

Submission on “Developing a Regulatory Framework for Offshore Renewable Energy: Second Discussion Document”

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SUBMITTER DETAILS

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Introduction

1. Thank you for the opportunity to make a submission on the Ministry of Business, Innovation and Employment’s (**MBIE**) Second Discussion Document on Developing a Regulatory Framework for Offshore Renewable Energy (August 2023) (the **Discussion Document**).
2. The Environmental Defence Society (**EDS**) is a not-for-profit, non-government national environmental organisation. It was established in 1971 with the objective of bringing together the disciplines of law, science, and planning to promote better environmental outcomes in resource management. EDS is keenly interested in the intersection between the promotion of renewable electricity generation and the protection of the natural environment. We believe both can occur if policy settings are right.
3. Our submission is focused primarily on matters of environmental consenting dealt with in Chapter 6 of the Discussion Document. Broader comment is also made with respect to how offshore wind relates to the broader policy context around renewables and their treatment in environmental legal frameworks.
4. EDS intends to explore the legal and regulatory framework for offshore wind in more depth through its own policy work, and to engage deeply with government in continued policy development and any subsequent law reform process.

General comments

5. Overall, EDS considers that the Discussion Document traverses the key issues and options reasonably well. We are generally supportive of the development of offshore wind if the legal settings are carefully designed, for two reasons: it has potential for overall less environmental impact than onshore projects if done well, and it is important as part of efforts to decarbonise the electricity sector and support greenhouse gas emissions reduction targets.
6. In this section we make general comment on a range of matters raised in the Discussion Document.

7. With respect to the issue of support for port infrastructure upgrades, EDS is visiting Port Taranaki in December 2023 to get a better understanding of the upgrades required and may be able to comment further after that. For now, we note that being able to receive, process and deliver infrastructure to the project site will need consideration of the scale of the wind turbines and associated components. The main advantage of offshore wind is there are no size constraints equivalent to onshore. However, we emphasise that any port developments required to facilitate operations should not have wholesale carve-outs or exemptions to environmental protections simply because they are needed to support offshore wind developments.
8. Policy-makers also need to give close consideration to how facilitating offshore wind could have co-benefits for spatial marine protections. Offshore wind should form a key part of marine spatial planning alongside consideration of where marine protected areas should be located, given that some other activities (eg fishing) may need to be restricted to protect offshore wind infrastructure (turbines and cables etc). The development of marine protection legislation and policy should be sensitive to opportunities, but also tailored to the needs of offshore wind. For example, it would be inappropriate to establish marine reserves in their current form given the need for some disturbance for maintenance and decommissioning, but other bespoke forms of protection would be possible.
9. With respect to Māori involvement in permitting, we note that it will be important to outline rights/obligations for Māori involvement clearly. Māori rights and interests will need accurate delineation so as to avoid under-engagement or enabling inappropriate influence.

Feasibility permitting and commercial permitting

10. In this section we comment briefly on the feasibility and commercial (as opposed to environmental) permitting framework dealt with in the Discussion Document. We note that while most of the document is concerned with commercial permitting and decommissioning, decisions on feasibility have only been taken in principle and are not necessarily final.
11. We think it is sensible to provide for feasibility and commercial permitting frameworks alongside but separate to environmental consenting frameworks, similar to how Crown mineral exploration and exploitation are managed. Authorities will need to ensure that the use of significant tracts of offshore space, which are not privately owned, has real potential to provide benefit to the public, and that the nature of the operator and design of the project should be closely assessed and provide assurance that benefits will be realised - not just that adverse effects are acceptable.
12. This makes the nature of the permitting framework quite different from the reactive assessment of environmental effects under existing environmental permitting frameworks, so something new is required. We agree that existing permitting frameworks generally “do not enable comparisons between different offshore renewable energy proposals [and] do not allow for consideration of whether development is in New Zealand’s national interest”.¹
13. To encourage participation and maximise flexibility, we agree that there should be an open-door policy and the ability for government to run subsequent rounds of feasibility permit applications. The most desirable route may depend on the degree of interest and competition in the private sector. However, we agree that any application should be publicly notified to allow other potential operators to submit competing proposals. Care will need to be taken here to the

¹ Discussion Document at 10.

extent that operators have already begun the process of obtaining exclusive rights under current frameworks like the Resource Management Act 1991 (**RMA**).

