



FTAA-2608-1275: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Coleridge Hydro-electric Power Scheme Reconsenting Project

Date submitted	14 October 2026	Tracking	26-BRF-02918
Security level	In-Confidence	Priority	Urgent

To	Action sought	Response by
Hon Chris Bishop Minister for Infrastructure	Decisions on recommendations	21 October 2026

Actions for Minister's Office staff	Return the signed briefing to: <i>FTAreferrals@mcert.govt.nz</i> . Approve the attached notice of decisions letter.
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents and further information from the applicant for the Coleridge Hydro-electric Power Scheme Reconsenting Project 3. Stage 1 Briefing Note and decisions 4. Section 18 report on Treaty settlements and other obligations, including the comments received from Māori groups 5. Section 19 report on public conservation land 6. Comments received from all other invited parties 7. Draft notice of decisions letter

Ministry contacts

Name	Position	Telephone	1 st contact
Ashiley Sycamore	Principal Author		
Max Gander-Cooper	Acting Manager	s 9(2)(a)	✓
Stephanie Frame	Acting General Manager	s 9(2)(a)	



Project location



Figure 1: Location of Lake Coleridge, around which the existing Coleridge Hydro-electric Power Scheme is located

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Manawa Energy Limited and Contact Energy Limited (the applicant) to refer the Coleridge Hydro-electric Power Scheme Reconsenting Project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first briefing (Stage 1 – 26-BRF-02611) with your initial decisions annotated is in Appendix 3.
3. The project seeks approvals to enable the ongoing operation and maintenance of the existing Coleridge Hydro-electric Power Scheme (the scheme), a renewable electricity generation scheme originally commissioned in 1914. The scheme was last reconsented in 1995/96 and the key resource consents associated with the scheme are due to expire in the early 2030s.
4. The project area is located at and around Lake Coleridge within the Rakaia River catchment, approximately 100 kilometres west of Christchurch. The applicant has identified a number of areas of public conservation land (PCL) that may be located within the project area, noting that further investigations are required to determine the full extent of PCL potentially affected by the project.
5. The scheme is owned and operated by Manawa Energy Limited, which is a wholly owned subsidiary of Contact Energy Limited. The scheme currently generates, and is expected to continue generating, up to 39.5 MW (megawatts) of electricity, with an average annual output of approximately 270 GWh

(gigawatt-hours). The applicant estimates that the scheme generates sufficient electricity to power approximately 33,700 homes.

6. The scheme utilises Lake Coleridge and associated water diversion, storage and conveyance infrastructure to generate electricity, including water takes and diversions (from the Wilberforce, Harper and Acheron Rivers), canals, tunnels, penstocks, a power station, and a tailrace discharging to the Rakaia River.
7. The project seeks approvals to enable the continued operation and maintenance of this existing infrastructure, together with any associated works and activities required to support the ongoing operation and maintenance of the scheme. The project is primarily a reconsenting proposal for the continued operation of the existing scheme.
8. The applicant seeks the following approvals via the fast-track approvals process to authorise the project, including some approvals sought at this stage on a precautionary basis, subject to further investigations prior to any substantive application:
 - a. resource consents under the Resource Management Act 1991 (RMA)
 - b. concessions under the Conservation Act 1987
 - c. wildlife approvals under the Wildlife Act 1953
 - d. an approval, a dispensation, or an authorisation that would otherwise be applied for in respect of a complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 or the Conservation Act 1987.
9. We recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
10. We seek your decisions on our recommendations and the notification of your decisions.

Assessment against statutory framework

11. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
12. Before making a decision on the project, you must consider the following:
 - a. the application (in Appendix 2)
 - b. the section 18 Treaty settlements and other obligations report (in Appendix 4), including the comments received from Māori groups contained in the attachments to that report, all of which were received within the specified timeframe
 - c. the section 19 report (in Appendix 5)
 - d. the comments received under section 17 within the specified timeframe from all other invited parties (in Appendix 6).
13. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons meaning you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

14. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
15. The report identifies Te Rūnanga o Ngāi Tahu, Te Ngāi Tūāhuriri Rūnanga, Te Taumutu Rūnanga, Te Rūnanga o Arowhenua, Whitiara Centre Limited, Mahaanui Kurataiao Limited, and Aoraki Environmental Consultancy Limited as relevant Māori groups for the application.
16. The report identifies the Ngāi Tahu Claims Settlement Act 1998 as the relevant Treaty settlement legislation. The report notes that the settlement provides for a statutory acknowledgement and deed of recognition over Whakamatau/Lake Coleridge, which is adjacent to parts of the project area and may be affected by the proposed activities.
17. The report notes that the process for inviting comment from Te Rūnanga o Ngāi Tahu under the Act is comparable to the requirements applying to statutory acknowledgements under the Resource Management Act 1991 and Treaty settlement legislation. The report also notes that, while the information provided does not indicate occupation or works within the statutory area of the Crown-owned parts of Whakamatau/Lake Coleridge, an expert panel may wish to satisfy itself that no such rights are contemplated through any substantive application.
18. The report notes that other settlement redress provisions, including taonga species, conservation protocol, and nohoanga arrangements, do not appear to create any direct obligations in relation to the application as currently proposed, but nonetheless recognise the longstanding cultural associations of Ngāi Tahu with the area and its environment.
19. Comments were received from Te Rūnanga o Ngāi Tahu, Aoraki Environmental Consultancy Limited on behalf of Te Rūnanga o Arowhenua, Mahaanui Kurataiao Limited on behalf of Te Taumutu Rūnanga, and Whitiara Centre Limited on behalf of Ngāi Tūāhuriri Rūnanga. Full copies of these comments are included as attachments to the report.
20. The report notes that common themes across the comments include the cultural significance of Whakamatau/Lake Coleridge and the Rakaia catchment, references to Treaty settlement provisions including the statutory acknowledgement, taonga species and nohoanga arrangements, the need for a range of ecological, freshwater, cultural and Treaty settlement assessments to inform any substantive application, support for the proposed three-year timeframe for lodging a substantive application, and the importance of meaningful engagement with Papatipu Rūnanga.
21. The report does not identify any matters that would make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

22. Consistent with the section 18 report prepared for the project, we have not identified any relevant matters under section 16 of the Act.

