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Proposed National Policy Statement for Indigenous Biodiversity – submission from Genesis

1. Introduction

Genesis Energy Limited (**Genesis**) welcomes the opportunity to submit on the *Draft National Policy Statement for Indigenous Biodiversity (proposed NPSIB)* and the *Discussion document on a proposed National Policy Statement for Indigenous Biodiversity (Discussion Document)*.

Genesis supports initiatives to improve the management of indigenous biodiversity in New Zealand. We acknowledge the role our indigenous biodiversity plays within a healthy ecosystem, and its important contribution to our way of life.

As noted in the Discussion Document, there is increasing threat to New Zealand's indigenous biodiversity resulting from climate change impacts. The Government has agreed a framework that drives climate change policy towards low greenhouse gas emissions and climate resilience in New Zealand. This framework supports New Zealand's international commitments under the Paris Agreement, including the target of reducing emissions by 11% below 1990 levels by 2030. By 2050, the aim is to reduce New Zealand's greenhouse gas emissions to net zero.

It is widely accepted that renewable electricity generation and electrification will play a crucial role in decarbonising New Zealand's economy. Renewable sources provided 84% of New Zealand's electricity in 2018, mostly hydro, geothermal and wind¹. The National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**) has outlined New Zealand's strategic target that 90% of electricity generated in New Zealand should be derived from renewable energy sources by 2025². In addition, the Government has a further aspirational goal for a 100% renewable system by 2035. The protection of

¹ Ministry of Business, Innovation and Employment (December 2019). *Discussion Document – Accelerating renewable energy and energy efficiency*. Part B: Accelerating renewable electricity generation and infrastructure. Page 50. Available at: <https://www.mbie.govt.nz/have-your-say/accelerating-renewable-energy-and-energy-efficiency/>

² Based on delivered electricity in an average hydrological year.

existing renewable electricity generation assets is therefore critical, in conjunction with large scale investment in generation capacity (including large long-term storage solutions and/or non-weather dependent generation), to ensure security of supply to meet both a growing demand, and during period of high demand or calm/dry conditions.

Genesis generates electricity from a diverse portfolio of thermal and renewable assets across New Zealand. Our electricity generation facilities have been through robust resource consenting processes and operate under a comprehensive suite of resource consents and approvals. As our ability to generate electricity relies on the capacity to continue operation within the natural environment, including remote areas for renewable generation, we have a significant interest in the management of indigenous biodiversity.

In general, Genesis does not dispute the importance of appropriate policies to carefully manage New Zealand's natural and physical environment. However, Genesis considers the proposed NPSIB would have significant consequence for existing and future electricity generation activities, including adverse impacts on generation capacity, output and flexibility. Any reduction of current or potential renewable electricity generation would imperil the country's renewable energy targets, and the transition towards a low carbon economy. In addition, the proposed NPSIB creates risks to New Zealand's continued ability to access secure, affordable and reliable energy into the future. The Government must decide the importance of addressing climate change and its effects and, if it is important, then enable appropriate renewable generation, and supporting activities, to play their role.

Genesis has the following fundamental concerns regarding the proposed NPSIB:

- **The bar is set too low:** The proposed NPSIB requires the identification of significant natural areas (**SNAs**) and classification of their value as either 'high' or 'medium'. Expert ecologists have advised that most areas of indigenous vegetation, and also exotic vegetation that provides habitat for at-risk indigenous species, will qualify as SNAs, and most will also be rated as 'high' value. Using the word 'significance' assumes that the areas identified are of an importance and/or value greater than that which commonly occurs. In this case it is a misnomer and the low threshold for qualifying as a 'high' value SNA will have a material impact on the operation and development of renewable electricity generation assets, which are often located in remote areas. This is because the proposed NPSIB adopts an avoidance policy for high value SNAs, which seeks the ultimate protection of indigenous biodiversity by preventing adverse effects, and for medium value SNAs a requirement to maintain, improve, and restore indigenous biodiversity. Put simply, it is often not possible for significant infrastructure to avoid effects on SNAs when they are categorised to such a low bar, nor is it always appropriate to do so when other positive effects of an activity are also considered.
- **The issue is wrong:** The proposed NPSIB focuses on loss of land cover and its effects on indigenous biodiversity. There is no doubt that historically the loss of land cover has resulted in a significant reduction of natural habitat. However, Genesis' expert ecologist advice is that presently the critical issues facing indigenous biodiversity in New Zealand are predators, pests and weeds, and increasing, climate change impacts. These critical issues can actually be positively addressed through developments and activities which may protect existing environments, reduce climate change emissions and control pest and weed species. Excluding the ability for this to occur will ironically cement in the status quo and adversely affect the long-term protection of indigenous biodiversity.

- **Lack of recognition of people:** Genesis notes that the proposed NPSIB has forgotten about, and side-lined, the people. In Genesis' submission sustainable management requires recognition of all section 5 matters and people and communities are fundamental to managing indigenous biodiversity. Objective 6 uses the word "recognise" which is the weakest of the available verbs and does not require any positive action (compare that to Objective 5). That may be why there are no policies (beyond cultural ones) to implement Objective 6. In Genesis' submission, good planning, and the importance of the issue, require such policies. Genesis is concerned that not a single question is asked of Part 3.7 in the discussion document which relates to social, economic and cultural wellbeing. This reflects the lack of interest in those matters throughout the proposed NPSIB.
- **Lack of national level alignment:** The proposed NPSIB does not align with other national level policies, including the NPSREG. The lack of alignment creates conflicting policy directions, resulting in inconsistencies in implementation by consent authorities, and potentially limits the achievement of outcomes sought by the national guidance. This will increase arguments, reduce certainty and significantly increase costs. As mentioned, the Government needs to identify the importance of addressing climate change and its effects and respond accordingly in its national guidance. The present framework will likely have a negative effect on renewable energy development, including the continued operation and maintenance of existing renewable generation.
- **Failure to appropriately provide for, and recognise the benefits of, nationally, and regionally, significant infrastructure:** Genesis considers that the proposed NPSIB as presently worded fails to appropriately provide for nationally significant infrastructure nor to capture the benefits such infrastructure can create for indigenous biodiversity, including renewable electricity generation infrastructure, which is critical towards decarbonising New Zealand's energy economy and towards New Zealand's climate change targets. Further, there is no recognition of regionally significant infrastructure. Genesis considers that regional infrastructure is critical to support New Zealand's social, economic and cultural wellbeing and health and safety.
- **Changes to provisions "agreed" by the Biodiversity Collaborative Group:** Genesis accepts that the Government can make changes to the collaborative group's report (and that some matters were not agreed). However, Genesis notes this has the potential to significantly undermine the collaborative approach, and the future investment in it, when agreed provisions are changed. The collaborative process ran for over 18 months and took significant effort and investment from all involved. The report noted the failure of previous attempts and that all parties had negotiated and compromised to reach agreement on a pragmatic package. The proposed NPSIB has resulted in that being unwound.
- **Effects management hierarchy is inconsistent with the RMA:** The proposed "effects management hierarchy" as presently defined is inconsistent with the purpose of the RMA, which is sustainable management, as no hierarchy is set in the RMA between the use, development and protection of resources. The issue is the use of the words "where possible" and the current very strict interpretation of words being adopted by the Courts. It is always possible to avoid an effect by not doing the activity. It may however not be practical to do so. In addition, it would be remiss to lock out the ability to consider the proven positive track record of compensation. The proposed "effects management hierarchy" as drafted will significantly hamper the delivery of

projects where a wider social benefit or positive effects will be provided, even if these projects are appropriately managing adverse effects as required under the RMA.

- **Administrative duplication and uncertainty:** The proposed introduction of a new Assessment of Environmental Effects (**AEE**) process for assessing indigenous biodiversity, and adopting the same effects management hierarchy to manage areas outside of an identified SNA (i.e. indigenous biodiversity that is not identified to be significant) is inconsistent with the RMA and unnecessary. While Genesis supports mapping and regularly updating SNAs, each consent process will still have to assess whether the proposed activity affects indigenous biodiversity. The requirement for case by case assessments and the likelihood that many activities will require an ecological assessment will add extra time and cost to many consent processes.

Without limiting the above general comments, this submission is provided in two parts:

- Part A contains our responses to the specific consultation questions.
- Part B contains the detailed amendments that Genesis considers to be necessary to achieve long-term sustainable outcomes.

Appended to the submission is:

- Appendix A: summary of Genesis' generation assets and operations

2. Further information

Genesis welcomes further engagement with the Ministry to discuss our comments in more detail. Similarly, if the Ministry has any queries, please contact Karen Sky, Group Manager Environment Community, by email: Karen.Sky@genesisenergy.co.nz or by phone: 09 951 9104.