14. Given the investment required in large-scale offshore wind projects, it would also be important to facilitate large-scale developments. A maximum project footprint might need to be calibrated to size of the overall site size (so that if there is 600 km² of suitable space off Taranaki, for example, it would make sense for maximum to be set at 300 km² rather than 250km²). Other potential sites, such as off the coast of Waikato and Southland, might require different maxima. We therefore prefer that there should be flexibility in setting maximum geographical size of projects, including allowing them to be put forward by applicants and assessed for reasonableness, and set out in guidance material rather than prescribed in legislation.
15. We also see a case for there to be an ability to set a minimum size limit, to ensure that the marine space is used in a way that generates economies of scale. Again, this could be specified in guidance rather than primary legislation.
16. We agree that there should be a mechanism for government to be able to compare two or more projects at the feasibility permitting stage. Option 2 presented in the Discussion Document is preferable to a first come, first served approach.
17. We agree that feasibility permits should expire after seven years, as well as having requirements for interim milestones to “use it or lose it”, although care should be taken to ensure that this does not incentivise inadequate environmental assessment. The obligation should be for a commercial permit to be obtained to replace the feasibility permit within seven years, but environmental permits (eg RMA consents) should not be required to be obtained within this time frame, given the potential for submissions, decisions and appeals that might delay such processes. We comment on sequencing of permits later in our submission.
18. The criteria for assessment for feasibility/commercial permits proposed are generally appropriate in our view. In particular, emphasis should be placed on applicants’ track records in environmental performance, including compliance history, but also how successfully they have addressed environmental issues like bird strike or acoustic harm to marine life in other projects/jurisdictions, reputation in the market, past and current success in other projects, and health and safety track-records.
19. It will be important to look behind the curtain at the reality of applicants’ corporate arrangements when assessing the previous environmental performance of those involved. Changes to ownership of corporate applicants/ developer and/or changes of direction from governance bodies (eg parent corporations) will also need to be considered. For example, this proved an important factor with New Zealand Aluminium Smelters Ltd, where changes to company direction occurred when its parent company Rio Tinto had changes in its board and CEO.
20. While the adverse environmental impacts of projects should be assessed in detail via separate, already established, permitting processes under the RMA and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (**EEZ Act**) to determine if they are acceptable, it will be important for *positive* environmental considerations to underpin the feasibility permitting process. In other words, criteria for assessing the relative merits of competing applications should include the environmental benefits proposed by projects (eg establishment of protected areas, funding of restoration, design of turbine foundations to support

ecosystems/habitats), thereby encouraging a “race to the top” when there is market competition for permits.

21. Leaving this only to the environmental permitting stage (where there will be a sole applicant and therefore no competitive pressure) seems likely to produce less favourable environmental outcomes. “Indicative environmental benefit/opportunity” should be added to the list of criteria alongside things like indicative economic development opportunities, keeping in mind the Discussion Document’s conclusion that:²

“... given that feasibility is the primary point in the overall permitting process at which projects will be compared, and most overlaps resolved, we consider it appropriate for the assessment to consider all the outcomes that government has an interest in. This is also an opportunity to incentivise developers to embed key outcomes into projects right from the start.”

22. It is surprising that environmental considerations have not been included, given this clear statement.
23. Moreover, there should be a basic “threshold” test for environmental suitability of a proposal before any feasibility (or potentially commercial) permit is granted. This becomes even more important if there are no overlapping or competing feasibility permit applications (since there would be no “race to the top” competition for environmental aspects).
24. This threshold test could be modelled on Covid fast track legislation, where a Minister (in this case the Minister of Conservation would be appropriate) determines whether the proposal (including its size and location) is likely to be viable from an environmental perspective and therefore worth pursuing further. There will be little point investing in a project and a potentially expensive competitive permitting process if it is clear that environmental permits will not subsequently be granted due to a fundamental flaw in the proposal (eg its sensitive location) or the applicant (eg a track record of poor environmental performance).
25. The exact criteria for an environmental threshold test will need careful attention, but are likely to include the extent of impact on marine protected areas and on other established uses. In other words, the feasibility of a project should include its environmental feasibility even if a detailed assessment of environmental effects is not required at that stage. This should also include an assessment of the basic capability of a proponent to obtain environmental permits, as pointed out in the Discussion Document. Environmental feasibility would, however, be no guarantee that environmental permits would be granted later on.
26. The ideal solution, of course, would be for a strategic environmental assessment to occur in an area before any applications were made. This would identify and map a comprehensive range of basic environmental constraints (where offshore wind should not go), but also identify where the most appropriate locations *would* be. Such an approach would provide more certainty for industry and reduce conflict at the permitting stage. It would be more efficient in the long-run. We are heartened to see the Discussion Document recognising that this more “planned” approach is the longer-term aim. What also needs to be considered, yet is missing in the document, is whether *other* uses are more appropriate for particular marine spaces. This might be other forms of marine development, but it might also be the protection of areas valued for environmental or amenity reasons even if they are not absolute “constraints” in the sense of vulnerable or rare marine ecosystems. We urgently need a robust framework for marine spatial