Section 19 Report in relation to use of PCL

23. As the project area includes PCL, the Department of Conservation (DOC) has prepared a report under section 19 of the Act and this is attached in Appendix 5.
24. The report identifies six parcels of PCL that may be located within the project area, comprising the Wilberforce River Catchment Marginal Strip, Harper River Marginal Strip, Craigieburn Forest Park,



Wilberforce Riverbed Conservation Area, Korowai/Torlesse Tussocklands Park, and the Acheron River Marginal Strip.

25. The report identifies a number of existing concessions, authorisations and approvals within the general locality of the project area, including activities relating to ecological research, wildlife management, guided recreation, and existing infrastructure. The report notes that these approvals are either generally applicable or relate to locations in proximity to the project area, and there is a low risk that they will be directly affected by the project.
26. The report notes that the project relates to the consenting of a long-established activity and that, based on the information currently available, there are limited risks and potential liabilities to the Crown arising from the application. The report also notes that the applicant will need to undertake further investigations and provide additional information with any substantive application to determine the full extent of PCL within the project area, whether additional approvals are required, and the risks associated with works in and around water bodies.
27. The report confirms that section 19(2)(c), relating to information provided in support of a determination under section 24(2) or 24(4), is not relevant because the applicant is not seeking a ministerial determination relating to electricity infrastructure. The report also confirms that no consultation under section 19(3) was required, as DOC did not identify any non-Crown owner, administrator, or manager of the affected PCL.

Written comments received

28. Comments were received under section 17 of the Act from Canterbury Regional Council (CRC), Selwyn District Council (SDC), DOC, the Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development, the Minister of Climate Change, the Minister for Economic Growth, the Minister for Regional Development, Transpower New Zealand Limited (Transpower), Te Rūnanga o Ngāi Tahu, Aoraki Environmental Consultancy Limited on behalf of Te Rūnanga o Arowhenua, Whitiara Centre Limited on behalf of Ngāi Tūāhuriri Rūnanga, and Mahaanui Kurataiao on behalf of Te Taumutu Rūnanga.
29. The key points of relevance to your decision are summarised in Table A. Full copies of the comments received from Māori groups are included as attachments to the section 18 report in Appendix 4. Full copies of all other comments received are attached in Appendix 6. All comments were received within the specified timeframe and must be considered.
30. A summary of the comments received from Māori groups is provided under the section 18 assessment above. Other comments received are summarised below.
31. CRC confirms it is not aware of any competing applications that would affect the project and that there are no existing resource consents to which section 124C(1)(c) or section 165ZI of the RMA would apply. SDC similarly confirms it is not aware of any competing applications.
32. CRC supports referral of the project and considers it meets the section 22 criteria. CRC considers the project would deliver significant regional and national benefits through the continued operation of the scheme and supports the applicant's request for a three-year timeframe to lodge a substantive application. CRC does not identify any reason to decline referral but notes that further assessment will be required at the substantive application stage, particularly in relation to groundwater, hydrology, water quality, aquatic ecology, fish passage, geomorphology and climate change matters.

33. SDC considers the project will deliver at least regionally significant benefits through the continued operation of existing renewable electricity generation infrastructure. SDC notes that the Partially Operative Selwyn District Plan recognises the importance of the scheme and includes enabling provisions for its maintenance and minor upgrade. SDC also notes that the National Water Conservation (Rakaia River) Order 1988 will be relevant to the substantive application and does not identify any reason to decline referral.
34. DOC does not identify any reason the project should not be referred and considers the information provided is sufficient to inform a referral decision. DOC considers further assessment will be required at the substantive application stage, including in relation to fish passage, freshwater fisheries, braided river and wetland ecosystems, threatened and at-risk species, and compliance with the National Water Conservation (Rakaia River) Order 1988.
35. The Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development support the application progressing and encourage the applicant and expert panel to have due regard to relevant Treaty settlement legislation and instruments, and to consider any feedback received from relevant Māori groups.
36. The Minister of Climate Change notes that the continued operation of the scheme promotes renewable electricity generation and will help reduce New Zealand's greenhouse gas emissions. The Minister also expresses general support for projects that deliver positive climate outcomes for New Zealand.
37. The Minister for Economic Growth considers the project is likely to deliver significant regional economic benefits through the continued operation of the scheme, including by avoiding substantial replacement generation costs, while noting this conclusion remains subject to the assumptions and limitations identified in the applicant's economic assessment.
38. The Minister for Regional Development considers the scheme is likely to provide economic benefits to the Canterbury Region and notes that its cessation could have adverse economic impacts.
39. Transpower supports the project, noting that it generates electricity conveyed through the National Grid. Transpower does not raise any concerns regarding the consenting of the scheme and supports the granting of the required approvals.

Further information

40. You did not request any further information from the applicant, relevant local authorities, or relevant administering agencies under section 20 of the Act.

Reasons to decline

41. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.
42. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out in Appendix 1. Our assessment of these matters is detailed in Table A.
43. Invited parties identified a range of matters requiring further consideration through any substantive application, including groundwater, hydrology, water quality, aquatic ecology, fish passage, freshwater fisheries, indigenous biodiversity, threatened and at-risk species, braided river and



wetland ecosystems, mahinga kai, taonga species, cultural values, Treaty settlement interests, and compliance with the National Water Conservation (Rakaia River) Order 1988.

44. We consider the applicant has provided sufficient information to enable your decision on the referral application. While invited parties identified a range of matters that may require further assessment, we consider the information provided is appropriate for the referral stage and that the Act provides mechanisms for further information to be provided and assessed through the substantive application process.
45. We also note that the project relates to the re consenting of an existing hydro-electric power scheme that has operated for more than 100 years, rather than the construction of a new hydro-electric generation scheme. The applicant advises that the scheme is proposed to continue operating on broadly similar terms and conditions to those currently applying, and that a comprehensive programme of technical investigations is being undertaken to inform the substantive application.
46. We consider an expert panel is best placed to assess the significance of any adverse effects with the benefit of a substantive application, detailed technical assessments, further comments from relevant parties, and the ability to impose conditions, or decline any approvals if appropriate.
47. Ultimately, we recommend you do not decline the referral application for these reasons, or on any other grounds under sections 21(4) or 21(5) of the Act.

