**Submission template**

**Submitting on *Developing a Regulatory Framework for Offshore Renewable Energy***

This is the submission template for responding to the consultation document *Developing a Regulatory Framework for Offshore Renewable Energy.* The Ministry of Business, Innovation and Employment (**MBIE**) seeks your comments by **5pm on Thursday, 02 November 2023**.

Please make your submission as follows:

1. Fill out your details under the “Your name and organisation” heading and, if applicable, check the boxes underneath on privacy and confidentiality.
2. Fill out your responses to the discussion document questions. Your submission may respond to any or all of the questions. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples. If you would like to make other comments not covered by the questions, please provide these in the “General comments” section at the end of the template.
3. Before sending us your submission:
   1. delete this first page of instructions; and
   2. if your submission contains any confidential information, please:

* state this in the cover page or in the e-mail accompanying your submission,
* set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (**OIA**) that you believe apply, and
* provide a separate version excluding the relevant information for publication.

1. Submit your submission by:
2. emailing this template as a PDF or Microsoft Word document to [offshorerenewables@mbie.govt.nz](mailto:offshorerenewables@mbie.govt.nz); or
3. mailing your submission to:

Energy Resources Markets Branch

Ministry of Business, Innovation and Employment

15 Stout Street

PO Box 1473, Wellington 6140

Attention: Offshore Renewable Energy Submissions

Please direct any questions that you have in relation to the submissions process to [offshorerenewables@mbie.govt.nz](mailto:offshorerenewables@mbie.govt.nz).

**Release of Information**

Please note that submissions are subject to the OIA and the Privacy Act 2020. In line with this, MBIE intends to upload copies of submissions received to MBIE’s website at www.mbie.govt.nz. MBIE will consider you to have consented to uploading by making a submission unless you clearly specify otherwise in your submission. MBIE will take your views into account when responding to requests under the OIA and publishing submissions. Any decision to withhold information requested under the OIA can be reviewed by the Ombudsman.

**Submission on *Developing a Regulatory Framework for Offshore Renewable Energy***

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| --- | --- |
| **Name** |  |
| **Organisation**  **(if applicable)** |  |
| **Contact details** |  |

**Release of information**

Please let us know if you would like any part of your submission to be kept confidential.

I would like to be contacted before the release or use of my submission in the summary of submissions that will be published by MBIE after the consultation.

I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because [Insert text]

[To check the boxes above: Double click on box, then select ‘checked’]

# Responses to questions

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| Chapter 4: Further detail on feasibility permits | |
|  | Following an initial feasibility permit application round, should there be both an open-door policy and the ability for government to run subsequent rounds? If not, why not? |
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|  | What size of offshore renewable energy projects do you think are appropriate for a New Zealand context? |
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|  | Do you think the maximum area of a project should be put forward by developers and set out in guidance material, rather than prescribed in legislation? If not, why not? |
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| Chapter 5: Commercial permits | |

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|  | Should there be a mechanism for government to be able to compare projects at the commercial stage in certain circumstances? If yes, would the approach outlined in Option 2 be appropriate or would there be other ways to achieve this same effect? |
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|  | Are the proposed criteria appropriate and complete? If not, what are we missing? |
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|  | Should there be mechanisms to ensure developers deliver on the commitments of their application over the life of the project? If yes, what should these mechanisms be? |
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|  | Is 40 years an appropriate maximum commercial permit duration? If not, what would be an appropriate duration? |
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|  | Should a developer that wishes to geographically extend their development be required to lodge new feasibility permit and commercial permit applications? Why or why not? |
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|  | Would the structure of the feasibility and commercial permit process as described enable research and development and demonstration projects to go ahead? If not, why not? |
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| Chapter 6: Economics of the regime |

