

National Policy Statement for Indigenous Biodiversity – Exposure Draft

NZ Wind Energy Association Submission

July 2022



Ministry for the Environment

By email: indigenousbiodiversity@mfe.govt.nz

Introduction

1. The New Zealand Wind Energy Association (NZWEA) welcomes the opportunity to provide a submission on the National Policy Statement for Indigenous Biodiversity (NPSIB) Exposure Draft.
2. The Association's purpose is to promote the development of wind as a reliable, sustainable, clean and commercially viable energy source. The NPSIB has direct implications for the development of renewable electricity generation (REG) and the Association therefore also submitted on the earlier version of the draft NPSIB in March 2020.
3. The Association supports efforts to reduce declining trends in indigenous biodiversity and recognises important changes have been made since the 2020 consultation to better enable responsible infrastructure development including REG.
4. NZWEA also recognises the challenge that comes from competing interests such as combating climate change, and reducing its impact on biodiversity, and the broader plan to build a productive, sustainable and inclusive low-emissions economy.
5. In this submission NZWEA's focus is on the effects of the NPSIB on renewable electricity generation and in particular wind energy. History has shown that wind farms do have an impact on indigenous biodiversity but this can be managed through an effects hierarchy. The NPSIB is therefore key to whether New Zealand's ambition to transition the energy sector to renewables is achievable.
6. Overall NZWEA is supportive of the direction the Government is taking in relation to NPSIB and, in particular, the elevation of the effects management hierarchy to a fundamental concept and removing the distinction between SNA types. It will be important that these improvements are retained in the final version of the NPSIB.
7. The Association does have concerns that the NPSIB will unduly restrict the operation and development of renewable electricity generation and has identified a number of suggested amendments to the NPSIB.

Executive Summary

8. The Association supports the imperative to improve management of indigenous biodiversity and the overall stated objective to protect, maintain and restore indigenous biodiversity while providing for the social, economic and cultural wellbeing of people and communities.
9. The relationship between renewable electricity generation and reducing emissions is recognised as is the benefit reducing emissions has on mitigating the impacts of climate change on indigenous biodiversity.

10. NZWEA considers the key challenge is how to meet the NPSIB objective while also enabling responsible renewable electricity development which is required for New Zealand to achieve its emissions reduction and climate change targets.
11. The Association recognises that key changes have been made since the 2020 draft which improve the ability to consent renewables development including improved provisions for activities that are important for wellbeing such as energy infrastructure and simplification of SNA definition by the removal of the need to split into 'high' and 'medium' categories
12. The key areas where the Association considers the NPSIB should be amended are as follows:

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| Improving the alignment of the NPSIB with New Zealand's climate change framework | The Association has suggested several amendments to the objective, policies and clauses to better align the NPSIB with the climate change framework. Amendments include reflecting the threat climate change poses to indigenous biodiversity. |
| Aligning the NPSIB with the importance of enabling the ongoing operation and development of renewable electricity generation | The Exposure draft includes a number of key changes over the 2020 Draft to better support responsible infrastructure development. However there are a number of areas and inconsistencies which will restrict the ability to consent and develop REG. Also there is no recognition of the relationship between the NPS Renewable Electricity Generation and NPS for Electricity Transmission with the NPSIB. |
| Recognition of the specific nature of renewables infrastructure | The NPSIB defines certain types of infrastructure but not renewables and does not appropriately reflect that renewables development is location specific. The introduction of the effects management hierarchy is welcome but clauses such as 3.11(2)(c) requiring no practicable alternate location for the new use or development represent an unrealistic test for electricity generators. |
| Consistency of approach to the management of effects | As noted, the introduction of the effects management hierarchy (EMH) is welcome. The Association considers that there are areas where the consistency of application of the EMH could be improved in the NPSIB including adding the use of the hierarchy as a new policy in section 2.2. |
| Biodiversity offset requirement to achieve a measurable net gain is unrealistic | While achieving a measurable gain is preferable it should not represent the minimum requirement as a nationally significant project may well be justified on a no net loss basis. |
| Mandatory compliance with the principles for offsetting (appendix 3) and compensation (appendix 4) be amended. | Guidance and the principles in general are useful to assist decision makers. However, the 'must be complied with' in addition to other restrictions such as 'sequentially exhausted' represent a significant barrier to development. The Association considers more flexibility should be provided to decision makers to enable a consenting pathway that works in practice. |
| Enabling existing activities | The Association recognises the provision for existing activities in the Exposure Draft however considers the wording should be revised to ensure that the operating and maintaining of renewable generation can be practically undertaken. |