Reasons to accept

48. The statutory framework in Appendix 1 also sets out the reasons you may accept a referral application and refer a project to the fast-track approvals process.
49. Our assessment of these matters is detailed in Table A. To summarise, we consider the project aligns with the referral criteria under section 22, as:
 - a. the project is an infrastructure project for the continued operation and maintenance of the existing Coleridge Hydro-electric Power Scheme and would have significant regional and national benefits [section 22(1)(a)] because it will:
 - i. enable the continued functioning of existing regionally and nationally significant infrastructure [section 22(2)(a)(ii)] by enabling the ongoing operation of an existing renewable electricity generation scheme that generates up to 39.5 MW of electricity, produces approximately 270 GWh annually, and supplies electricity to the National Grid
 - ii. deliver significant economic benefits [section 22(2)(a)(iv)] by enabling the continued operation of the scheme, maintaining existing economic activity associated with its operation and maintenance, and avoiding the need for substantial investment in replacement generation infrastructure
 - iii. support climate change mitigation [section 22(2)(a)(vii)] by enabling the continued generation of renewable electricity and reducing the need for electricity generation from fossil fuel sources
 - b. referring the project would facilitate its delivery [section 22(1)(b)(i)] by enabling the approvals required under multiple Acts to be considered through a single integrated process, reducing the time, cost and complexity associated with obtaining those approvals through standard statutory pathways



- c. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the project relates to the reconsenting of an existing hydro-electric power scheme and does not involve any unusually complex or novel issues beyond those typically considered by an expert panel.
50. If you agree with our recommendations, you may accept the referral application and refer the project to the fast-track approvals process.

Conclusions

51. We consider the project meets the section 22 criteria and that you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process.
52. Notwithstanding our recommendations, you retain discretion to determine the outcome of the referral application, including whether the project meets the section 22 criteria.
53. If you decide to refer the project, we recommend specifying under section 27(3)(b)(i) of the Act a deadline of three years for the applicant to lodge a substantive application.
54. We consider a three-year deadline is appropriate given the scale and complexity of the scheme, the range of technical investigations currently underway, and the further assessment required to prepare a substantive application. A longer period would also allow sufficient time for seasonal field investigations, ongoing engagement with mana whenua and other stakeholders, and the preparation of the technical assessments identified by the applicant and invited parties.
55. We also recommend specifying under section 27(3)(b)(ii) of the Act that any substantive application include an assessment of the project's consistency with the National Water Conservation (Rakaia River) Order 1988. We note several invited parties identified the Order as a relevant consideration for the project.
56. We also recommend specifying under section 27(3)(b)(iii) of the Act that Transpower be invited to comment on any substantive application. Transpower has an identified interest in the project due to the scheme's connection to the National Grid and may not otherwise be captured by the parties specified in section 53.
57. A detailed assessment of the matters you may specify under section 27(3) and our reasoning is provided in Table A.

Next steps

58. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
59. If you decide to refer the project, the Secretary must also give notice of your decision to:
- a. the panel convener
 - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
 - c. the Environmental Protection Authority (EPA)
 - d. the relevant administering agencies.



60. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
 - a. the referral application
 - b. any comments received under section 17
 - c. the report obtained under section 18
 - d. the report obtained under section 19.
61. We will undertake this action on your behalf.
62. We have attached a notice of decisions letter to the applicant based on our recommendations (refer to Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.
63. Our recommendations for your decisions follow.



Recommendations

64. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Manawa Energy Limited and Contact Energy Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section or if you are not satisfied that the Coleridge Hydro-electric Power Scheme Reconsenting Project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the referral application under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4, including the comments received from Māori groups contained as attachments to that report, which were received within the specified timeframe
- iii. the report obtained under section 19 in Appendix 5
- iv. the comments received under section 17 within the specified timeframe from all other invited parties in Appendix 6.

Yes / No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. the project, for the continued operation and maintenance of the Coleridge Hydro-electric Power Scheme, is an **infrastructure project** that would have **significant regional and national benefits** [section 22(1)(a)] because it will:
 - (A) enable the continued functioning of existing regionally and nationally significant infrastructure [section 22(2)(a)(ii)] by enabling the ongoing operation of an existing renewable electricity generation scheme that generates up to 39.5 MW (megawatts) of electricity, produces approximately 270 GWh (gigawatt-hours) annually, and supplies electricity to the National Grid
 - (B) deliver significant economic benefits [section 22(2)(a)(iv)] through the continued operation of the scheme, maintaining existing economic activity associated with its operation and maintenance and avoiding the need for substantial investment in replacement generation infrastructure



- (C) support climate change mitigation [section 22(2)(a)(vii)] through the continued generation of renewable electricity and reducing the need for electricity generation from fossil fuel sources
- ii. referring the project to the fast-track approvals process would facilitate its delivery [section 22(1)(b)(i)], including by enabling it to be processed in a more timely and cost-effective way than under normal processes by enabling the approvals required under multiple Acts to be considered through a single integrated process, reducing the time, cost and complexity associated with obtaining those approvals through standard statutory pathways
- iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the project relates to the reconsenting of an existing hydro-electric power scheme and does not involve any unusually complex or novel issues beyond those typically considered by an expert panel.
- Yes / No
- d. **Agree** to accept the referral application under section 21(1)(c) and refer the whole project to the fast-track approvals process under section 26(2)(a).
- Yes / No
- e. **Agree** to specify Manawa Energy Limited and Contact Energy Limited as the persons who are authorised to lodge a substantive application for the project.
- Yes / No
- f. **Agree**, under section 27(3)(b)(i) of the Act, to specify a deadline of three years from the date of the notice of decisions letter for the applicant to lodge the substantive application.
- Yes / No
- g. **Agree**, under section 27(3)(b)(ii) of the Act, to specify the following information that the applicant must submit with the substantive application: an assessment of the project's consistency with the National Water Conservation (Rakaia River) Order 1988.
- Yes / No
- h. **Agree**, under section 27(3)(b)(iii) of the Act, to specify Transpower New Zealand Limited as a group the panel must invite comments from in addition to those specified in section 53.

Yes / No



- i. **Agree** that the Secretary for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application, which includes the relevant administering agencies
 - ii. the panel convener
 - iii. the Environmental Protection Authority (EPA).