² Discussion Document at 12.

planning. Indeed, we can see merit in a spatial constraints map being included in all 3 stages of project evolution to provide continuity of approach and visibility of both conflicts and opportunities.

27. However, we understand that this is unlikely to be practical in the short-term. It will require substantial public investment and take time, so a “developer-led” approach has been preferred. As such, it will be important to have some form of environmental threshold test at the feasibility or commercial permitting stage to prevent inappropriate proposals from progressing further.
28. We agree that there should be some kind of financial instrument to secure environmental and broader performance of offshore wind operations.
29. While it will be important for feasibility permits to have the potential for comparative assessment (where there is more than one proponent wishing to use the same space for offshore wind), we do not have a strong view as to whether commercial permits should also have scope for comparative assessment. There are risks of both approaches when applied to different contexts. In particular, there may be a risk that the environmental information generated by the holder of a feasibility permit is made less transparent if it could be used by competitors at a later stage (the commercial permitting stage). On the other hand, the prospect of competition at the commercial permit stage might incentivise proponents to front-end environmental assessments required under the RMA and EEZ Act and make them more robust (if progress with an AEE were to be a consideration in granting a commercial permit).
30. We submit that to the extent that commercial permits *are* opened up for comparative decision-making, environmental factors should be one thing to consider to ensure the “better” project progresses to the commercial stage. Doing so should also smooth the path to that project obtaining environmental permits under the RMA and EEZ Act, rather than risk the less environmentally sound project being rejected at a late stage.
31. We agree that 40 years seems an appropriate maximum duration for commercial permits, for the reasons outlined in the discussion document. We note that there may be misalignment with coastal permits under the RMA (required for occupation of the coastal marine area, among other things), which currently have a maximum duration of 35 years. These should be aligned.
32. Spatial extensions of existing operations should, in our view, not necessarily require entirely new feasibility and commercial permits. There should be flexibility for regulators to allow exceptions where extensions are small or to enable more efficient operations. That flexibility might enable regulators to require new permits, but not require a full range of considerations as with the initial permits. Another contextual matter here might be whether there is likely to be interest in the same space from other operators or those wishing to use the space for other reasons, and the nature of existing interests/constraints in the area. It would be inappropriate for a project to grow significantly in increments without a proper permitting process, if space was desired for competing uses.
33. We also emphasise that obtaining a spatial extension to feasibility and commercial permits should not provide any presumption that environmental permits (eg coastal permits under the RMA or marine consent under the EEZ Act) would be granted for any extension.
34. With respect to decommissioning, we consider it extremely important that developers be required to submit a decommissioning plan and financial security. The legal framework should not risk stranded assets or burdens on the public purse for what should be private

responsibilities. While the detail of the plan could be finalised and certified closer to the end of the project's life, the adequacy of a high-level decommissioning plan should form one part of assessing feasibility and commercial permits from the outset and be a binding component of the permit (including the environmental benefits of leaving and designing some infrastructure in situ to support marine life – which might also reduce costs of decommissioning). In some cases it might be appropriate to require full removal, so flexibility should be provided (allowing both options 1 and 2).

35. We do not see a compelling reason for public submissions to be invited with respect to feasibility and commercial permitting decisions, for the reasons outlined in the discussion document. The key point of public involvement should be when environmental permits are considered under the RMA and EEZ Act (or alternative bespoke process). Duplication would be inefficient.
36. However, we do think it is important for feasibility and commercial permit decisions to be publicised and the reasoning made transparent, not least because many criteria for competitive processes (which proposal is “best” and should be tested against environmental frameworks) will relate to value-based choices (eg the degree of environmental benefit from preferring one proposal to another), not just technical ones (eg the capability and track record of proponents). This transparency would aid judicial review action if that were necessary to address fundamentally deficient decision-making (eg if a project were preferred that was obviously not in accordance with criteria). However, we do not see a need for multiple avenues of merits appeals, which should be limited to environmental permits.
37. We do not have a strong view as to whether there should be a revenue stream back to the public purse or tangata whenua. In the long-term, there may be a case for occupation charging or resource rentals as a quid pro quo for use of a non-private resource for private profit, but decisions would need to be consistent across a range of sectors that occupy the seabed. Since the seabed is not “owned” by anyone, this could not be characterised as a royalty as with oil and gas.
38. We agree with the proposed approach to cost-recovery. The public should not bear the cost of administering the regulatory framework for a specific sector/operation, unless a clear decision is taken that subsidies are required.

