

“Frontloading”

Community and Tangata Whenua
consultation on wind farms

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Section 5 Resource Management Act 1991

- Purpose – promote sustainable management of natural and physical resources
- ..which enables **people** and **communities**.. to provide for their social, economic and cultural well-being and for their health and safety while
 - Sustaining resources
 - Safeguarding air, water, soil, ecosystems
 - Avoiding remedying and mitigating adverse effects

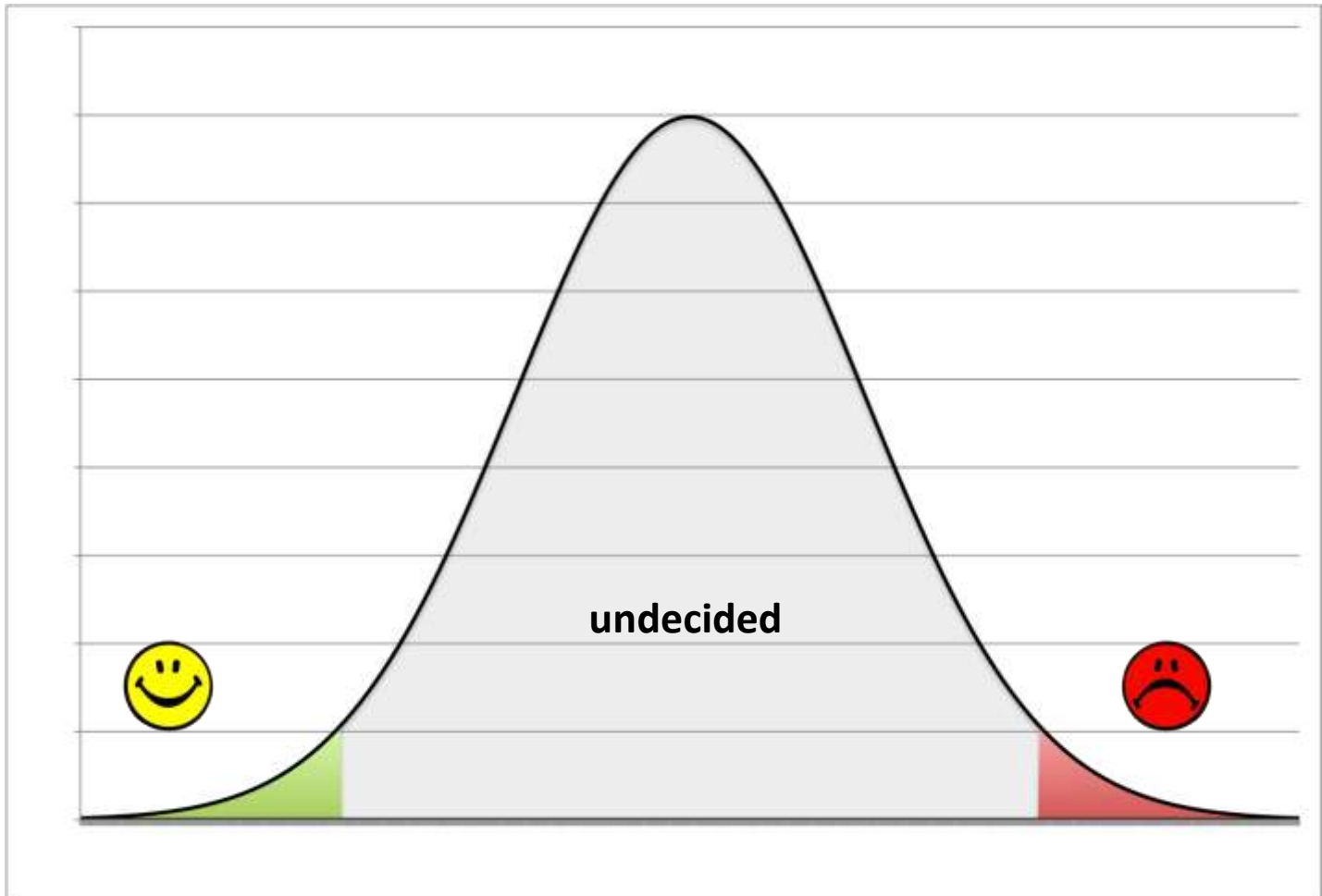
NPSREG

- Recognise national significance of renewable energy
- Subject to Part 2 RMA (does not trump it)
- A guide
- Provides for small wind farms
- Provides for offset measures and environmental compensation