Yes / No

Signatures

Max Gander-Cooper

Acting Manager – Fast-track Operations

Hon Chris Bishop

Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process.		
Project details	Project Name	Applicant	Project Area
	Coleridge Hydro-electric Power Scheme Reconsenting Project (the project)	Manawa Energy Limited and Contact Energy Limited (the applicant)	The project area is located at and around Lake Coleridge, which is within the Rakaia River catchment, in the Selwyn District of the Canterbury Region. Lake Coleridge is located approximately 100 kilometres west of Christchurch City. The applicant has identified a number of areas of public conservation land (PCL) that may be located within the project area, noting that further investigations are required to determine the full extent of PCL potentially affected by the project.
Project description	The project seeks approvals to enable the ongoing operation and maintenance of the existing Coleridge Hydro-electric Power Scheme (the scheme), a renewable electricity generation scheme originally commissioned in 1914, located around Lake Coleridge in the Selwyn District, Canterbury. The scheme was last reconsented in 1995/96 and the key resource consents associated with the scheme are due to expire in the early 2030s. The existing hydro-electric generation scheme is owned and operated by Manawa Energy Limited, which is a wholly owned subsidiary of Contact Energy Limited. The scheme currently generates, and is expected to continue generating, up to 39.5 MW (megawatts) of electricity, with an average annual output of approximately 270 GWh (gigawatt-hours). The scheme utilises Lake Coleridge and associated water diversion, storage and conveyance infrastructure to generate electricity, including water takes and diversions from the Wilberforce, Harper and Acheron Rivers, canals, tunnels, penstocks, a power station, and a tailrace discharging to the Rakaia River. The project seeks approvals to enable the continued operation and maintenance of this existing infrastructure and any associated works and activities required for the operation and maintenance of the scheme. The applicant seeks the following approvals via the fast-track approvals process to authorise the project, including some approvals sought at this stage on a precautionary basis, subject to further investigations prior to any substantive application: - resource consents under the Resource Management Act 1991 (RMA) as described in section 42(4)(a) of the Fast-track Approvals Act 2024 (the Act) - concessions under the Conservation Act 1987 as described in section 42(4)(e) of the Act - wildlife approvals under the Wildlife Act 1953 as described in section 42(4)(h) of the Act - an approval, a dispensation, or an authorisation that would otherwise be applied for in respect of a complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 or the Conservation Act 1987 as described in section 42(4)(j) of the Act.		
Minister invites comments	Comments from invited parties		
	<i>The following section provides a summary of the comments received from invited parties under section 17 of the Act. Full copies of the comments received from Māori groups are included as attachments to the section 18 report (Appendix 4). Full copies of all other comments received are attached in Appendix 6. Under section 17(7)(a) of the Act, you must consider any comments received within the timeframe under section 17(6). All comments were received within the specified timeframe for this application and must be considered.</i> Local authorities <i>Selwyn District Council (SDC)</i> SDC considers that the project will deliver at least regionally significant benefits through the continued operation of existing renewable electricity generation infrastructure, including benefits for climate change mitigation and adaptation. SDC notes that the Partially Operative Selwyn District Plan (SDP) recognises the importance of the scheme and includes enabling provisions for its maintenance and minor upgrade. SDC considers that, given the complexity of the project and approvals sought, the fast-track approvals process is likely to provide a timelier and more cost-effective pathway than the RMA process. SDC also notes that the referral application does not refer to the National Water Conservation (Rakaia River) Order 1988, which they consider will be relevant to the substantive application. SDC confirms that it is not aware of any competing applications, does not consider the project involves an ineligible activity, and does not identify any reason to decline referral. <i>Canterbury Regional Council (CRC)</i> CRC supports referral of the project, considering that it meets the section 22 criteria and that the fast-track approvals process is an appropriate pathway given the scale and complexity of the scheme and the range of approvals sought. CRC supports the applicant's request for a three-year period to lodge a substantive application and considers the project would deliver significant regional and national benefits through the continued operation of existing renewable electricity generation infrastructure. CRC has not identified any reason to decline referral, does not consider the project involves an ineligible activity, and confirms it is not aware of any competing applications or relevant existing resource consents that would affect the project. CRC notes that while sufficient information has been provided to inform a referral decision, further assessment will be required at the substantive application stage, particularly in relation to groundwater, hydrology, water quality, and aquatic ecology effects.		

Ministers

Minister for Māori Crown Relations: Te Arawhiti & Minister for Māori Development

The Ministers support the application progressing and encourage the applicant and expert panel to have due regard to relevant Treaty settlement legislation and instruments, and to consider any feedback received from relevant Māori groups, as set out in the section 18 report.

Minister of Climate Change

The Minister notes that the continued operation of the scheme promotes renewable electricity generation and will help reduce greenhouse gas emissions, and expresses general support for projects that deliver positive climate outcomes for New Zealand.

Minister for Regional Development

The Minister considers that the scheme is likely to provide economic benefits to the Canterbury Region and notes that its cessation could have adverse economic impacts. The Minister notes that these benefits are not quantified in the application and suggests further information could be sought if required to inform the referral decision. The Minister also notes that the project primarily has implications for the energy system and that commentary from the Minister for Energy is likely to be more relevant to assessing its strategic importance. *Note: The Minister for Energy was invited to comment on the project, however no comments were received at the time of this briefing.*

Minister for Economic Growth

The Minister considers that the project is likely to deliver significant regional economic benefits by maintaining existing renewable electricity generation and avoiding potentially material replacement and fuel costs. The Minister notes that this conclusion is based on information provided by the applicant and remains subject to the assumptions and evidence limitations identified in the economic assessment.

Māori Groups

Te Rūnanga o Ngāi Tahu (Te Rūnanga)

Te Rūnanga is neutral on whether the project should be referred to the fast-track approvals process and supports the comments provided by the relevant Papatipu Rūnanga. Te Rūnanga notes the cultural significance of Whakamatau (Lake Coleridge) and the wider Rakaia catchment to Ngāi Tahu, including their associations with mahinga kai, taonga species, and statutory acknowledgement and nohoanga areas. Te Rūnanga notes that ecological assessments are still required to identify potential effects on taonga species and supports the applicant's request for a three-year period to lodge a substantive application where it enables a robust application and comprehensive engagement with Papatipu Rūnanga. Te Rūnanga seeks that, if the project is referred, the applicant continues meaningful engagement with Kā Rūnaka, including the preparation of cultural assessments and sharing of technical information to inform the substantive application.

Aoraki Environmental Consultancy Limited (AECL) on behalf of Te Rūnanga o Arowhenua (Arowhenua)

AECL, on behalf of Arowhenua, supports the applicant pursuing the fast-track approvals process for the project and notes the positive engagement undertaken with Arowhenua prior to lodgement of the referral application. AECL advises that the referral application accurately reflects the information provided to Arowhenua during consultation and supports ongoing engagement with Arowhenua during preparation of the substantive application. AECL notes the cultural significance of Whakamātau (Lake Coleridge) and the Rakaia catchment to Arowhenua, including their importance for mahika kai, taonga species, and settlement interests. AECL identifies the health of the catchment, water quality and quantity, and the ability of the Rakaia catchment to sustain healthy mahika kai as key matters of interest to Arowhenua.