Yours sincerely



Nigel Clark
**Executive General Manager Wholesale Operations & Kupe Joint Venture
Genesis Energy Limited**

Part A – Response to Consultation Questions

Question	Comment
Introduction section: Overview of the National Policy Statement for Indigenous Biodiversity (pages 10-22)	
1	<p>Do you agree a National Policy Statement for Indigenous Biodiversity (NPSIB) is needed to strengthen requirements for protecting our native plants, animals and ecosystems under the Resource Management Act 1991 (RMA)? Yes/no? Why/why not?</p>
2	<p>The scope of the proposed NPSIB focuses on the terrestrial environment and the restoration and enhancement of wetlands. Do you think there is a role for the NPSIB within coastal marine and freshwater environments? Yes/no why/why not?</p>

Question	Comment
<p>3 Do you agree with the objectives of the proposed NPSIB? Yes/no? Why/why not? (see Part 2.1 of the proposed NPSIB)?</p>	<p>Whilst Genesis recognises the importance of appropriate policies to carefully manage New Zealand’s natural and physical environment, we do not consider the objectives contained in Part 2.1 and the subsequent policies contained in Part 2.2 of the proposed NPSIB are consistent with the sustainable management purpose of the RMA.</p> <p>In particular, Genesis is concerned that the absolute environmental protection objectives and policies do not target the actual cause of continued indigenous biodiversity decline; nor do they sufficiently enable people and communities to provide for their social, economic, and cultural wellbeing.</p> <p>As identified by the Discussion Document, and further to expert ecologist advice received by Genesis, whilst a significant level of indigenous biodiversity decline 20 to 30 years ago can be attributed to land clearing activities, such decline has dramatically reduced. In recent decades, indigenous biodiversity decline is more seriously attributed to predators, pests, and invasive weed (New Zealand Biodiversity Strategy 2000-2020, 2019), and the increasing threat from climate change impacts.</p> <p>Genesis is concerned the proposed objectives and policies remain primarily focused on regulating (and restricting) land use activities, and particularly those activities requiring authorisation under the RMA. Notwithstanding that proposed Objectives 1 to 5 are focused on the protection and restoration of indigenous biodiversity, Objective 6 only seeks to <u>recognise the role</u> of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity. That is the weakest of the available verbs and does not require any positive action. Genesis considers this approach does not address the actual causes of ongoing indigenous biodiversity decline, and wrongly shifts focus to restrict activities on a limited group of landowners and consent holders.</p> <p>The implication of the proposed NPSIB on the ongoing and future operation of renewable electricity generation is likely to be significant. Based on expert ecologist advice, we understand the proposed NPSIB will result in</p>

Question		Comment
		<p>most areas of indigenous vegetation, and exotic vegetation providing habitat for at-risk species, qualifying as high value SNAs. Adverse effects must be avoided in these areas.</p> <p>Genesis considers amendments are required to the proposed objectives and policies to better reflect the sustainable management purpose of the RMA, and the proposed NPSIB must enable people and communities to provide for their social, economic and cultural wellbeing while managing any actual and/or potential adverse effect on indigenous biodiversity. In addition, provision for other non-regulatory methods (such as education, incentives, and funding mechanisms) to target indigenous biodiversity decline caused by predator, pest and weed should also be included in any proposed NPSIB.</p>
Section A: Recognising te ao Maori and the principles of the Treaty of Waitangi (pages 23-30)		
4	Hutia te Rito recognises that the health and wellbeing of nature is vital to our own health and wellbeing. This will be the underlying concept of the proposed NPSIB. Do you agree? Yes/no? Why/why not?	No further comments.
5	Does the proposed NPSIB provide enough information on Hutia te Rito and how it should be implemented? Yes/no. Is there anything else that should be added to reflect te ao Māori in managing Indigenous Biodiversity?	No further comments.
6	Do you think the proposed NPSIB appropriately takes into account the principles of the Treaty of Waitangi? Yes/no? Why/why not?	No further comments.
7	What opportunities and challenges do you see for the way in which councils would be required to work with tangata whenua when managing indigenous biodiversity? What information and resources would support the enhanced role of tangata whenua in indigenous biodiversity management? Please explain.	No further comments.

Question		Comment
8	Local authorities will need to consider opportunities for tangata whenua to exercise kaitiakitanga over indigenous biodiversity, including by allowing for sustainable customary use of indigenous flora. Do you think the proposed NPSIB appropriately provides for customary use? Yes/no, please explain.	No further comments.
9	What specific information, support or resources would help you implement the provisions in this section (section A)?	No further comments.
Section B: Identifying important biodiversity and taonga (pages 31-41)		
10	Territorial authorities will need to identify, map and schedule Significant Natural Areas (SNAs) in partnership with tangata whenua, landowners and communities. What logistical issues do you see with mapping SNAs, and what has been limiting this mapping from happening?	<p>Genesis notes that the proposed NPSIB requires territorial authorities to undertake district wide assessment within a five-year timeframe, however there is no assistance from central Government on funding or resources.</p> <p>Genesis is concerned that significant pressure will be placed on local authorities (which are already under significant pressure) when no support will be provided by central Government. Pressure will also be placed on experienced ecologists in the country to undertake assessments for territorial authorities, whilst providing advice to stakeholders (including tangata whenua, landowners, and communities) and resourcing development specific projects around the country.</p> <p>Lack of funding and resourcing has the potential to completely undermine the outcomes sought through the proposed NPSIB and meaningful support must be included.</p>
11	Of the following three options, who do you think should be responsible for identifying, mapping and scheduling of SNAs? Why? a. territorial authorities b. regional councils c. a collaborative exercise between territorial authorities and regional councils.	<p>Genesis does not have a specific comment on which local authority should be responsible for the identification of SNAs. An undesirable outcome would be if both territorial and regional councils have over-lapping roles creating duplication and uncertainty.</p> <p>However, Genesis considers that the mapping and scheduling of SNAs (once identified), should be included (without amendment) in planning documents at both the regional and local levels to ensure adequate information is</p>

Question		Comment
		available to all interested parties (such as applicants in a resource consent process).
12	Do you consider the ecological significance criteria in Appendix 1 of the proposed NPSIB appropriate for identifying SNAs? Yes/no? Why/why not?	<p>Genesis opposes Appendix 1 of the proposed NPSIB and has serious concerns the proposed NPSIB has departed from the original set of criteria developed by Mr. Mike Harding (with other ecologists' inputs) for the Biodiversity Collaborative Group. Based on advice from expert ecologists, Genesis is concerned that Appendix 1 will have significant implications on the ongoing and future operation of renewable generation facilities.</p> <p>In particular, Genesis understands that proposed Appendix 1 will result in most areas of indigenous vegetation, and exotic vegetation providing habitat for at-risk species, qualifying as high value SNAs. This is because not all attributes refer directly to indigenosity, and if a single attribute has a 'high' rating, the entire feature is considered as a high value SNA. Under Part 3.9(1), the proposed NPSIB requires all adverse effects to be avoided without further regard to the actual and/or potential adverse effects, or consideration to any potential mitigation measures, including options for biodiversity offset and compensation.</p> <p>Genesis considers that the ease with which areas will be classified as high value SNA (particularly without a requirement to ground-truth the classification), and the ultimate avoidance policy, do not reflect the sustainable management purpose of the RMA.</p>
13	Do you agree with the principles and approaches territorial authorities must consider when identifying and mapping SNAs? (see Part 3.8(2) of the proposed NPSIB) Yes/no? Why/why not?	<p>Genesis does not oppose the majority of the principles and approaches included in Part 3.8(2) – our fundamental concern relates to the <u>ease</u> with which areas of indigenous biodiversity will be classified as high value SNAs when following the processes set out in Appendix 1 and Appendix 2 of the proposed NPSIB. Put simply, the bar is set too low. The identified areas are not "significant", rather, they are simply "natural areas".</p> <p>However, Genesis considers that it is important that physical inspection to verify potential SNAs should be made a qualifying principle, particularly</p>