Current consenting options

- Councils only
 - *White Hill, Mt Munro, Flat Hill, Te Apiti, Tararua3*
- Councils → Environment Court
 - *Mahinerangi, Hayes, West Wind, Mt Cass, Mill Creek, Te Rere Hau, Te Uku*
- Minister → Boards of Inquiry
 - *Hauāuru mā Raki, Turitea*
- Developer → Environment Court
 - *Mt Cass, Project Hurunui*

Community reaction



Hearing issues

- Tangata Whenua
- Noise
- Amenity
- Landscape
- Ecology / biodiversity
- Water Issues
- Construction / traffic
- Health and Safety
- Climate Change
- Security of Electricity Supply
- Alternatives
- Archaeology
- Heritage
- Discovery Protocols
- Earthquakes

Precautionary principle - a tool in the toolbox

- PP does not mean no development
 - Revolves around ‘risk’ management
 - Where there are threats of serious or irreversible damage
 - Where there is a lack of full scientific certainty
- Incorporates adaptive management
 - Learning by doing
 - Assisted by scientific modelling, bonds, review, shutting down turbines etc.

“Backloading”

- Developer more or less finalises project
- Choice of hearing?
- Undertakes consultation with Stakeholders (Councils, DOC etc). \$ identified for stake holders (eg farmers etc); some mitigation agreed.
- AEE distribution
- Invites submissions back
- Some consultation with Community (or none)
- Some consultation (or none) with relevant Tangata Whenua
 - Means of gathering info only
 - Who has the mandate?
 - Not resolved eg. Te Pairi v Gisborne District Council W 93/2004

“Backloading” continued..

- Choice of hearing confirmed
- Council Meetings
- Judicial Pre-Hearing Conferences
- Court Directions
- Expert Caucusing (with or without Court-appointed facilitator or other)
- Agreed Statements of Fact?
- Communities / Tangata Whenua left pondering
- Hearings
- **Roadblocks = Delays = Expense**

Roadblocks for developers

- Major issues not addressed / carefully enough
- Unfinished business
 - Technical omissions, noise testing, water, peer reviews
- Genuine surprises
 - Special audible characteristics (SAC), migratory birds, soil disposal, higher masts (shifting target)
- Unfinished business – community and Tangata Whenua consultation
 - Council appeals, Court / Board adjournments
- **Too late = \$\$ spent unnecessarily**



36A – No duty to consult

- (1) The following apply to an applicant for a resource consent and the local authority:
 - (a) neither has a duty under this Act to consult any person about the application; and
 - (b) each must comply with a duty under any other enactment to consult any person about the application; and
 - (c) each may consult any person about the application: 'person' defined s2 RMA includes body of persons (incorporated or unincorporated)

Without early consultation

- Community resistance (Noise, Landscaping, Amenity, Health etc.)
- Tangata Whenua resistance (Cultural issues, sacred sites etc.)
- All beginning to incur costs

“Frontloading”

- When to engage with community? – ASAP
- What to engage with? – a schematic impression
- Appointment of independent Community Facilitator
- Invite responses through
 - Public submissions
 - Meetings – individual or groups, not public
- Identification of and consultation with affected Iwi / Hapu
- Wind farm developer publishes AEE after peer review of technical issues and full consultation

“Frontloading” continued..

- Parties deliberate and respond
 - Written material / appointment of experts
- Decision now made on process?
- Expert Caucusing agreements
- Developer Agreements with farm owners completed
- Developer and Tangata Whenua MoU
- Compensation, environmental offsets / mitigation agreed with community