Whitiora Centre Limited (Whitiora) on behalf of Ngāi Tūāhuriri Rūnanga (Ngāi Tūāhuriri)

Whitiora, on behalf of Ngāi Tūāhuriri, notes the significant cultural, historical, and customary importance of Whakamatau and the wider Rakaia catchment to Ngāi Tūāhuriri, including its significance for mahinga kai, taonga species, statutory acknowledgement areas, and nohoanga entitlements. Whitiora notes that the scheme has altered water movement within the catchment and that its effects on cultural values, freshwater ecosystems, and access to traditional resources will continue to be important considerations. Whitiora identifies a range of matters of interest for the substantive application, including water quality and quantity, aquatic ecology, fish habitat and passage, downstream effects, climate change, and the health of interconnected catchment environments. Whitiora also seeks robust ongoing engagement with the applicant, including opportunities to inform technical investigations, monitoring programmes, management plans, and the development of the substantive application.

Mahaanui Kurataiao Limited (Mahaanui Kurataiao) on behalf of Te Taumutu Rūnanga (Te Taumutu)

Mahaanui Kurataiao, on behalf of Te Taumutu, notes the cultural significance of Whakamatau, the Rakaia catchment, and associated mahinga kai and indigenous biodiversity values. Mahaanui Kurataiao advises that Te Taumutu supports renewable energy generation but considers there is currently insufficient information to assess impacts on mana whenua values. Mahaanui Kurataiao advises that Te Taumutu supports the applicant's request for a three-year period to lodge a substantive application and seek ongoing engagement during development of the substantive application, including cultural, ecological, and freshwater assessments. Mahaanui Kurataiao also requests that further information be provided on potential effects on freshwater ecosystems, indigenous biodiversity, fish passage, water quality and quantity, climate change, and consistency with the Ngāi Tahu settlement and the Rakaia Water Conservation Order. Te Taumutu Rūnanga considers that this information is necessary to adequately assess the proposal's impacts on mana whenua values.

Administering agencies

Department of Conservation (DOC)

DOC is not aware of any reason the project should not be referred, does not consider the project involves an ineligible activity, and has not identified any compliance history concerns or competing applications in relation to conservation approvals. DOC considers the information provided is adequate to inform a referral decision and does not identify any reason why the project should not be dealt with through the fast-track approvals process.

	DOC advises that it does not have sufficient information to determine the extent of actual and potential environmental effects, but considers that, with appropriate design, conditions, and mitigation measures, effects are likely to be able to be managed to appropriate levels. DOC notes that further assessment will be required at the substantive application stage, including in relation to fish passage, freshwater fisheries, braided river and wetland ecosystems, threatened and at-risk species, and ongoing compliance with the National Water Conservation (Rakaia River) Order 1988. DOC does not identify any matters for specification under section 27 of the Act. Any other persons or groups <i>Transpower New Zealand Limited (Transpower)</i> Transpower supports the project, noting that it generates electricity conveyed through the National Grid. Transpower does not raise any specific concerns regarding the reconsenting of the scheme and supports the granting of the required consents.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that the project does not involve an ineligible activity because it: – would not occur on identified Māori land, Māori customary land or a Māori reservation, as confirm by the records of title provided with the application – would not occur in a customary marine title area or protected customary rights area – is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area – would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) – would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the coastal marine area – would not occur on Schedule 4 land or a national reserve, as confirmed by the records of title provided with the application and the section 19 report prepared by DOC – would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing, as confirmed by the records of title provided with the application and the section 19 report prepared by DOC – is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA – is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment indicate that the project would involve an ineligible activity.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider you have adequate information to inform your decision on the referral application.
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]	Consistent with the section 18 report for the project, we have not identified any relevant matters under section 16 of the Act.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	<i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> The only current GPS is the GPS on Grocery Competition. This is not relevant to your decisions on the project. You <u>may</u> consider any of the following matters, or any other matters you consider relevant. The applicant considers the project is an infrastructure project that would have significant regional and national benefits. <i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i> The applicant considers the project meets this criterion because the scheme is regionally and nationally significant infrastructure that supplies renewable electricity to the Canterbury Region and Transpower's national electricity transmission grid. The applicant states that the project will enable the continued operation of this existing infrastructure through the reconsenting of the scheme.

CRC considers the project will enable the continued functioning of existing regionally significant infrastructure, noting that reconsenting would allow the scheme to continue providing renewable electricity generation, storage, and the release of stored water for downstream irrigation. SDC similarly considers the project will realise at least regionally significant benefits through the continued operation of existing renewable electricity generation infrastructure. Transpower supports the project, noting that it generates electricity conveyed through the National Grid.

The project would not deliver new infrastructure. However, it will enable the continued operation and maintenance of an existing hydro-electric power scheme that has operated for more than 100 years and currently generates up to 39.5 MW of renewable electricity with an average annual output of approximately 270 GWh. The scheme supplies electricity to the Canterbury region and the National Grid and forms part of New Zealand's existing renewable electricity generation network. We consider this infrastructure is regionally and nationally significant given its long-standing contribution to renewable electricity generation and electricity supply. Accordingly, **we consider the project meets this criterion** and you could refer the project on this basis.

Will deliver significant economic benefits [s22(2)(a)(iv)]

The applicant considers the project will deliver significant economic benefits by enabling the continued operation of the scheme and avoiding the need for substantial investment in replacement generation infrastructure. The applicant states that the scheme contributes more than \$10 million annually to the local economy through its operation and maintenance, supports regional employment, and benefits local suppliers of labour, goods and services. The applicant further states that the continued operation of the scheme will avoid costs associated with replacing its generation output and support wider economic activity by maintaining an existing source of renewable electricity.

The Minister for Economic Growth considers the project is likely to deliver significant regional economic benefits through the continued operation of the scheme and avoiding substantial replacement generation costs. The Minister for Regional Development similarly expects the scheme provides economic benefits to the Canterbury Region and notes that its cessation could adversely affect the regional economy. CRC notes the applicant's assessment that the project would avoid approximately \$359.8 million in replacement generation costs and continue contributing to the local economy, although CRC has not independently reviewed this assessment and relies on the applicant's information.