Question		Comment
		<p>when the identification and classification of a high value SNA will lead to an avoidance policy and <u>prevent</u> adverse effects occurring.</p> <p>In this regard, Genesis proposes amendments to Part 3.8(2)(c) in Part 2 of our submission to ensure ground-truthing is required.</p>
14	<p>The NPSIB proposes SNAs are scheduled in a district plan. Which of the following council plans should include SNA schedules? Why?</p> <p>a. regional policy statement</p> <p>b. regional plan</p> <p>c. district plan</p> <p>d. combination.</p>	<p>As outlined in our response to Question 11 above, Genesis considers that mapped SNAs should be included (without alterations) in both the regional and district plans to ensure transparency and availability of information at both the regional and district levels.</p>
15	<p>We have proposed a timeframe of five years for the identification and mapping of SNAs and six years for scheduling SNAs in a district plan. Is this reasonable? Yes/no. What do you think is a reasonable timeframe and why?</p>	<p>Genesis is concerned that the proposed timeframes are likely to place significant pressure on local authorities and technical resources (e.g. specialist ecologists), which has the potential to result in poor quality outcomes. The process will occur across our 61 territorial and 6 unitary councils, each requiring its own specialist team. Some have already done the work but the very low bar in the proposed NPSIB will result in additional work having to occur. The negative impact will also flow on from local authorities to private landowners, interested parties, and stakeholders who will need to participate in the plan change processes, particularly as the proposed NPSIB represents an absolute environmental protection policy and does not adequately provide for people and communities to provide for their social, economic and cultural wellbeing.</p>
16	<p>Do you agree with the proposed approach to the identification and management of taonga species and ecosystems? (see Part 3.14 of the proposed NPSIB) Yes/no? Why/why not?</p>	<p>No further comments.</p>
17	<p>Part 3.15 of the proposed NPSIB requires regional councils and territorial authorities to work together to identify and manage highly</p>	<p>Genesis has a general concern with respect to what constitutes 'highly mobile fauna', and the ability of local authorities to accurately map and</p>

Question	Comment
<p>mobile fauna outside of SNAs. Do you agree with this approach? Yes/no? Why/why not?</p>	<p>manage highly mobile fauna. Significant expense, and highly specialised resources will be required.</p> <p>In particular, whilst a definition for ‘highly mobile fauna’ is included in Part 1.8, there is no guidance provided on whether ‘high mobility’ refers to (for example distance, or speed, or frequency, or something else). Highly mobile, but threatened species could also be locally or seasonally common, such as the New Zealand pipit, long tailed cuckoo, Ngahere gecko, long fin eel, and many invertebrates. It is also evident that many at-risk mobile taxa can occupy a wide range of highly-modified ‘habitats’, including areas such as quarry tailing sites, rubbish dumps, amenity ponds and parks, or derelict buildings. Genesis questions whether Part 3.15 is intended to seek the protection of these ‘habitats’, and if so, whether this is appropriate or feasible and at what cost.</p> <p>Part 3.15 also raises particular concerns for renewable electricity generation and the potential impact highly mobile flighted fauna may have on wind farms. Genesis is not opposed to the principle that habitats for highly mobile fauna should be adequately managed, and protected, as appropriate; our concern relates to the ability for local authorities to appropriately identify highly mobile fauna as required by the proposed NPSIB. For example, in the context of a wind farm development, applicants could spend years to research and map out the flight path of flighted fauna in order to accurately demonstrate that the proposed wind turbine locations will avoid, remedy or mitigate any potential adverse effect. Local authorities are unlikely to have the same level of resource available to undertake this exercise to enable accurate mapping.</p> <p>As a result, Genesis considers the requirement for local authority mapping of highly mobile fauna should be reduced. Instead, objectives and policies to ensure the appropriate management of highly mobile fauna are addressed as part of any development application. Please refer to Part B of our submission where suggested amendments to Part 3.15 are provided.</p>

Question		Comment
18	What specific information, support or resources would help you implement the provisions in this section (section B)?	No further comments.
Section C: Managing adverse effects on biodiversity from activities (pages 42-67)		
19	Do you think the proposed NPSIB provides the appropriate level of protection of SNAs? Yes/no? Why/why not? (see Part 3.9 of the proposed NPSIB)	<p>Genesis consider the proposed NPSIB, not only focuses on the wrong issues but its underlying avoidance policy is overly restrictive and does not represent sustainable management as required by the RMA.</p> <p>Whilst Genesis acknowledges that Part 3.9(2) provides an effects management framework that allows the use or development of nationally significant infrastructure (including renewable electricity generation) to take place within a medium value SNA, the proposed carve out will provide limited relief from the effect of the proposed NPSIB. This is because, as noted in the response to Question 12, the proposed NPSIB will result in most areas of indigenous vegetation, and exotic vegetation that provides habitat for at-risk species, qualifying as SNAs, and most will also be rated as 'high' value. The low threshold to qualifying as 'high' value SNAs, in conjunction with the proposed NPSIB's fundamental concept of avoiding any adverse effect (in order to 'maintain' indigenous biodiversity), creates an environmental protection policy that is disproportionate to addressing the actual and potential adverse effects of activities on indigenous biodiversity. Put simply, it is always possible to avoid an adverse effect by not undertaking the proposed activity.</p> <p>This is inconsistent with the RMA – the RMA's requirement for sustainable management does not dictate the absolute prevention of adverse effects. Rather, the RMA enable activities and the use of resources provided that any actual and/or potential adverse effect are appropriately avoided, remedied or mitigated. Where significant residual adverse effect cannot be avoided or remedied, the RMA provides for the benefits of offset and compensation to be considered as appropriate mitigation measures. This effects management framework of the RMA does not include a hierarchy as outlined in the proposed NPSIB.</p>

Question		Comment
		Genesis therefore considers that the proposed NPSIB will have a significant impact on the operation and development of existing and future renewable electricity generation assets (including supporting and ancillary infrastructure), which are often located in remote areas. The proposed NPSIB will also likely lead to perverse outcomes, such as lost opportunities for positive restoration and enhancement projects (for example, those that are often associated with compensation).
20	Do you agree with the use of the effects management hierarchy as proposed to address adverse effects on indigenous biodiversity instead of the outcomes-based approach recommended by the Biodiversity Collaborative Group? Yes/no? Why/why not?	<p>Genesis strongly opposes the proposed effects management hierarchy as it is inconsistent with the sustainable management purpose of the RMA. As mentioned in the introduction to its submission Genesis is disappointed that the significant efforts and goodwill put into the collaborative group process have been lost through the redrafting of the proposed NPSIB.</p> <p>The RMA requires activities to avoid, remedy, or mitigate adverse effects. It does not establish a hierarchy whereby environmental effects should first be avoided, then if that is not possible, remediated, then mitigated, then offset, then finally compensation is considered (sequentially). In addition, and notwithstanding that the RMA does not set any priority between the use, development and protection of resources, the ability to compensate for effects is enshrined in section 104(1)(ab) of the RMA. In the context of renewable electricity generation activities, the NPSREG also provides for compensation measures to manage residual environmental effects.</p> <p>The benefits of offsetting and compensation can be significant. In the context of indigenous biodiversity management, offsetting benefits have not been thoroughly tested across New Zealand, particularly given that measurable offsets are difficult to utilise, and achieve, in practice. It would be remiss for the effects management hierarchy to be limited to only offsetting, as compensation has a proven positive track record, and has made significant improvements to indigenous biodiversity in general. Genesis can cite numerous examples where environmental compensation measures, such as the Whio (Blue Duck) mitigation project and Project River</p>

Question		Comment
		<p>Recovery, have had (and continue to have) significant positive environmental and ecological outcomes.</p> <p>Case law relating the New Zealand Coastal Policy Statement (NZCPS) indicates that when compared against the enabling policy framework of the NPSREG, decision-makers will typically take a conservative approach and consider the NPSREG as secondary behind a strict avoidance policy framework such as the proposed NPSIB. Genesis has concerns that the application of the avoidance policies and the proposed “effects management hierarchy” will hamper delivery of projects where a wider social benefit or positive effects (such as reducing greenhouse gas emissions) will be provided, even when these are appropriately managing adverse effects (and potentially significant positive benefits) as required by the RMA. Genesis does not dispute the importance of appropriate policies to carefully manage New Zealand’s natural and physical environment, but the proposed blanket environmental protection policies are likely to hinder the continued operation of existing, and the development of new, renewable generation activities. Any loss of generation capacity from renewable sources could be replaced by thermal generation, increasing greenhouse gas emissions, and is counterproductive to achieving New Zealand’s climate change goals.</p> <p>Genesis therefore considers that the outcomes-based approach recommended by the Biodiversity Collaborative Group (Policy 6(b)) better reflects the purpose of the RMA.</p>
21	Are there any other adverse effects that should be added to Part 1.7(4), to be considered within and outside SNAs? Please explain.	No further comments.
22	Do you agree with the distinction between high- and medium-value SNAs as the way to ensure SNAs are protected while providing for new activities? Yes/no/Unclear? Please explain. If no, do you have an alternative suggestion?	Based on the proposed NPSIB as currently drafted, and expert ecological advice received, Genesis considers that it is artificial to classify SNAs as either ‘high’ or ‘medium’ value (based on Appendix 2 of the proposed NPSIB). In particular, as provided in our response to Question 12, the bar for ‘high’ SNAs is set so low that the proposed NPSIB is likely to result in most areas of indigenous vegetation, and exotic vegetation that provides habitat