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|  | Is there an interdependency between the case for revenue support mechanisms and the decision as to whether to gather revenue from the regime? What is the nature of this interdependency? |
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|  | Is there a risk in offering support mechanisms for offshore renewables without offering equivalent support to onshore renewables? Are there any characteristics of offshore renewables which mean they require support that onshore renewables do not? |
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|  | Should there be a revenue flow back to government? And if yes, do you have views on how this should be structured? For comments on potential flows to iwi and hapū please refer to Questions 14 and 15. |
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|  | Do you agree with the proposed approach to cost recovery? If not, why not? |
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| Chapter 7: Māori Rights and Interests and Enabling Iwi and Hapū involvement | |
|  | Is there anything you would like us to consider as we engage with iwi and hapū on Māori involvement in the permitting regime? |
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|  | Have we identified the key design opportunities to work collaboratively with iwi and hapū alongside consultation? Is there anything we have missed? |
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|  | Are there any Māori groups we should engage with (who may not have already engaged)? |
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| Chapter 8: Interaction with the environmental consenting processes | |
|  | For each individual development, should a single consent authority be responsible for environmental consents under the Resource Management Act 1991 and the and Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012? Why or why not? |
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|  | Do environmental consenting processes adequately consider environmental effects such that it is not necessary to duplicate an assessment of environmental effects in the offshore renewables permitting regime? |
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|  | Should the offshore permitting regime assess the capability of a developer to obtain the necessary environmental consents? If not, why not? |
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|  | What is the optimum sequencing between obtaining feasibility permits, commercial permits and relevant environmental consent(s)? |
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|  | Are there are any other matters about the environmental consent regimes that you think need to be considered in the context of the offshore renewable energy permitting regime? |
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|  | **How should the factors outlined influence decisions to pursue offshore renewable energy developments in the Exclusive Economic Zone or the Territorial Sea? Are there other factors that may drive development in the Exclusive Economic Zone versus the Territorial Sea?** |
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| Chapter 9: Enabling transmission and other infrastructure | |
|  | Are the trade-offs between a developer-led and a TSO-led approach, set out above, correct? Is there anything missing? What could we learn from international models? |
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|  | Which party do you think should build offshore connection assets? Can existing processes already provide the flexibility for this to be carried out by the developer? |
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|  | What are the potential benefits and opportunities for joint connection infrastructure? Do you agree with the barriers set out and how could these be addressed? |
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|  | Do you agree with the representation of the timeline challenge for onshore interconnection assets? What opportunities might there be to front load planning work for interconnection upgrades? What role do you see for the developer in this? |
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|  | What changes might be needed in order to deliver the types of port infrastructure upgrades needed to support offshore renewables? |
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| Chapter 10: Decommissioning | |
|  | Should developers be required to submit a decommissioning plan, cost estimate and provide a financial security for the cost estimate? If not, why not? |
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|  | Should the permit decommissioning plan, cost estimate and financial security be based on the assumption of full removal? If not, why not? |
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|  | What are your views on the considerations set out in relation to the calculation of the cost estimate and financial security value or suggested approach for financial security vehicle? |
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|  | What should the developer be required to provide in relation to decommissioning at the feasibility application stage? |
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|  | What ongoing monitoring approach do you think is appropriate for the decommissioning plan, cost estimate and financial security? |
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|  | Are there any other ways in which the regulatory regime could encourage the refurbishment of infrastructure or the recycling of materials? |
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|  | Should offshore renewable energy projects applying for a consent to decommission be required to provide a detailed decommissioning plan related to environmental effects for approval by consent authorities? If not, why not? |
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| Chapter 11: Compliance | |
|  | How can the design of the regulatory regime encourage compliance so as to reduce instances of non-compliance? |
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|  | Is the compliance approach and toolbox in Chapter 11 appropriate for dealing with non-compliance within the regulatory regime? |
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| Chapter 12: Other regulatory matters | |
|  | Should the decision maker within the regime be the regulator but with an option for the Minister to become the decision maker in a specific set of circumstances? If not, why not? |
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|  | Should there be an opportunity for public submissions on the commercial permitting decision? What would this capture that the environmental consent decision does not? If not, why not? |
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|  | Should permitting decisions be able to be appealed and if so which ones? Which body should determine such appeals? |
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|  | What early information would potential participants of the regime need to know about health and safety regulations to inform decisions about whether to enter the market? |
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|  | What are your views on the approach to safety zones including the trade-offs between the different options presented? |
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|  | Do you have any views or concerns with the application of these proposals to other offshore renewable energy technologies? |
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| General comments | |
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