We note that the application does not include an independently prepared economic assessment and that the economic benefits identified are based on the applicant's assessment. We also note that limited information has been provided regarding the assumptions and methodology underpinning the economic estimates. However, the project would enable the continued operation of an existing renewable electricity generation scheme, avoid the need for investment in replacement generation infrastructure, and continue supporting economic activity associated with the operation and maintenance of the scheme. The comments received from invited parties generally support the applicant's view that the project provides economic benefits to the Canterbury Region.

Having regard to the applicant's assessment and the comments received, we consider there is sufficient information to conclude the project is likely to deliver significant regional economic benefits. Accordingly, **we consider the project meets this criterion** and you could refer the project on this basis.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]

The applicant considers the project will support climate change mitigation by enabling the continued operation of the scheme as a source of renewable electricity generation. The applicant states that the scheme contributes to the decarbonisation of New Zealand's economy by displacing electricity generation from fossil fuel sources and supporting New Zealand's emissions reduction targets. The applicant further states that the project is consistent with the National Policy Statement for Renewable Electricity Generation, which recognises the benefits of renewable electricity generation, including avoiding, reducing or displacing greenhouse gas emissions.

The Minister of Climate Change notes that the continued operation of the scheme promotes renewable electricity generation and will help reduce New Zealand's greenhouse gas emissions. CRC notes that the continued operation of the scheme will allow it to continue generating renewable hydro-electricity and avoid the need for alternative generation sources. SDC similarly considers the project will support climate change mitigation through the continued operation of existing renewable electricity generation infrastructure.

The project would enable the continued operation of an existing renewable electricity generation scheme that currently generates approximately 270 GWh of electricity annually. While the project would not increase renewable electricity generation capacity, it would maintain an existing source of renewable generation and reduce the need for replacement generation from alternative sources. We consider this is likely to support climate change mitigation through the continued avoidance of greenhouse gas emissions associated with fossil fuel electricity generation.

Having regard to the applicant's assessment and the comments received, **we consider the project meets this criterion** and you could refer the project on this basis.

Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]

The applicant considers the project will support climate change adaptation and recovery from natural hazard events by enabling the continued operation of the scheme. The applicant notes that both Contact and Manawa Energy are recognised as lifeline utilities under the Civil Defence Emergency Management Act 2002 and states that the scheme contributes to New Zealand's renewable electricity supply and transition to a low-emissions economy.

CRC notes that the scheme can release stored water to the Rakaia River, supporting the reliability of water supply for downstream farming operations, which may support climate change adaptation. However, CRC considers this is a matter that should be further explored through the substantive application.

While the applicant considers the project will support climate change adaptation and recovery from natural hazard events, we note that the information provided primarily relates to the continued operation of renewable electricity generation infrastructure rather than climate change adaptation, natural hazard risk reduction, or recovery from natural hazard events. We acknowledge the scheme may provide some benefits relevant to climate change adaptation through supporting the reliability of electricity generation and water supply. However, we consider the information provided at the referral stage does not provide a sufficient basis to conclude that the project will meet this criterion to a degree that would result in significant regional or national benefits.

	Accordingly, <u>we consider this criterion is not met</u>. We note the applicant retains the ability to provide further analysis on this matter with a substantive application to assist the expert panel in understanding the extent of the project's climate adaptation and natural hazard resilience benefits. <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> The applicant considers the project addresses a significant environmental issue through the continued generation of renewable electricity, which supports the reduction of greenhouse gas emissions. CRC considers the project is not expected to address significant environmental issues. DOC similarly considers the project will not address significant environmental issues. While the continued operation of the scheme may contribute to addressing broader environmental challenges associated with greenhouse gas emissions and the transition to renewable electricity generation, we consider these benefits are more appropriately considered under the criterion relating to climate change mitigation. Beyond those benefits, we do not consider the information provided at the referral stage demonstrates that the project will directly address a significant environmental issue to a degree that would result in significant regional or national benefits. Accordingly, <u>we consider this criterion is not met</u>. We note the applicant retains the ability to provide further analysis on this matter with a substantive application should they wish to further demonstrate how the project addresses significant environmental issues. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers the project is consistent with relevant regional and local planning documents, including the Canterbury Regional Policy Statement (CRPS) and Canterbury Land and Water Regional Plan (CLWRP). The applicant states that these documents recognise and provide support for infrastructure and renewable electricity generation activities. The applicant acknowledges that the planning framework requires effects on freshwater values, natural character, biodiversity, public access and cultural values to be appropriately managed. The applicant further notes that the CLWRP recognises existing hydro-electric schemes as part of the existing environment and provides for key activities associated with the ongoing operation of the scheme. CRC considers the project is generally consistent with the CRPS and CLWRP, noting that both documents provide for regionally significant infrastructure and renewable electricity generation, subject to adverse effects being appropriately avoided, remedied or mitigated. CRC also notes that the CLWRP contains specific objectives, policies, and rules relating to the consenting of the scheme. SDC similarly notes that the SDP recognises the importance of the scheme and includes enabling provisions for the maintenance and minor upgrade of associated infrastructure. DOC considers the project is unlikely to be inconsistent with relevant statutory planning provisions but notes that matters including fish passage, freshwater fisheries, threatened species, braided river ecosystems, wetland ecosystems, and compliance with the Rakaia Water Conservation Order will need to be addressed through any substantive application. While the applicant considers the project is consistent with the relevant planning framework, invited parties have identified a range of matters that require further assessment at the substantive application stage. We consider that the extent of the project's consistency with local and regional planning documents is more appropriately assessed by an expert panel following detailed consideration of the proposal, its effects, and any proposed mitigation measures. Accordingly, we do not consider there is a sufficient basis at the referral stage to conclude that this criterion is met, and <u>therefore we consider this criterion is not met</u>. We note the applicant is required to provide further analysis and supporting information with a substantive application to assist the expert panel in assessing the extent of the project's consistency with the relevant planning framework. <i>Conclusion</i> Based on the assessment above, we consider the project is an <u>infrastructure project</u> that would have <u>significant regional and national benefits</u> in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. Specifically, we consider the project meets the criteria in sections 22(2)(a)(ii), (iv) and (vii), as it would enable the continued functioning of existing regionally and nationally significant renewable electricity generation infrastructure, deliver significant regional economic benefits, and support climate change mitigation through the continued operation of the scheme. We consider these benefits are of a scale and significance that would collectively result in significant regional and national benefits. If you agree with this recommendation and are satisfied that the whole project meets the criteria in section 22, you may accept the referral application and refer the whole project to the fast-track approvals process in accordance with section 26 of the Act.
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant considers the project meets this criterion because the fast-track approvals process would enable the consenting of the scheme to be progressed more efficiently than through the RMA process. The applicant states that previous hydro-electric scheme consenting processes have taken several years to complete, whereas the fast-track approvals process has provided substantially shorter timeframes and greater certainty of outcome for comparable projects. CRC and SDC both consider the project meets this criterion. CRC notes the project would be processed more efficiently through the fast-track approvals process, while SDC notes the efficiencies associated with obtaining approvals through a single fast-track process. DOC similarly notes there may be benefits from approvals under the Wildlife Act 1953 and Freshwater Fisheries Regulations 1983 being considered alongside other approvals through a single process. Overall, we generally agree with the applicant's assessment that referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes. We note that the project involves the consenting of a long-established hydro-electric power scheme and that invited parties generally agree the fast-track approvals process provides an efficient pathway for considering the approvals required for its continued operation. Accordingly, <u>we consider the project meets this criterion</u>. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers the project is unlikely to materially affect the efficient operation of the fast-track approvals process because the project relates to the consenting of an existing hydro-electric power scheme and similar hydro-electric projects have already been successfully processed through the fast-track approvals process. The applicant states that technical assessments are being prepared to support a substantive application. CRC considers the project meets this criterion and notes that the applicant's proposed three-year lodgement period is unlikely to materially affect the efficient operation of the fast-track approvals process.