Question		Comment
		<p>for at-risk species, qualifying as ‘high’ value SNAs, making the ‘medium’ value redundant. Genesis also understands that the classification of ‘high’ or ‘medium’ value is not a common tool used in New Zealand.</p> <p>Genesis considers that it is unnecessary to differentiate the two values. Any areas identified as a SNA (following an appropriate process) should be truly significant and then managed as such against the effects management framework under the RMA. In particular, this means adverse effects are avoided, remedied, or mitigated, which may include an assessment of positive effects offered from an offset and/or compensation method to address any significant residual adverse effect.</p>
23	Do you agree with the new activities the proposed NPSIB provides for and the parameters within which they are provided for? (see Part 3.9(2)-(4) of the proposed NPSIB) Yes/no? Why/why not?	Further to our comment to Question 22 above, Genesis considers Part 3.9(2) does not adequately provide for nationally significant infrastructure, including nationally significant renewable and thermal electricity generation, and all ancillary infrastructure. This is discussed further in Question 24.
24	Do you agree with the proposed definition for nationally significant infrastructure? Yes/no? Why/why not?	<p>In general, Genesis supports the inclusion of renewable electricity generation facilities in the definition of nationally significant infrastructure. However, we consider the definition does not adequately provide for ancillary infrastructure such as canals and spillways, nor does it include supporting thermal generation facilities which are equally significant on a national scale to ensure security of electricity supply and affordability, and the nationally significant transmission network that is not part of the national grid.</p> <p>For example, Genesis considers that the Huntly Power Station (thermal plant) is a nationally significant infrastructure as it represents approximately 12.5% of New Zealand’s installed electricity generation capacity, but, as drafted, it is not within the ambit of the definition (despite the gas pipeline that connects to it being included).</p> <p>Genesis therefore proposes amendments to the definition to ensure adequate provision for all aspects of electricity generation and transmission.</p>

Question		Comment
25	Do you agree with the proposed approach to managing significant indigenous biodiversity within plantations forests, including that the specific management responses are dealt with in the NESPF? (see Part 3.10 of the proposed NPSIB) Yes/no? Why/why not?	No further comments.
26	Do you agree with managing existing activities and land uses, including pastoral farming, proposed in Part 3.12 of the proposed NPSIB? Yes/no? Why/why not?	<p>Genesis considers amendments to Part 3.12 are necessary to ensure greater recognition and protection of existing activities (both consented and lawfully existing activities), and activities that are consented but may not have been implemented before the proposed NPSIB comes in force.</p> <p>As currently drafted, Part 3.12(3) provides for existing activities only if (a) the continuation will not lead to loss, including cumulative loss, of an SNA; and (b) adverse effects are not greater in character, intensity or scale. Genesis considers Part 3.12(3) has the potential to adversely impact on renewable energy generation activities. For example, in a hydro-scheme, infrequently used spillways may result in indigenous species being established over time which then have the potential to be classified as a SNA. These spillways are necessary, and must remain available for the continued operation of the hydro-scheme; however, they may result in 'loss' of the terrestrial biodiversity when the spillway is operated.</p> <p>This may be an unintended consequence in the drafting of the proposed NPSIB. Accordingly, Genesis has proposed amendments in Part B of our submission.</p>
27	Does the proposed NPSIB provide the appropriate level of protection for indigenous biodiversity outside SNAs, with enough flexibility to allow other community outcomes to be met? Yes/no? Why/why not?	Genesis considers Part 3.13 of the proposed NPSIB, outlining rules to protect indigenous biodiversity outside SNAs, is overly stringent and is likely to result in a perverse outcome which undermines the protection of indigenous biodiversity. In particular, Part 3.13 requires the protection of non-significant (recognising that the bar as to what is "significant" is set very low) indigenous biodiversity, including the application of the effects management hierarchy, except biodiversity compensation may be offered as an alternative to offset.

Question		Comment
		Notwithstanding the fact that Genesis considers the proposed effects management hierarchy to be inconsistent with the RMA, the RMA already provides sufficient safeguards to address any adverse effects on the environment. Requiring a stringent management framework to effects on any indigenous biodiversity, regardless of whether it is significant, is unlikely to be attainable, will affect development, does not enable people and communities to provide for their social, economic and cultural wellbeing, and could result in perverse outcomes for the management of indigenous vegetation.
28	Do you think it is appropriate to consider both biodiversity offsets and biodiversity compensation (instead of considering them sequentially) for managing adverse effects on indigenous biodiversity outside of SNAs? Yes/no? Why/why not?	<p>Genesis considers that it is appropriate for both biodiversity offsets and compensation to be considered equally valid approaches, rather than sequentially as currently included in the proposed NPSIB.</p> <p>As outlined in section 104(1)(ab) of the RMA, the positive effects offered by environmental offset or compensation must be considered equally by consenting authorities in addressing any adverse effect on the environment.</p> <p>There are few examples of projects in New Zealand that have successfully implemented a strict offset mitigation. In Genesis' experience, more significant environmental outcomes have been achieved where environmental compensation has been utilised (for example the Whio projects relating to the Tongariro Power Scheme, and Project River Recovery in the Waitaki Catchment).</p> <p>Genesis therefore considers that the proposed NPSIB should make greater provision for compensation as a mechanism to address adverse effects which better aligns with the RMA and the NPSREG.</p>
29	Do you think the proposed NPSIB adequately provides for the development of Māori land? Yes/no? Why/why not?	No further comments.
30	Part 3.5 of the proposed NPSIB requires territorial authorities and regional councils to promote the resilience of indigenous biodiversity to climate change. Do you agree with this provision? Yes/no? Why/why not?	Genesis considers that Part 3.5 is very unclear and broad in scope. If it requires assessment of potential future habitat (which is apparent, especially in clause (c)), and the protection of such areas, it will require considerable resourcing, result in significant argument and have a far-

Question		Comment
		<p>reaching effect on use and development while also undermining the protection of existing indigenous biodiversity.</p> <p>Further, the provision fails to reflect the positive benefits renewable electricity generation can have on reducing New Zealand's greenhouse gas emissions and a decarbonised future. This is a missed opportunity to do something positive to reducing our greenhouse gas emissions.</p>
31	<p>Do you think the inclusion of the precautionary approach in the proposed NPSIB is appropriate? (see Part 3.6 of the proposed NPSIB) Yes/no? Why/why not?</p>	<p>Genesis does not consider the precautionary approach, and the proposed NPSIB's underlying avoidance framework, is appropriate, nor does it represent sustainable management under the RMA.</p> <p>The precautionary approach will likely hinder development opportunities and the ability for people and communities to provide for their social, economic and cultural wellbeing. Under the RMA, activities requiring resource consent must go through a robust assessment process to identify any actual and potential adverse effects on the environment. Where adverse effects are identified, the applicant must assess how the effect(s) will be appropriately avoided, remedied or mitigated.</p> <p>Adopting a precautionary approach will not be consistent with the RMA which already provides sufficient safeguards for decision-making to ensure activities do not result in unintended adverse effects – this includes the ability for consent authorities to impose shorter consent durations, adaptive management conditions, monitoring conditions, review of consent conditions, or ultimately decline consents if necessary.</p>
32	<p>What is your preferred option for managing geothermal ecosystems? Please explain.</p> <p>a. Option 1</p> <p>b. Option 2</p> <p>c. Option 3</p> <p>d. Or your alternative option – please provide detail.</p>	<p>No further comments.</p>

Question		Comment
33	We consider geothermal ecosystems to include geothermally influenced habitat, thermo-tolerant fauna (including micro-organisms), and associated indigenous biodiversity. Do you agree? Yes/no? Why/why not?	No further comments.
34	Do you agree with the framework for biodiversity offsets set out in Appendix 3 of the NPSIB? Yes/no? Why/why not?	<p>Based on expert ecologist advice, Genesis understands that the framework for biodiversity offsets as set out in Appendix 3 is generally consistent with currently accepted practice.</p> <p>However, a query is raised on the application of Principle 5 (like-for-like) and Principle 9 (trading up). In particular, it is noted that Principle 9 could not be applied if Principle 5 must be achieved for all effects for which offsetting is required (as noted by the preceding guidance note to Appendix 3, Principles 1-12 must be complied with).</p> <p>Genesis supports the inclusion of Principle 9 and considers its application to generate good outcomes for biodiversity in line with the intentions laid out by the Biodiversity Collaborative Group. Accordingly, a minor amendment is suggested (please refer to Part B of this submission) to ensure the application of Principle 9 is not excluded, such that a 'mixed' offset package can be provided.</p>
35	Do you agree with the framework for biodiversity compensation set out in Appendix 4 of the NPSIB? Yes/no? Why/why not? Include an explanation if you consider the limits on the use of biodiversity compensation set out in Environment Court decision: Oceana Gold (New Zealand) Limited v Otago Regional Council as a better alternative.	<p>Based on expert ecologist advice, Genesis understands that the framework for biodiversity compensation as set out in Appendix 4 is generally consistent with currently accepted practice.</p> <p>However, it is noted that Principle 2(c) which precludes the use of biodiversity compensation if "the effects on indigenous biodiversity are uncertain, unknown or little understood, but the potential effects are significantly adverse". It is considered that this exclusion does not provide for the potential benefits of undertaking research or trials – which by nature are inherently riskier than applying existing proven methods – but nevertheless remain a viable option that may produce positive results.</p> <p>Genesis can point to Project River Recovery (PRR) – a project created in 1991 as part of a compensatory funding agreement for the maintenance and</p>