Environmental permitting

39. The Discussion Document is not directly concerned with the RMA or EEZ Act frameworks, but rather their potential intersection with a bespoke feasibility/commercial permitting regime.
40. The relationship between feasibility/commercial permitting and environmental permitting is a particularly important aspect of a robust legal framework for offshore wind. Some aspects of this have been touched on above (eg the need for a threshold test at the feasibility/commercial permitting stage).

Procedural alignment

41. We acknowledge that efficient decision-making is valuable. The imperative to deploy renewable generation and urgently progress decarbonisation of the economy makes this even more important. However, we agree with the Discussion Document that commercial permits should *not* be folded into environmentally focused permitting under the RMA and EEZ Act. The latter needs a separate, more focused framework based on an environmental purpose.

42. Nor should environmental permitting be “carved out” of the RMA and EEZ Act and placed in a bespoke act dealing just with offshore wind deployment. To do so risks environmental tests being watered down and creating boundary issues, as we have seen in other “carve out” legislation like the Fisheries Act and the Urban Development Act.
43. A dual permitting process is therefore appropriate, not dissimilar to the model applying to mining under the Crown Minerals Act and RMA (or Continental Shelf Act and EEZ Act).
44. The order in which different permits can (or must) be obtained requires clarity. We are continuing to give thought to this question as part of our own policy work, and the Discussion Document sensibly traverses the pros and cons of different options.
45. If proponents could obtain relevant RMA and EEZ Act consents prior to a comparative assessment of competing proposals at the commercial permit stage, this could waste time and resources in complex legal processes. The Environment Court is unlikely to look fondly on a situation in which two applications are being assessed for the same resource (coastal space) and yet the Court is unable to determine which one to prioritise given that decision needs to be taken under a separate legal framework.
46. Again, however, the granting of a commercial permit should give no assurance that a subsequent environmental permit will be obtained.
47. While separate commercial and environmental processes are appropriate, a one-stop shop model for multiple *environmental* permits (eg where required under both the RMA and EEZ Act, and potentially other acts) is desirable. This would provide a clear pathway for public engagement with a whole proposal, as well as a single process for applicants under multiple environmental statutes.
48. In particular, offshore wind is likely to test cross-boundary activity provisions in the EEZ Act more than other marine activities have thus far. The EEZ Act already provides for procedural alignment of decision-making where activities span the 12 nautical mile boundary between territorial sea and EEZ.
49. To support procedural alignment, there may well be merit in *requiring* offshore wind in the coastal marine area (ie under RMA jurisdiction) to be called in and decided by a single board of inquiry that determines both RMA and EEZ Act permits at the same time (where both are required). We agree with the reasoning of the Discussion Document.
50. Appeal rights should be made available for decisions on offshore wind consenting, but we see potential for a degree of fast-tracking (building on Covid-19 fast track consenting legislation, which in modified form is provided for under the Natural and Built Environment Act already).
51. Careful procedural alignment with the granting of permission rights from customary marine title holders under the Marine and Coastal Area (Takutai Moana) Act will also be required, including where the process for recognition of those rights is underway but not yet complete. There may be a case for this to be addressed more strategically at an earlier stage.
52. From a procedural perspective, we note that the RMA already provides for a competitive process to occur when it comes to securing exclusive rights to apply for occupation of the coastal marine area. This framework will need to be reconciled with any competitive commercial

permitting process (also concerned with exclusive rights to use an area); it would be anomalous if one operator/activity could obtain exclusive occupation rights over an area under the RMA and another obtain an exclusive commercial right under separate legislation.