	We have not identified any comments or other information indicating that referral of the project would materially affect the efficient operation of the fast-track approvals process. While the project raises a range of environmental, cultural, freshwater and ecological matters, these can be considered by an expert panel through the substantive application process. We also note that the project is a reconsenting project and involves approval types that the fast-track process is intended to consider through an integrated pathway. Further, Contact and Manawa Energy have previously progressed other projects through the fast-track approvals process, which may assist in supporting the efficient progression of any substantive application for this project. Accordingly, we consider the project is unlikely to materially affect the efficient operation of the fast-track approvals process and <u>we consider the project meets this criterion.</u>
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As detailed above, we consider that the project is an infrastructure project that meets the criteria for accepting a referral application under section 22(1) of the Act. If you agree, there is no reason to decline the application under this subsection. <i>The Minister is satisfied the project involves an ineligible activity</i> As detailed above, we consider you can be satisfied that the project does not involve an ineligible activity. If you agree, there is no reason to decline the application under this subsection. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> As detailed above, we consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application under this subsection. To conclude, <u>we have not identified any reason that you must decline the application under section 21(3).</u>
Minister may decline [section 21(4) and 21(5)(a-h)]	<i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i> <i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> The section 18 report does not identify any inconsistency with a Treaty settlement or related instrument. Accordingly, we have not identified any reason to decline the application on this basis. <i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> No comments received from invited parties or the section 18 report identify any reason why the project would be more appropriately dealt with under another Act or Acts. Accordingly, we do not consider you should decline the referral application for this reason. <i>The project may have significant adverse effects on the environment</i> The applicant considers the project is unlikely to result in significant adverse environmental effects. The applicant notes that the scheme was last reconsented in 1995/96 and has since operated subject to an existing framework of consent conditions and monitoring requirements. The applicant states that the project seeks approvals for the continued operation and maintenance of the existing scheme on broadly similar terms and conditions to those currently applying, and therefore expects any adverse effects to be largely the same as those already occurring. The applicant also notes that a suite of technical assessments is being prepared to assess actual and potential effects, and that any adverse effects identified can be addressed through appropriate mitigation, monitoring and management measures proposed as part of the substantive application. Comments received from invited parties identify a range of environmental matters that would require further assessment through any substantive application. CRC identifies matters relating to groundwater, hydrology, water quality, aquatic ecology, fish passage, geomorphology, and climate change. DOC identifies matters relating to freshwater fisheries, fish passage, threatened and at-risk species, braided river ecosystems, wetland ecosystems, and compliance with the Rakaia Water Conservation Order. Mana whenua parties also identify matters relating to mahinga kai, taonga species, freshwater ecosystems, fish passage, water quality and quantity, and broader cultural and environmental values. However, none of the invited parties consider these matters provide a basis to decline the referral application. DOC considers it is likely that adverse effects can be addressed through appropriate conditions and mitigation, although it notes there is currently limited information regarding the scale of effects and proposed mitigation. CRC notes that further assessment is required to determine the extent of any adverse effects and identifies a range of matters that should be addressed through a substantive application. SDC does not identify any reason to decline the referral application and considers the project is appropriate for consideration through the fast-track approvals process.

We consider the applicant has provided sufficient information to enable a decision on the referral application. The matters raised by invited parties relate primarily to the scope of assessment required at the substantive application stage, rather than matters that provide a basis for declining the referral application at the referral stage. We also note that the project relates to the reconsenting of an existing hydro-electric power scheme that has operated for more than 100 years, rather than the development of a new scheme, and that the applicant proposes to continue operating the scheme on broadly similar terms and conditions to those currently applying. We consider an expert panel is best placed to assess the significance of any adverse effects with the benefit of a substantive application, detailed technical assessments, further comments from relevant parties, and the ability to impose conditions or decline the application if appropriate.

Accordingly, we do not consider you should decline the referral application on this basis.

The applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals

The applicant acknowledges that both Contact and Manawa Energy have been subject to a limited number of compliance and enforcement actions under the RMA. Contact identifies three enforcement matters since its formation in 1996, comprising one prosecution and two abatement notices, all of which it states have been addressed. Manawa Energy similarly identifies one prosecution and four abatement or infringement notices over approximately 30 years of operating hydro-electric generation assets, and states that these matters were addressed to the satisfaction of the relevant regulators. The applicant also notes that, for the scheme specifically, CRC requested corrective action in relation to a take limit in 2022, which the applicant addressed and has not received any further correspondence regarding.

DOC has not identified any issues with the applicant's compliance history. CRC notes that the most recent compliance assessment for the scheme identified four instances of low-risk non-compliance relating to data errors, reporting requirements, and works occurring outside an approved works area. CRC also notes that the enforcement actions identified by the applicant have been addressed and considers it is ultimately for the Minister to determine whether the applicant has a poor compliance history. As noted above, CRC supports the referral of the project.