Question		Comment
		<p>enhancement of indigenous species, ecosystems and habitats in the upper Waitaki Basin braided river and wetland systems. This is a joint effort by the Department of Conservation with compensation funding from Meridian Energy Ltd and Genesis.</p> <p>In the most recent Landcare Research evaluation³, it was found that PRR has undertaken, facilitated, or commissioned substantial research leading to new understanding and improved management actions by the Department of Conservation and other parties. The research and adaptive management from PRR has provided tangible benefits to science, management and species/ecosystem recovery. Most of this would not have been possible, if investment was only allowed in certain/well-established management programmes. Furthermore, it can be argued that the ability to provide assurance around offset programmes (where results must be likely with low uncertainty) is due to programmes such as PRR, which continue to develop methods and techniques that can be confidently applied elsewhere.</p> <p>Genesis therefore considers that precluding the use of compensation will cement the status quo and is also inconsistent with section 104(1)(ab) of the RMA.</p>
36	<p>What level of residual adverse effect do you think biodiversity offsets and biodiversity compensation should apply to?</p> <p>a. More than minor residual adverse effects</p> <p>b. All residual adverse effects</p> <p>c. Other. Please explain.</p>	<p>Genesis considers that biodiversity offset and compensation should only be applied to significant residual adverse effects.</p> <p>The 2014 Department of Conservation Guidance on Good Practice Biodiversity Offsetting in New Zealand (available at https://www.doc.govt.nz/globalassets/documents/our-work/biodiversity-offsets/the-guidance.pdf which draws from the Business and Biodiversity Offsets Programme available at https://www.forest-trends.org/wp-content/uploads/2018/10/The-BBOP-Principles_20181023.pdf) also sets the definition of biodiversity offsetting to apply to significant residual adverse biodiversity impacts.</p>

³ Landcare Research. Innes, J. and Saunders, A. *A mid-term evaluation of Project River Recovery*. October 2012. Prepared for Meridian Energy Ltd, Genesis Energy Ltd and Department of Conservation.

Question		Comment
37	What specific information, support or resources would help you implement the provisions in this section (section C)?	No further comments.
Section D: Restoration and enhancement of biodiversity (pages 68-76)		
38	The proposed NPSIB promotes the restoration and enhancement of three priority areas: degraded SNAs; areas that provide important connectivity or buffering functions; and wetlands. (see Part 3.16 of the proposed NPSIB) Do you agree with these priorities? Yes/no? Why/why not?	Genesis is concerned as to the broad nature of this provision, especially the provision of "former wetlands" which are undefined. Large areas of New Zealand are former wetlands and the clear intent is that in such cases maintenance is not enough, restoration and enhancement is required. Equally, given the low bar for SNAs, degraded SNAs will apply broadly across the country. Many renewable electricity projects have changed the environment in which they are located and the requirement to restore and enhance such areas will come with potentially significant reductions in generation.
39	Do you see any challenges in wetland protection and management being driven through the Government's Action for healthy waterways package while wetland restoration occurs through the NPSIB? Please explain.	Yes – the two packages must work together and avoid repetition and uncertainties.
40	Part 3.17 of the proposed NPSIB requires regional councils to establish a 10 per cent target for urban indigenous vegetation cover and separate indigenous vegetation targets for non-urban areas. Do you agree with this approach? Yes/no? Why/why not?	Genesis has concerns with the general target inclusion for increasing indigenous vegetation cover without adequate assessments completed to understand if the targets are reasonable for the area or achievable. Whilst we understand the use of targets may be necessary and appropriate at times to stimulate action, an untested and unachievable target could have negative consequences of further limiting the ability for landowners (both urban and rural) to enable the effective use of land. This is especially so giving the avoidance policy approach of the proposed NPSIB and the very low bar for the identification of SNAs. In addition, the proposed NPSIB as currently drafted, does not include any policy and/or implementation methods to address the loss of indigenous biodiversity due to pest and weed invasion.

Question		Comment
		Genesis considers an effective regulatory framework for the purpose of maintaining indigenous biodiversity should firstly include actions to address the main reasons for indigenous biodiversity loss (namely pest and weed invasion), followed by a supporting policy framework to promote the increase of indigenous biodiversity cover in appropriate locations.
41	Do you think regional biodiversity strategies should be required under the proposed NPSIB or promoted under the New Zealand Biodiversity Strategy? Please explain.	In general, Genesis considers that mandatory regional biodiversity strategies are not necessary or required once clear national direction (including the proposed NPSIB once adopted) is available. Whilst we understand a large number of regional councils already have regional biodiversity strategies in place, Genesis considers a voluntary system will likely result in better agency and public engagement, rather than any Central Government mandated process. Further, there is already an overload of documents which are often poorly integrated.
42	Do you agree with the proposed principles for regional biodiversity strategies set out in Appendix 5 of the proposed NPSIB? Yes/no? Why/why not?	No further comments.
43	Do you think the proposed regional biodiversity strategy has a role in promoting other outcomes (eg, predator control or preventing the spread of pests and pathogens)? Please explain.	No further comments.
44	Do you agree with the timeframes for initiating and completing the development of a regional biodiversity strategy? (see Part 3.18 of the proposed NPSIB) Yes/no? Why/why not?	No further comments.
45	What specific information, support or resources would help you implement the provisions in this section (section D)?	No further comments.
Section E: Monitoring and implementation (pages 77-88)		
46	Do you agree with the requirement for regional councils to develop a monitoring plan for indigenous biodiversity in its region and each	Genesis does not have specific comments on Part 3.20 as is currently proposed. However, in general, Genesis supports monitoring activities to allow better understanding of indigenous biodiversity, and the effectiveness

Question		Comment
	of its districts, including requirements for what this monitoring plan should contain? (see Part 3.20) Yes/no? Why/why not?	of maintenance measures, within New Zealand as a whole. However, this will require resourcing from the Government.
47	Part 4.1 requires the Ministry for the Environment to undertake an effectiveness review of the proposed NPSIB. Do you agree with the requirements of this effectiveness review? Yes/no? Why/why not?	In general Genesis supports a monitoring and review process by the Ministry for the Environment on the effectiveness of the proposed NPSIB (and for that matter, other NPS documents).
48	Do you agree with the proposed additional information requirements within Assessments of Environment Effects (AEEs) for activities that impact on indigenous biodiversity? (see Part 3.19 of the proposed NPSIB). Yes/no? Why/why not?	Genesis strongly opposes the requirements of Part 3.19. The requirement for an AEE, and the information to be included, are already outlined in Schedule 4(6) of the RMA. Any proposal to introduce separate and different AEE requirements is therefore unnecessary.
49	Which option for implementation of the proposed NPSIB do you prefer? Please explain. a. Implementation as soon as reasonably practicable – SNAs identified and mapped in five years, scheduled and notified in plans in six years. b. Progressive implementation programme – SNAs identified and mapped within seven years, scheduled and notified in plans in eight years.	Genesis does not have a strong preference but notes its comments throughout, and especially in response to Question 15, that meaningful resourcing will be critical to ensuring that the outcomes are robust and sustainable long-term.
50	Do you agree with the implementation timeframes in the proposed NPSIB, including the proposed requirement to refresh SNA schedules in plans every two years? Yes/no? Why/why not?	Genesis does not have strong views on options but the identification of SNAs in plans must be definitive, and resource consent or designation processes should not be used to identify them. Otherwise the reviewing process is an expensive and pointless exercise when it also needs to be repeated by an applicant.
51	Which of the three options to identify and map SNAs on public conservation land (PCL) do you prefer? Please explain. a. Territorial authorities identify and map all SNAs including public conservation land b. Public conservation land deemed as SNAs	Genesis considers the Government should undertake the identification of SNAs on public land. It is only once we know what we have that the issues being faced can be fully identified and effective actions implemented. Just focusing on private (or council) land presents only part of the picture.