Specific Comments

13. Specific comments on the NPSIB are as follows:

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| 1.4 Relationship with New Zealand Coastal Policy Statement | <p>The Association questions why only the Coastal Policy Statement is referenced given the importance of renewable electricity generation and transmission.</p> <p>The importance of REG to reducing emissions to mitigate the impact of climate change is unquestioned as is the impact of climate change on biodiversity. The Association questions why the NPS Renewable Electricity Generation and NPS for Electricity Transmission are also not referenced.</p> |
| 1.5(3) Fundamental Concepts – Maintenance of indigenous biodiversity | <p>The use of the term ‘at least no reduction’ represents a bottom line in relation to each of the identified areas of biodiversity. It would be preferable to reference the effects management hierarchy and the overall concept of no net reduction.</p> |
| 1.5(4) Fundamental Concepts – Effects management hierarchy | <p>The Association considers the use of ‘demonstrably’ unnecessary and ensures consistency with the NPSFM.</p> |
| 1.6(1)(b) Interpretation – biodiversity offset | <p>The Association considers the baseline should be no net loss but preferably a net gain.</p> |
| 1.6(1)(b) Interpretation – existing activity | <p>The definition would benefit from including operational and maintenance activities in relation to infrastructure such as renewable electricity generation.</p> |
| 1.6(1)(b) Interpretation – restoration | <p>The definition of restoration should be limited to matters related to indigenous biodiversity.</p> |
| 2.1 Objective | <p>A further objective should be added that indigenous biodiversity is resilient to the effects of climate change.</p> |
| 2.2 Policies – Policy 4 | <p>Policy 4 should be restated to reflect an action rather than an outcome.</p> |
| 2.2 Policies – Policy 7 | <p>For clarity policy 7 should reference management in accordance with the effects management hierarchy.</p> |
| 2.2 Policies – Policy 9 | <p>The use of ‘certain’ lacks clarity and the intent should be that existing activities are provided for.</p> <p>An amendment or a new policy should be added to recognise the functional and operational needs of specific infrastructure when managing indigenous biodiversity.</p> |
| 2.2 Policies – new policy | <p>The Association considers a new policy should be added to specifically reference the use of the effects management hierarchy when considering the adverse effects of new infrastructure on an SNA.</p> |
| 3.4 Integrated approach | <p>Express reference to other national direction instruments should be added to ensure appropriate guidance is provided.</p> |
| 3.6 Resilience to climate change | <p>The importance of activities that reduce the impacts of climate change should be recognised and included in guidance to local authorities when considering resilience to climate change. This would include renewable electricity development which reduces greenhouse gas emissions.</p> |
| 3.7 Precautionary approach | <p>Guidance should be provided to support an adaptive management approach.</p> |
| 3.11(2) Exceptions to clause 3.10 | <p>The Association notes mineral extraction and aggregate extraction are specifically identified yet renewable electricity generation, which is essential to reducing emissions, is included with specific infrastructure (2)(a)(i).</p> <p>NZWEA also notes that while (2)(c) may apply to certain infrastructure it represents an unachievable standard for renewable generation</p> |

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| | <p>activities.</p> <p>NZWEA considers the section should be reviewed to reflect the importance of renewable electricity generation and include adding a reference to the application of the effects management hierarchy.</p> |
| 3.15 Existing activities affecting SNAs | The Association recognises the intent of the section to support existing activities however the requirement to identify all existing activities is unrealistic. NZWEA considers the wording should be amended so that existing activities can continue provided they are the same or similar in intensity as currently undertaken. |
| 3.20 Specified highly mobile fauna | Highly mobile fauna has significant implications for wind farm owners. In identifying highly mobile fauna areas the Association considers it important to provide a clear and robust approach including appropriate territorial authorities, landowners and community involvement. |
| Appendix 3: Principles for biodiversity offsetting – principle 1 | For consistency principle 1 should be altered to reflect the biodiversity offsetting definition in section 1.6 Interpretation. |
| Appendix 3: Principles for biodiversity offsetting – principle 3 | While achieving a measurable gain is preferable it should not represent the minimum requirement as a nationally significant project may well be justified on a no net loss basis. |
| Appendix 4: Principles for biodiversity compensation – principle 1 | For consistency principle 1 should be altered to reflect the biodiversity compensation definition in section 1.6 Interpretation. |
| Appendix 4: Principles for biodiversity compensation – principle 2 | The biodiversity compensation principle should be simplified to not appropriate where biodiversity values are so significant that they are not able to be compensated for. |
| Appendix 3 and 4 | The Association has concerns that REG developments will not be able to comply with the offsetting and compensation principles in appendix 3 and 4 and recommends 'must be complied with' be amended to 'important factors to be considered' or similar. |

About the NZ Wind Energy Association (NZWEA)

- The NZWEA is an industry association that promotes the development of wind as a reliable, sustainable, clean and commercially viable energy source
- We aim to fairly represent wind energy to the public, Government and energy sector
- Our members are involved in the wind energy sector and include electricity generators, wind farm developers, lines companies, turbine manufacturers, consulting organisations and other providers of services to the wind sector
- By being a member of NZWEA you are assisting the development of wind energy in New Zealand and helping to reduce our greenhouse gas emissions to meet climate change targets.

The Association's strategy focuses on three key areas:

- Leveraging NZ's emission reduction imperative to enable the energy transition to renewables, particularly wind energy.
- Optimising wind energy's position and ensure the regulatory environment supports wind farm development.
- Expanding the opportunity for wind energy development to enable community and industrial projects including wind's integration with other technologies.

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