the date of commencement of the consent under section 116A unless -

Avoiding conflicts in infrastructure development

19 While the intent of the Bill is to speed up consenting, it also includes important provisions to extend consenting timeframes when required to manage some of the complexities that can arise from significant projects. We support clause 29 of the Bill which introduces section 88BA and outlines ways consent authorities may grant extensions at the request of applicants, Treaty settlement entities, iwi authorities and customary rights groups.

88BA Certain consents must be processed and decided no later than 1 year after lodgement

(1) The time period in which a consent authority must process and decide an application for a resource consent for a specified energy activity or wood processing activity (the **time period**) is 1 year after the date the application is lodged.

(2) An extension of the time period for a further period not exceeding 1 year—

(a) must be granted by the consent authority if—

(i) the extension is requested by the applicant; or

(ii) the application is for the establishment of a hydro-electricity activity or geothermal activity and the extension is requested under **subsection (3)**; and

(b) may be granted by the consent authority in relation to any other activity if the extension is requested under **subsection (3)**.

(3) A Treaty settlement entity, iwi authority, or a recognised customary rights group may request an extension of the time period for the purpose of recognising or providing for a Treaty settlement or other arrangement under—

(a) a Mana Whakahono ā Rohe or Joint Management Agreement; or

(b) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; or

(c) the Marine and Coastal Area (Takutai Moana) Act 2011.

(4) A request for extension must be made to the consent authority before the expiry of the time period.

(5) If the time period is extended, the total time in which a consenting authority must process and decide an application under this section must not exceed 2 years after the date the application is lodged.

(6) This section applies despite sections 88B, 88C, and 88E to 88I.

(7) In this section, **Treaty settlement entity** has the meaning given in section 4(1) of the **Fast-track Approvals Act 2024**.

20 We seek an amendment to this clause to include the ability for an extension to be requested by an operator of long-lived infrastructure that is affected by the proposed consent.[2] This would help to ensure any consent proposals for new energy infrastructure that may conflict with operating and development requirements of existing infrastructure can be given additional time for consideration.

21 In the case of airports, an example of an effect that could arise would be if structures or air discharges were to encroach on Obstacle Limitation Surfaces, creating safety risks and operational constraints. We have seen important data collection (aeronautical studies, identifying conflicts with flight paths and aviation safety) skipped during consenting processes due to accelerated time pressures under the Fast Track consenting process. Where operators of existing long-lived infrastructure identify issues like conflicts with Obstacle Limitation Surfaces and flight paths as a result of a proposed energy/wood processing activity, there needs to be an ability for consenting authorities to extend the timeframe to consider the impacts on that existing infrastructure.

22 We seek an amendment to clause 29 (s 88BA (2)(a)) as follows:

88BA Certain consents must be processed and decided no later than 1 year after lodgement

[...]

[2] On the basis of a revised definition of long-lived infrastructure.

(2) An extension of the time period for a further period not exceeding 1 year—

(a) must be granted by the consent authority if—

(i) the extension is requested by the applicant; or

(ii) the application is for the establishment of a hydro-electricity activity or geothermal activity and the extension is requested under **subsection (3)**; ~~and~~ or

(ii) the extension is requested by an operator of long-lived infrastructure where potential adverse effects on that infrastructure have been identified; and

[...]

Designations

23 As requiring authorities, airports are supportive of the provisions in this Bill that improve the efficiency of designation processes. We also support the ability of ports to become requiring authorities under clause 48.

24 We support the longer default lapse date for designations (being an increase from 5 to 10 years) in clause 52. Given that complex infrastructure projects require significant prior planning, resulting in longer lead times before implementation, 10 years is a more appropriate default lapse period.

25 While we support the intent of simplifying the assessments required to support a notice of requirement, the Bill as currently drafted is inconsistent. Clause 49 of the Bill (relating to contents of notices of requirement) states that where the requiring authority *does* have a sufficient interest in the land, but the work is likely to result in a significant adverse effect on the environment, a "description" of possible alternative locations or methods must be provided. We understand the intent is to reduce the need for detailed alternatives assessments where a requiring authority has an interest in the land to be designated (which NZ Airports supports).

26 However, under clause 51, when a territorial authority is making a recommendation on a notice of requirement, there is no requirement for a territorial authority to consider those alternative locations and methods, i.e. the alternatives assessment is only a relevant consideration where the requiring authority *does not* have sufficient interest in the land. We accordingly request that clause 49(3B)(c) is deleted as follows:

Section 168 amended (Notice of requirement to territorial authority)

[...]

(3B) The assessment of the effects of the project or work on the environment must—

(a) have particular regard to any relevant provisions of—

(i) a national policy statement:

(ii) a New Zealand coastal policy statement:

(iii) a regional policy statement or proposed regional policy statement:

(iv) a plan or proposed plan:

(b) if the requiring authority does not have an interest in the land sufficient for undertaking the work,—

(i) give adequate consideration to any alternative sites, routes, or methods of undertaking the work; and

(ii) explain how the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought:

~~(c)if the requiring authority has an interest in the land sufficient for undertaking the work, and the work is likely to result in any significant adverse effect on the environment, describe possible alternative locations or methods for undertaking the activity.~~
[...]

Natural Hazards

27 Clause 37 of the Bill proposes a new s106A which allows consent authorities to decline land use consent applications or grant consent subject to conditions where the activity would create a degree of risk in relation to natural hazards.

28 Some of New Zealand's airports operate within areas that are more prone to risk of natural hazards, such as earthquakes and flooding. Given the necessity of airports, including their role as lifeline utilities and the important role they play in connecting people across the country and to the world, it would not be appropriate for consent to be refused where there is an operational need for infrastructure to operate in a particular environment.

29 We seek the following amendment to clause 37:

> **106A Consent authority may refuse land use consent in certain circumstances**
>
> (1) A consent authority may refuse to grant a land use consent, or may grant the consent subject to conditions, if it considers that the activity for which consent is sought will—
>
> (a) create a significant risk from natural hazards if there is no existing risk from natural hazards; or
>
> (b) increase an existing risk from natural hazards to a significant risk; or
>
> (c) increase an existing significant risk from natural hazards; and
>
> <u>in the case of infrastructure there is no functional or operational need for the infrastructure to be located in that area.</u>

Conclusion

30 Thank you for your consideration of these recommendations. We would appreciate an opportunity to appear before the Committee.

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