Question	Comment
<p>c. No SNAs identified on public conservation land</p> <p>d. Other option.</p>	
<p>52 What do you think of the approach for identifying and mapping SNAs on other public land that is not public conservation land?</p>	<p>No further comments.</p>
<p>53 Part 3.4 requires local authorities to manage indigenous biodiversity and the effects on it of subdivision, use and development, in an integrated way. Do you agree with this provision? Yes/no? Why/why not?</p>	<p>No further comments.</p>
<p>54 If the proposed NPSIB is implemented, then two pieces of national direction – the NZCPS and NPSIB – would apply in the landward-coastal environment. Part 1.6 of the proposed NPSIB states if there is a conflict between instruments the NZCPS prevails. Do you think the proposals in the NPSIB are clear enough for regional councils and territorial authorities to adequately identify and protect SNAs in the landward-coastal environment? Yes/no? Why /why not?</p>	<p>No further comments.</p>
<p>55 The indicative costs and benefits of the proposed NPSIB for landowners, tangata whenua, councils, stakeholders, and central government are set out in Section 32 Report and Cost Benefit Analysis. Do you think these costs and benefits are accurate? Please explain and provide examples of costs/benefits if these proposals will affect you or your work.</p>	<p>Genesis considers that the proposed NPSIB is inconsistent with the RMA and has the potential to significantly affect existing and future electricity generation activities. The proposed NPSIB as currently drafted, will result in extensive areas of high value SNA identified, where adverse effects must be avoided. In addition, the effects management hierarchy locks out the use of biodiversity compensation as a viable option to appropriately mitigate any significant residual adverse effect. Genesis considers that the Section 32 Report and Cost Benefit Analysis have not adequately considered the effect of the proposed NPSIB on other national policy direction and goals, including the NPSREG and New Zealand’s aspiration to have a 100% renewable electricity system. Further, Genesis considers that given its very low bar, and very broad application, the proposed NPSIB will have a negative effect on use and development in New Zealand and ultimately undermine the protection of indigenous biodiversity.</p>

Question		Comment
56	Do you think the proposed NPSIB should include a provision on use of transferable development rights? Yes/no? Why/why not?	No further comments.
57	What specific information, support or resources would help you implement the provisions in this section (section E)?	No further comments.
58	What support in general would you require to implement the proposed NPSIB? Please detail. a. Guidance material b. Technical expertise c. Scientific expertise d. Financial support e. All of above f. Other (please provide details).	No further comments.
Section F: Statutory frameworks (pages 89-93)		
59	Do you think a planning standard is needed to support the consistent implementation of some proposals in the proposed NPSIB? Yes/no? If yes, what specific provisions do you consider are effectively delivered through a planning standard tool?	No further comments.
60	Do you think there are potential areas of tension or confusion between the proposed NPSIB and other national direction? Yes/no? Why/why not?	Genesis considers that the proposed NPSIB conflicts with the NPSREG, and has the potential to significantly impact on the continued operation of existing generation assets, and the development of new renewable generation facilities. Any impact on existing and future renewable generation facilities will likely result in increased greenhouse gas emissions due to the replacement by thermal generation capacity to ensure security of electricity supply is maintained. The NPSREG adopts an enabling policy to facilitate the construction and operation of renewable electricity generation for the purpose of assisting New Zealand in decarbonising its energy economy. When compared against

Question		Comment
		<p>an avoidance policy, such as the proposed NPSIB, consenting authorities typically take a conservative approach. In addition, the proposed 'effects management hierarchy', and limiting access to compensation as a viable mitigation measure, are unproven in achieving a positive outcome, and are likely to hamper delivery of projects where wider social benefits or positive effects will be provided, even when these projects will appropriately manage adverse effects as required by the RMA.</p> <p>Genesis considers the proposed NPSIB is fundamentally inconsistent with the purpose of the RMA where 'sustainable management' does not mean the ultimate avoidance of adverse effects. Genesis does not dispute the importance of appropriate policies to manage New Zealand's natural and physical resource, including indigenous biodiversity. Accordingly, a number of suggested amendments are included in Part B of this submission to provide a balanced approach to the protection and management of both indigenous biodiversity and renewable electricity generation.</p>
61	Do you think it is useful for RMA plans to address activities that exacerbate the spread of pests and diseases threatening biodiversity, in conjunction with appropriate national or regional pest plan rules under the Biosecurity Act 1993? Yes/no? Why/why not?	No. Genesis does not consider it is necessary for RMA plans to replicate existing provisions regulated under other legislation. Simplicity and consistency is required so that the existing provisions can be implemented.

Part B – Detailed Submissions

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
Part 1: Preliminary provisions				
1	Explanatory note to this NPS	Oppose	<p>As detailed in Part A, Genesis considers that there needs to be greater recognition within the proposed NPSIB to address the key threats to current indigenous biodiversity decline. Mainly, threat from predators, pests and weed invasion, and the ongoing threat from climate change.</p> <p>Genesis considers the explanatory note is wrongly focused on effects associated with subdivision, use and development, thus resulting in an inappropriate avoidance policy framework.</p>	Review the explanatory note in its entirety. Genesis is happy to review and comment on any amendments proposed to address this submission point.
2	1.5 Geographical application	Support	As outlined in Genesis’ submission to Question 2 of the Discussion Document (refer Part A), Genesis supports limiting the application of the proposed NPSIB to the terrestrial environment.	Retain Part 1.5 Geographic application as currently drafted.
3	1.7(3) Maintenance of indigenous biodiversity and 1.8 Definition: <i>maintenance</i>	Oppose	<p>Part 1.7(3) proposes the maintenance of indigenous biodiversity to mean ‘no reduction’ to indigenous species in respect of six attributes. In addition, it may also require the restoration or enhancement of ecosystems and habitats.</p> <p>Genesis has serious concerns on Part 1.7(3) being a fundamental concept of the proposed NPSIB. As currently proposed, the loss of a single individual (for example) would mean that biodiversity is not being maintained, due to the reduction of the population size of the particular taxa. The implication of the proposed clause effectively means no effect is allowable on any indigenous biodiversity. In addition, the requirement for restoration or enhancement of ecosystems and habitats is a step above the common</p>	<p>Delete Part 1.7(3) and the associated definition for <i>maintenance</i> in Part 1.8.</p> <p>Alternatively, amend Part 1.7(3) to the following:</p> <p>(3) Maintenance of indigenous biodiversity</p> <p>The maintenance of indigenous biodiversity requires at least no reduction, as from the commencement date, in the <u>sustainable management</u> of the following:</p> <ul style="list-style-type: none"> a) the size of populations of indigenous species: b) indigenous species occupancy across their natural range: c) the properties and function of ecosystems and habitats:

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
			<p>definition of 'maintenance'. As defined by the Oxford Dictionary, 'maintenance' means the act of keeping something in good condition by checking or repairing it regularly. The fundamental concept is therefore inconsistent with the purpose of the RMA, which provides for sustainable management where adverse effects are appropriately avoided, remedied or mitigated.</p> <p>Genesis considers the focus of the proposed NPSIB should be on the sustainable management of viable populations of indigenous species located in sustainable long-term habitats, whilst taking into account of the use and development of natural and physical resources.</p>	<p>d) the full range and extent of ecosystems and habitats: e) connectivity between and buffering around, ecosystems: f) the resilience and adaptability of ecosystems.</p> <p>The maintenance of indigenous biodiversity may also require the restoration or enhancement of ecosystems and habitats.</p>
4	1.8 Definition: <i>biodiversity compensation</i>	Oppose	<p>Genesis considers the focus for compensation should be on "significant residual adverse effects".</p> <p>As outlined in our response to Question 28 (refer Part A), Genesis considers biodiversity compensation should be an equally viable option for the consideration of positive effects, as outlined under section 104(1)(ab) of the RMA.</p>	<p>Amend the definition as follows: biodiversity compensation means a conservation outcome resulting from actions that comply with the principles in Appendix 4 and compensate for <u>significant</u> more than minor residual, adverse biodiversity effects from subdivision, use or development after all appropriate avoidance, remediation, mitigation and biodiversity offset measures have been sequentially applied</p>
5	1.8 Definition: <i>biodiversity offset</i>	Oppose	<p>Similar to biodiversity compensation above, Genesis considers the focus for offset should be on "significant residual adverse effects". This approach is consistent with the policy in several jurisdictions in New Zealand where policies include the use of biodiversity offsets.</p>	<p>Amend the definition as follows: biodiversity offset means a measurable conservation outcome resulting from actions that comply with the principles in Appendix 3 and are designed to:</p> <p>a) compensate for <u>significant residual</u> more than minor residual adverse biodiversity effects arising from subdivision, use or development after appropriate avoidance, remediation and mitigation measures have been sequentially applied; and</p>