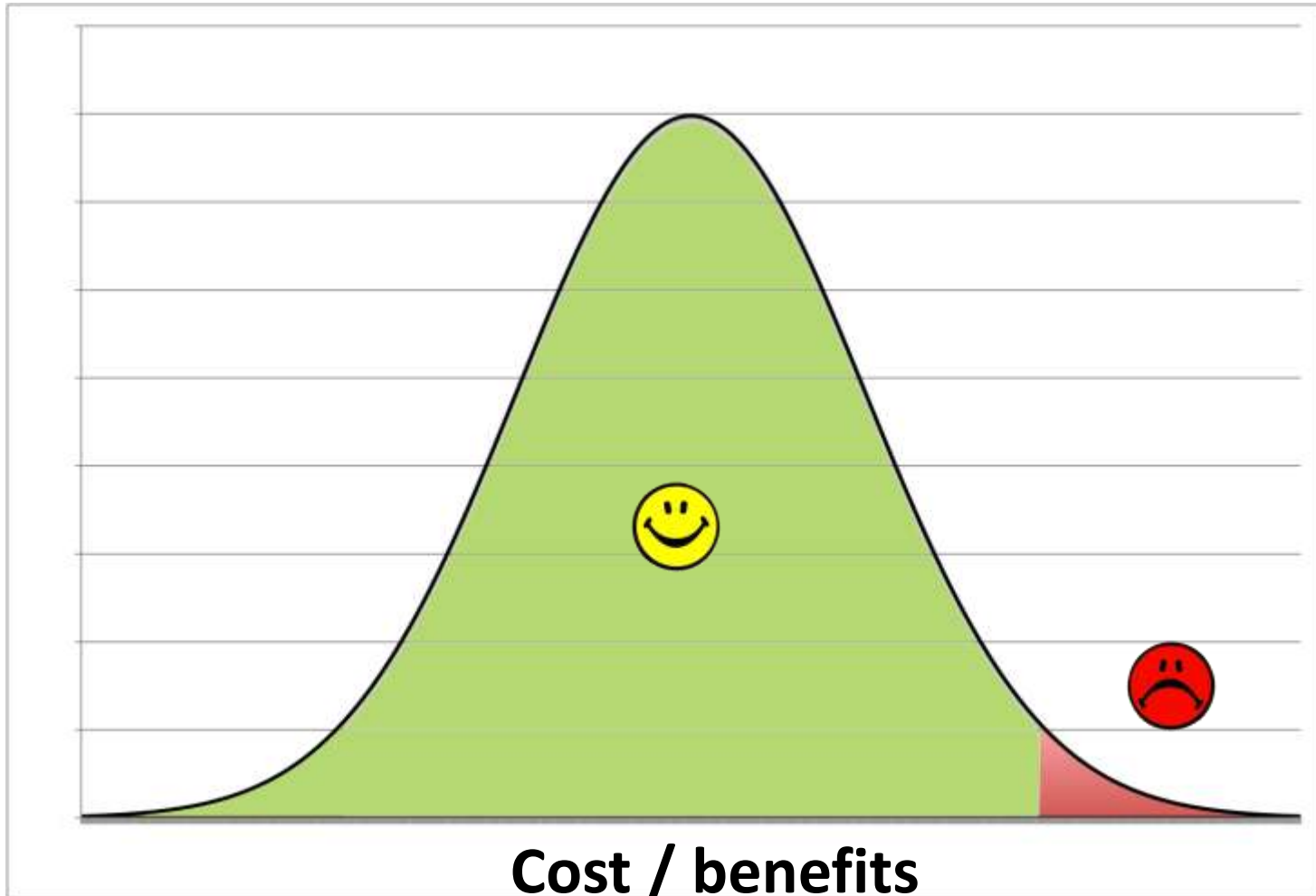
Nurturing public acceptance

- Effective community liaison facilitator critical to success
- Set time frames
- Sufficient time for community and Iwi to respond
- Mitigation / offsets agreed
- Appointment of mediators to resolve remnant issues

Results of Frontloading

- If successful, little or nothing to decide except conditions / consent orders
 - with exception of 😞
- If not wholly successful, substantially lessened Council / Court / Board of Inquiry hearings.
- Substantial \$\$\$ savings 😊
- Sometimes no win situations
 - *Lammermoor!*

Community results



‘Global warming is now irreversible. Nothing can prevent large parts of the planet becoming too hot to live in with others sinking underwater by about 2040.

‘Our only chance now is to:
- Start planning how to survive
- Acknowledge we need more technology,
not less’

Sir James Lovelock