53. This has not been a significant issue in the past, given that the predominant uses of the marine environment involving additional permitting process outside the RMA have been oil and gas (requiring only a small footprint) and fishing (where occupation is not required), neither of which involve the exclusion of other activities from substantial areas.
54. Offshore wind has a much larger project footprint, and therefore a more difficult interface with coastal occupation. As novel uses of the marine environment proliferate and competition for space increases, a more certain and strategic pathway may be needed to determine who has the right to use marine space (ie whether the RMA or separate legislation is the right place to compare projects and determine which one is “better”).³
55. We note also that the Natural and Built Environment Act is not *just* about assessing the acceptability of environmental effects; it is also about promoting positive outcomes and being more proactive about the ground upon which non-private resources are allocated (equity, sustainability and efficiency). Thus the following statement in the Discussion Document is not *entirely* true:⁴

“Environmental consenting processes – intended to promote sustainable management of natural and physical resources and consider environmental effects. This will include, among other things, consideration of the impacts of activities related to offshore renewable development on biological diversity such as ecosystems, habitats and ecological corridors.”

Substantive alignment

56. Despite the potential for procedural alignment, it remains that the two main environmental legal frameworks (RMA and EEZ Act) are still quite different, and will require two different decisions based on distinct legal tests. For example, the Acts’ purposes, their approach to precaution, and interpretation of the Tiriti o Waitangi clauses are quite different. Thus, even if there were to be a single, aligned *process* for environmental permitting, it would seem anomalous if completely different decisions (at the most extreme, to grant and decline consent) were reached on either side of an arbitrary line drawn across the ocean.
57. This suggests the need to develop closely aligned policy and regulatory instruments under both Acts and not just alignment of permitting processes (eg timeframes, decision-makers, appeal rights etc).
58. The EEZ Act does not have any policy instruments, despite provision having been made in the Act for their creation, so consenting decisions there will be operating in something of a normative vacuum at present. The RMA also does not have national policy instruments or national environmental standards specifically directed at offshore wind and its effects, only

³ A similar issue arises in the context of marine carbon capture and storage, where competition for the use of subsurface oil and gas formations (pore space) is not just between competing oil and gas proponents, but also between two completely different kinds of use. This means that, conceivably, an oil and gas proponent could obtain exclusive rights to the petroleum under the Crown Minerals Act, but a carbon capture and storage proponent could obtain exclusive rights to occupy that subsurface space under the RMA (potentially meaning that, in practice, neither could proceed).

⁴ Discussion Document at 38.

general policies concerning renewable energy in the coastal environment. To the extent that consistent regulatory and policy provisions could be created under both frameworks, this would assist in making sure that decisions aligned in a substantive sense. It would also make less significant the issue of whether RMA consents should be required where an operation physically located only outside the territorial sea has impacts (eg landscape/amenity, construction sediment impacts) within it.

Broader comments on environmental management of offshore wind

59. The Discussion Document is concerned primarily with the feasibility and commercial permitting aspects of offshore wind, where a new framework is required. However, a much broader legal and policy framework for offshore wind and its environmental impacts requires attention and needs to be thought about holistically. This is referred to in the Discussion Document:⁵

“The New Zealand Coastal Policy Statement contains directive policy language with ‘avoid’ policies in relation to specific indigenous biodiversity, outstanding natural character and outstanding features and landscapes in the coastal environment (which includes the Territorial Sea). As interpreted by the courts, this strong directive language overrides weaker less specific language in other instruments, such as the National Policy Statement for Renewable Electricity Generation, making it harder for renewable electricity projects to obtain consent.

The Ministry for the Environment and MBIE recently concluded consultation on new National Policy Statements for Renewable Energy Generation and Electricity Transmission. The proposals seek to strengthen the national policy direction for Renewable Energy Generation and Electricity Transmission to enable New Zealand to significantly increase our renewable electricity generation capability. Views were also sought on the extent to which the New Zealand Coastal Policy Statement poses challenges for consenting onshore renewable energy projects. MBIE and the Ministry for the Environment will assess these submissions to consider what amendments, if any, are desirable to the two National Policy Statements.”

60. We are becoming increasingly concerned that policies enabling renewable electricity generation (which encompass offshore wind) are overriding environmental protections already in existence. This is inconsistent with one of the three key policy objectives for the work programme stated in the Discussion Document: to recognise existing environmental protections.

61. In particular, the New Zealand Coastal Policy Statement (**NZCPS**) already has an appropriate degree of protection in its “avoid” policies. While the NZCPS provides protection, it has not prevented development of important infrastructure, and should not be seen as a barrier to be weakened or removed (or carved out for renewable electricity specifically). For example, Mercury Energy’s 31 turbine Waipipi wind farm in South Taranaki (at least part of which is in the coastal environment and subject to the NZCPS) proceeded and has been operational for some time. There is no rationale for weakening the NZCPS.