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
				b) achieve a no net loss of and preferably a net gain to, indigenous biodiversity values.
6	1.8 Definition: <i>effects management hierarchy</i>	Oppose	<p>Fundamentally, and as outlined in Genesis' comment on Question 20 (refer Part A), Genesis considers the concept of the "effects management hierarchy" should be removed from the proposed NPSIB.</p> <p>Genesis therefore considers this definition should be deleted and provisions in the proposed NPSIB that reference the effects management hierarchy be amended.</p> <p>Where a definition for effects management hierarchy must be retained, amendments must be made to reflect the purpose of the RMA and adverse effects should be assessed on their merits.</p> <p>In particular, the current proposal that adverse effects should be avoided "where possible" does not reflect sustainable management under the RMA as it is always possible to avoid the adverse effect by not undertaking the proposed activity.</p> <p>The opportunity for compensation must also be kept open for realistic consideration in respect of any use and development proposal. Please refer to Genesis' response to Question 28 (refer Part A).</p>	<p>Delete the definition, and amend the proposed NPSIB where the effects management hierarchy is referenced.</p> <p>Alternatively, amend the definition as follows:</p> <p>effects management hierarchy means an approach to managing the adverse effects of subdivision, use and development that requires that –</p> <p>a) adverse effects are avoided where possible <u>to the extent practicable</u>;</p> <p>b) adverse effects that cannot be demonstrably avoided are remedied where possible;</p> <p>c) adverse effects that cannot be demonstrably remedied are mitigated; <u>and</u></p> <p>d) in relation to <u>significant residual</u> adverse effects that cannot be avoided, remedied or mitigated, <u>consideration is given to biodiversity offsetting or biodiversity compensation proposed by an applicant is considered</u>; <u>and</u></p> <p>e) if biodiversity offsetting is not demonstrably achievable for any indigenous biodiversity attribute on which there are residual adverse effects, biodiversity compensation is considered</p>
7	1.8 Definition: <i>existing activity</i>	Oppose	<p>Genesis considered the proposed NPSIB includes sufficient limitations to activities that would ensure biodiversity is not affected by existing use rights. For example, Implementation 3.12 (existing activities in SNAs) requires the effects of the use are the same or similar in character, intensity, or scale. Accordingly, Genesis does not consider it is necessary to</p>	<p>Amend the definition as follows:</p> <p>existing activity, in this National Policy Statement, means a subdivision, use or development that is –</p> <p>a) lawfully established at the commencement date; but</p> <p>b) not a land use covered by section 10 of the Act</p>

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
			explicitly include reference to section 10 of the RMA in this definition.	
8	1.8 Definition: <i>maintenance</i>	Oppose	Please refer to submission point 2 above.	Delete the definition. Alternatively, retain the definition if changes are made to Part 1.7(3) as outlined in our submission point 2 above.
9	1.8 Definition: <i>nationally significant infrastructure</i>	Oppose	As outlined in our response to Question 24 (refer Part A), Genesis supports the inclusion of renewable electricity generation facilities in the definition of nationally significant infrastructure. However, we consider the definition is does not adequately reflect ancillary and supporting infrastructure, or nationally significant transmission network that may not be part of the national grid.	Amend the definition as follows: nationally significant infrastructure means any of the following: a) state highways: b) the national grid electricity transmission network: c) national renewable electricity generation facilities, <u>including their ancillary infrastructure that connect with the national grid:</u> d) major gas or oil pipeline services (such as the pipeline from Marsden Point to Wiri and high-pressure, gas transmission pipelines from Taranaki): e) any railway (as defined in the Railways Act 2005): f) rapid transit: g) airports that have a runway that is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 passenger seats: h) commercial ports (as defined in Part A(6) of Schedule 1 of the Civil Defence Emergency Management Act 2002):
10	1.8 Definition: <i>SNA or significant natural area</i>	Oppose	Genesis does not consider it is appropriate to identify SNA as part of an AEE process. It is inappropriate to apply the policy regime of the proposed NPSIB with its strict approach to the	Amend the definition as follows: SNA or significant natural area , means –

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
			management of effects in significant natural areas (i.e. effects to be avoided), to sites that have not been through a robust First Schedule process under the RMA. There are significant issues around the testing of the validity of an assessment through a consent application.	<p>a) an area identified as an SNA in a district plan or proposed district plan in accordance with clause 3.8;</p> <p>b) an area identified, before the commencement date, in a policy statement or plan or proposed policy statement or plan, as an area of significant indigenous vegetation or significant habitat of indigenous fauna, regardless of whether the area is referred to as a SNA or in any other way; or</p> <p>c) an area identified as an area of significant indigenous vegetation or significant habitat of indigenous fauna as part of an assessment of environmental effects</p>
Part 2: Objectives and policies				
11	2.1 Objective 5	Oppose	As outlined in our response to Question 3 (refer Part A), Genesis considers amendments to the proposed objective are necessary to reflect the sustainable management purpose of the RMA, which enables people and communities to provide for their social, economic and cultural wellbeing whilst appropriately managing any actual and potential adverse effects on the environment.	<p>Amend the objective as follows:</p> <p>Objective 5: to <u>promote opportunities to</u> restore indigenous biodiversity and enhance the ecological integrity of ecosystems:</p>
12	2.1 Objective 6	Oppose	As outlined in our response to Question 3 (refer Part A), Genesis considers amendments to the proposed objective are necessary to reflect the sustainable management purpose of the RMA, which enables people and communities to provide for their social, economic and cultural wellbeing whilst appropriately managing any actual and potential adverse effects on the environment.	<p>Delete the objective and replace with the following:</p> <p>Objective 6: <u>to enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</u></p> <p>a) <u>The protection of significant natural areas and the maintenance of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms, and within appropriate limits;</u></p>

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
				<p>b) <u>Some uses and developments can only be located in sites that contain significant natural areas or areas of indigenous biodiversity for functional, operational or locational reasons;</u></p> <p>c) <u>Use and development can provide opportunities to restore or enhance indigenous biodiversity that would not otherwise be achieved.</u></p>
13	2.1 New Objective 7	-	As outlined in our response to Question 3 (refer Part A), Genesis considers a new objective (and subsequent policy(ies)) should be included that targets the decline of indigenous biodiversity due to predator, pest and weed invasion.	Genesis is happy to review and comment on any future objective(s) proposed to address this submission point.
Part 3: Implementation requirements				
14	3.6 Precautionary approach	Oppose	As outlined in our response to Question 31 (refer Part A), Genesis opposes the precautionary approach and considers that the RMA already provides sufficient safeguards to ensure unintended adverse effects can be adequately avoided, or managed. Accordingly, Genesis considers Part 3.6 should be deleted.	Delete Part 3.6 (Precautionary approach) in full.
15	3.7 Social, economic and cultural wellbeing	Oppose in part	<p>Genesis proposes amendments to Part 3.7 to ensure consistency with the purpose of the RMA, as enshrined in section 5.</p> <p>In addition, Genesis recommends that a new clause be included (bb) that reiterates that there will be some situations where there are functional reasons for nationally significant infrastructure to locate in areas of indigenous biodiversity, and that the proposed NPSIB should enable the operation, maintenance, upgrading and development of such infrastructure. In doing so, the nationally significant infrastructure will still be required to avoid, remedy, mitigate</p>	<p>Amend Part 3.7 (Social, economic and cultural wellbeing) as follows:</p> <p>Policy 3.7 Social and Cultural Wellbeing</p> <p>In implementing this National Policy Statement, local authorities must recognise –</p> <p>a) that the maintenance of indigenous biodiversity contributes to the social, economic and cultural wellbeing of people and communities; and</p> <p>b) that the maintenance of indigenous biodiversity does not preclude subdivision, use and development in</p>

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
			(and offset and compensate) the environmental effects of the activity as per normal practice.	<p><u>appropriate places and forms, within appropriate limits people and communities, and enable their social, economic, and cultural wellbeing through subdivision, and the use and development of natural and physical resources; and</u></p> <p><u>bb) the importance of nationally significant infrastructure, and enable for their operation, maintenance, upgrade and development in locations that are identified as significant natural areas and contain areas of indigenous biodiversity; and</u></p> <p>c) that people are critical to maintaining and enhancing indigenous biodiversity; and</p> <p>d) the importance of, <u>and provide for,</u> forming partnerships between local authorities, tangata whenua, landowners, people and communities in maintaining and enhancing indigenous biodiversity; and</p> <p>e) the importance of respecting and fostering the contribution of landowners as stewards and kaitiaki; and</p> <p>f) the value of supporting people and communities in understanding, connecting to and enjoying indigenous biodiversity.</p>
16	3.8(2) Identifying significant natural areas – principles and approaches	Oppose	As outlined in our response to Question 13 (refer Part A), Genesis considers physical inspection to ground-truth the identifying and classification of any SNA is necessary to avoid, remedy, or mitigate any actual and/or potential adverse effect.	<p>Amend Part 3.8(2) as follows:</p> <p>c) quality: wherever practicable, the values and extent of natural areas assessed as potentially meeting the criteria in Appendix 1 for classification as an SNA should <u>must</u> be verified by physical inspection:</p>
17	3.9 Managing adverse effects on SNAs	Oppose	As outlined in our response to Question 19 and Question 22 (refer Part A), proposed Part 3.9 as currently drafted would preclude many development proposals. This is because most areas of indigenous vegetation, and exotic vegetation providing habitat to at-risk species, will qualify as high value	<p>Delete Part 3.9(1) and amend Part 3.9(2) as follows:</p> <p>3.9 Managing adverse effects on SNAs</p> <p>(2) <u>(1) Local authorities must ensure that, in relation to any</u> All adverse effects of a new subdivision, use or development</p>