62. We encourage you to read the recent Supreme Court decision in *Port Otago v Environmental Defence Society*⁶, which went into detail about the weighting of various competing policies in the NZCPS.

⁵ Discussion Document at 42.

⁶ *Port Otago Limited v Environmental Defence Society Incorporated* [2023] NZSC 112.

63. Proposals to include much stronger enabling policies in a new NPS for Renewable Electricity Generation are also concerning, given the potential for these to be weighed up against protective policies (notably in the NZCPS). We refer you to our May 2023 submission on *“Strengthening national direction on renewable electricity generation and electricity transmission”*, a consultation document prepared by the Ministry of Business, Innovation & Employment and the Ministry for the Environment. There, we noted the following (among other things):⁷

“... the proposed changes to this national direction are not “balanced”, essentially pitting (and favouring) climate mitigation against biodiversity and landscape protection in the event of conflict, and therefore not at all consistent with a synergistic, ‘win-win’ approach. To this effect, whilst the draft amendments expressly recognise the benefits of REG (clause 3.2), they do “not explicitly provide for environmental co-benefits.” Indeed, the proposed changes focus exclusively and expressly on realising “[t]he benefits of increasing REG at any scale”.

In its assessment of the proposed changes in relation to environmental outcomes - one of the criteria for which asks “Will the option provide environmental co-benefits?” – the Consultation Document justifies this exclusion on the basis that:

- (a) “it does not preclude this to occur in practice through design, consenting, environmental management and implementation” (emphasis added); and*
- (b) “[t]he proposal provides for positive environmental outcomes with respect to reducing emissions which will benefit the natural environment over time.” It suggests that “REG is a key means of mitigating the adverse effects on [significant environment values] caused by climate change.”*

In other words, REG projects with adverse effects on significant environment values now are defensible on the basis that they will reduce adverse effects caused by climate change. The Consultation Document suggests that, under the status quo (pursuant to which it is suggested that protection of the natural environment is a barrier to new REG), Aotearoa New Zealand will not secure additional REG capacity at the scale and speed necessary to meet our emissions reduction targets.

However, we note that large scale solar and wind farms are being consented under the status quo, including recently the country’s largest solar⁸ and wind⁹ farms... [and] The assertion that REG activities cannot avoid areas with significant environment values is based on incomplete information and is, therefore, premature. The Consultation Document’s Impact Assessment acknowledges that:

“there is ... currently insufficient spatial analysis on the extent to which areas protected by section 6 matters present resource/geographic barriers for future REG and ET development. In the near term, it may be possible for new REG projects to avoid these areas once further spatial analysis has been completed to complement regional spatial strategies and natural and built environment plans under the new RM system. ... We have initiated this task and are working to improve evidence on spatial constraints to inform how the consenting environment can be improved. Due

⁷ Environmental Defence Society *Submission on “Strengthening National Direction on Renewable Electricity Generation and Electricity Submission”* (May 2023) at 3.3-3.4.

⁸ <https://www.stuff.co.nz/environment/300735444/green-light-to-create-new-zealands-largest-solar-farm-with-900000-panels>

⁹ <https://www.nzherald.co.nz/business/mercury-flicks-the-switch-on-nzs-biggest-wind-farm/YJQU2YEQZRHRRAIDZCAMBCNOA/>

to these uncertainties, it is difficult to determine with high levels of confidence whether the proposals sufficiently balance the imperative to increase REG output with the protective policies provided by the NPS FM, the proposed NPS IB and the NZCPS.”

64. In summary, we do not see existing environmental protections in RMA instruments as being a barrier to the deployment of offshore wind. Weakening them will risk the climate and environmental synergies that as a country we need to be pursuing, and which makes offshore wind an attractive opportunity.

Concluding comments

65. Overall, EDS is supportive of a framework that seeks to decarbonise Aotearoa New Zealand’s electricity sector. Offshore wind will no doubt be an important part of that. It also has significant potential to avoid environmental impacts associated with wind generation onshore.

66. However, offshore wind still has potentially significant environmental impacts. This does not mean it should be rejected. But it does mean that existing safeguards need to be retained rather than be removed or watered down.

67. Most of those issues need to be resolved in environmental frameworks beyond the scope of the current Discussion Document. However, we see significant opportunities for the feasibility and commercial permitting stages of a project to improve environmental outcomes while also enabling the climate and socio-economic benefits of wind generation.

68. EDS intends to take a continuing interest, through our research programme, in the evolution of policy and law to better enable offshore wind and other renewable technologies.