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
			SNAs and adverse effects must therefore be avoided. Genesis submits this environmental protection policy is inconsistent with the purpose of the RMA for sustainable management.	<p>that takes place within or affects an SNA, adverse effects must be managed using the effects management hierarchy if –</p> <ul style="list-style-type: none"> a) the subdivision, use or development is to take place in, or affects, an SNA classified as Medium; and b) there is a functional or operational need for the subdivision, use or development to be in that particular location; and c) there are no practicable alternative locations for the subdivision, use or development; and d) The subdivision, use or development is associated with: <ul style="list-style-type: none"> i. nationally significant infrastructure ii. mineral and aggregate extraction: iii. the provision of papakainga, marae and ancillary community facilities associated with customary activities on Māori land: iv. the use of Māori land in a way that will make a significant contribution to enhancing the social, cultural or economic wellbeing of tangata whenua.
18	3.12 Existing activities in SNAs	Oppose in part	As outlined in our response to Question 26 (refer Part A), proposed Part 3.12(3) as currently drafted has the potential to adversely impact on the continued operation of existing renewable electricity generation infrastructure due to the potential impact on regenerating indigenous vegetation. An amendment is therefore necessary to ensure the continued operation of these nationally significant infrastructure are not impacted.	<p>Amend Part 3.12(3) as follows:</p> <p>(3) In providing for existing activities in their policy statements and plans, local authorities must –</p> <ul style="list-style-type: none"> a) ensure the continuation of an existing activity will not lead to the loss, including through cumulative loss, of extent or degradation of the ecological integrity of any SNA, <u>except where the SNA comprises of regenerating indigenous vegetation which has established following construction, and the existing activity is, or is associated with, the ongoing operation and maintenance of a nationally significant infrastructure;</u> and

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				b) ensure the adverse effects of an existing activity are of no greater character, intensity or scale than they were before the National Policy Statement commencement date.
19	3.13 General rules applying outside SNAs	Oppose	As outlined in our response to Question 27 (Part A), Genesis does not consider Part 3.13 reflects the purpose of the RMA, and does not provide for people and communities. The stringent protection of non-significant indigenous biodiversity could also result in perverse outcomes.	Delete Part 3.13 in full.
20	3.15 Highly mobile fauna	Oppose in part	As outlined in our response to Question 17 (refer part A), Genesis considers the policy framework relating to the management and protection of highly mobile fauna should be limited to ensuring adverse effects on highly mobile fauna are addressed at approval stage under a resource consent application.	<p>Amend Part 3.15 as follows:</p> <p>3.15 Highly mobile fauna</p> <p>(1) Every regional council must work together with the territorial authorities in its region to survey and record areas outside SNAs where highly mobile fauna have been, or are likely to be, sometimes present (in this clause referred to as highly mobile fauna areas).</p> <p>(2) If it will help manage highly mobile fauna, a territorial authority must (where possible) include in its district plan a map or description of the location of highly mobile fauna areas.</p> <p>(3) Local authorities must provide information to their communities about –</p> <p>a) highly mobile fauna and their habitats; and</p> <p>b) best practice techniques for managing adverse effects on any highly mobile species in their regions and districts, and their habitats.</p> <p>(4) Local authorities must include objectives, policies or methods in their policy statements and plans for managing the adverse effects of subdivision, use and development in</p>

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				highly mobile fauna areas, as necessary to maintain viable populations of highly mobile fauna across their natural range.
21	3.17 Increasing indigenous vegetation cover	Oppose	As outlined in our response to Question 40 (refer part A), Genesis has a general concern for unintended consequences of targets that are not confirmed to be appropriate or achievable. Genesis considers the focus should be on the promotion of opportunities to restore indigenous vegetation, rather than a blunt tool such as a target that can only realistically and practically be imposed on those who require resource consents for activities.	Amend Part 3.17 (Increasing indigenous vegetation cover) to promote the increase of indigenous vegetation cover in appropriate locations without setting an arbitrary target, unless there is evidence that the target (expressed in a percentage) is practical and achievable in the area.
22	3.19 Assessment of Environmental Effects	Oppose	Genesis considers Part 3.19 is unnecessary and inconsistent with Schedule 4(6) of the RMA which sets out the process and information requirements for an AEE.	Delete Part 3.19 (Assessment of Environmental Effects) in full.
Appendix 1: Criteria for identifying significant indigenous vegetation and significant habitat of indigenous fauna				
23	Full Appendix	Oppose	As outlined in our response to Question 12 (refer Part A), Genesis opposes the provisions contained in Appendix 1. Based on expert ecologist advice, proposed Appendix 1 will result in extensive areas being identified as a SNA, which will have significant implications on the ongoing and future operation of renewable generation facilities.	Review Appendix 1 in its entirety. Genesis is happy to review and comment on any amendments proposed to address this submission.
Appendix 2: Tool for managing effects on significant natural areas				
24	Full Appendix	Oppose	As outlined in our response to Question 22 (refer Part A), Genesis considers the classification of high or medium value SNA to be artificial and is unnecessary for the management of SNAs.	Delete Appendix 2 in its entirety.

Sub #	Provision	Support / Oppose	Reason for submission	Relief Sought (additions <u>underlined</u> , deletions struck through)
Appendix 3: Principles for biodiversity offsetting				
25	Principle 5 Like-for-like	Support in part	As outlined in our response to Question 34 (refer Part A), Genesis supports Appendix 3 in general, however a minor amendment is required to ensure that the application of Principle 5 does not exclude Principle 9 from being applied as part of a mixed offset package.	<p>Amend Principle 5 to include the following:</p> <p>5. Like-for-like: The ecological values being gained at the offset site are the same as those being lost at the impact site across types of indigenous biodiversity, amount of indigenous biodiversity (including condition), over time and spatial context. <u>The application of this principle does not exclude Principle 9 Trading-up from being applied as part of an offset package.</u></p>
Appendix 4: Principles for biodiversity compensation				
26	Principle 2(c)	Oppose	As outlined in our response to Question 35 of the Discussion Document, Genesis supports Appendix 4 in general, however considers an amendment is required to enable the potential benefits of undertaking research or trials for new compensation methods.	<p>Delete Principle 2(c) from Appendix 4.</p> <p>Alternatively, amend Principle 2(c) to state the following:</p> <p>2. Limits to biodiversity compensation: in deciding whether biodiversity compensation is appropriate, a decision-maker must consider the principle that many indigenous biodiversity values are not able to be compensated for because:</p> <p>c) effects on indigenous biodiversity are uncertain, unknown or little understood, but potential effects are significantly adverse. <u>However, biodiversity compensation on such effects may be deemed appropriate on a proportionally basis to enable, and appropriately account for, the potential benefits of research or trials of new biodiversity compensation methods.</u></p>

Appendix A – Genesis Energy: Assets and Operations

Genesis Energy is New Zealand's largest electricity and gas retailer, supplying energy to more than half a million customers nationwide. We also generate and trade electricity and natural gas through a diverse range of assets across the country.

Genesis Energy's diverse portfolio of generation assets comprises the following:

- Thermal generation: the Huntly Power Station, the largest electricity generation facility in New Zealand by capacity (948 MW), which relies on Waikato River flows for cooling purposes.
- Renewable generation:
 - three hydro schemes including Tongariro (362 MW); Waikaremoana (138 MW); and Tekapo (190 MW). These schemes comprise eight power stations – six in the North Island and two in the South Island. An extensive range of lakes, rivers and streams are used for generation purposes.
 - the Hau Nui wind farm (8 MW) in the North Island.
- Genesis Energy has a 46% interest in the Kupe Joint Venture, which owns the Kupe oil and gas field.
- Genesis Energy holds resource consents to establish a wind farm at Castle Hill in the northern Wairarapa.