We acknowledge that the prosecution, abatement notices, infringement notices, and identified instances of non-compliance are relevant to this criterion. However, these matters should be considered in the context of the scale and duration of Contact and Manawa Energy's electricity generation operations, including the large number of resource consents and compliance obligations they manage across New Zealand. The available information indicates that the applicant has generally responded to the matters raised by regulators and taken steps to address the underlying issues. The applicant is also involved in a number of other projects that have been referred to or progressed through the fast-track approvals process, including projects for which Contact Energy and Manawa Energy have acted as applicants. While this does not determine the assessment of the applicant's compliance history, it provides broader context regarding the scale and nature of the applicant's infrastructure and electricity generation activities.

On balance, we do not consider the identified compliance and enforcement matters demonstrate a poor compliance history under a specified Act that would justify declining the referral application. Accordingly, we do not consider you should decline the referral application on this basis.

The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes

The project area includes public conservation land. However, nothing in the application, comments received, section 18 report or section 19 report indicates that this land, or any other land within the project area, is considered necessary for Treaty settlement purposes. We therefore do not recommend declining the referral application under this criterion.

The project includes an activity that is a prohibited activity under the RMA

The applicant states that the project does not include a prohibited activity under the RMA. CRC agrees that the project does not include any prohibited activities under the RMA. We have not identified any comments or other information indicating that the project includes a prohibited activity. Accordingly, we do not consider you should decline the referral application on this basis.

A substantive application for the project would have one or more competing applications

CRC and SDC confirm they are not aware of any competing applications that would affect the project. CRC also considers it unlikely that a substantive application would have one or more competing applications, given the location and nature of the project. We note that whether any competing applications exist will need to be reassessed if a substantive application is lodged. However, based on the information currently available, we have not identified any competing applications or any other information indicating that a substantive application for the project would have one or more competing applications. Accordingly, we do not consider you should decline the referral application on this basis.

In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)

CRC confirms there are no existing resource consents to which section 124C(1)(c) or section 165ZI of the RMA would apply if the approvals sought were applied for as resource consents under that Act. We have not identified any information suggesting otherwise. We note that section 165ZI of the RMA relates to aquaculture activities only. Accordingly, we do not consider you should decline the referral application on this basis.

Any other matter

We have considered the application, comments received from invited parties, the section 18 report, and the section 19 report, and have not identified any other matters that would provide a basis for declining the referral application under section 21(4).

Conclusion

We have not identified any matters that would warrant declining the referral application under sections 21(4) or 21(5) of the Act and, accordingly, **do not recommend that you decline the application**. We note, however, that section 21(4) provides you with discretion to decline a referral application for any other reason, regardless of whether the project meets the criteria in section 22.

Specified matters for an accepted referral application

The Minister may specify any of the matters under section 27(3)

The Minister may specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.

Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)
We have not identified any restrictions that we consider should apply to the project.

In relation to a substantive application for the project:

A deadline for lodging the application, unless section 27(3)(c) applies

The applicant requests a three-year deadline for lodging the substantive application, rather than the default two-year period. The applicant states that the scheme is a large and complex renewable electricity generation project involving multiple catchments, river diversions, operational structures and receiving environments. The applicant notes that a comprehensive programme of technical investigations is currently being undertaken, including hydrology, geomorphology, groundwater, aquatic ecology, fish passage, terrestrial ecology and avifauna assessments. The applicant considers a three-year period is necessary to allow sufficient time for seasonal data collection, technical analysis, engagement with mana whenua and stakeholders, and preparation of a comprehensive substantive application.

CRC supports the applicant's request for a three-year lodgement period, noting that additional time will allow the monitoring and fieldwork required to inform technical assessments. DOC also supports a three-year timeframe to allow sufficient time for monitoring and fieldwork to inform the necessary technical assessments. Te Rūnanga and Mahaanui Kurataiao, on behalf of Te Taumutu, similarly support a three-year timeframe to enable robust assessment and continued engagement with mana whenua.

We consider the requested three-year period is appropriate given the scale and complexity of the scheme, the range of technical assessments currently being prepared, and the need for ongoing engagement with mana whenua and other stakeholders. A three-year deadline would provide sufficient time for the applicant to complete the required investigations and prepare a robust substantive application. If you agree to accept the referral application and refer the project to the fast-track approval process, we therefore recommend that you specify a deadline of **three years after the notice of decision is given to the applicant for the lodgement of the substantive application.**

Information that must be submitted with the application

CRC, DOC, Te Rūnanga, AECL on behalf of Arowhenua, Whitiara on behalf of Ngāi Tūāhuriri, and Mahaanui Kurataiao on behalf of Te Taumutu identify a range of matters that they consider should be addressed through any substantive application. These include groundwater, hydrology, geomorphology, water quality, aquatic ecology, fish passage, indigenous biodiversity, taonga species, mahinga kai, climate change, and cultural values. Several invited parties also seek ongoing engagement with mana whenua and the completion of cultural assessments and other technical investigations. SDC, DOC, and Mahaanui Kurataiao also identify the National Water Conservation (Rakaia River) Order 1988 as a relevant consideration for any substantive application.

The applicant has identified they are currently preparing an extensive programme of technical assessments to support the substantive application, including hydrology, geomorphology, groundwater, aquatic ecology, fish passage, terrestrial ecology, landscape, recreation, economic and cultural assessments. We consider the information requirements already prescribed by the Act, together with the expert panel's ability to request further information if required, are generally sufficient to support an effective assessment of the project. Following a decision on the referral application, the applicant will also have access to the comments received from invited parties and can have regard to those comments when determining the scope of information and technical assessments to include with any substantive application.

We note that several invited parties identified the National Water Conservation (Rakaia River) Order 1988 as a relevant consideration for the project and that the referral application does not specifically address the Order. To ensure this is covered in any substantive application, we therefore recommend that, pursuant to section 27(3)(b)(ii), the following information must be submitted with any substantive application lodged for the project: **an assessment of the project's consistency with the National Water Conservation (Rakaia River) Order 1988.** Notwithstanding this recommendation, you retain discretion to specify any additional information that must be submitted with the substantive application if you consider it appropriate to do so.

The persons or groups from whom a panel must invite comments in addition to those specified in section 53

If you decide to accept the referral application, we recommend specifying in the notice of decision that **Transpower** be invited to comment on the substantive application. Transpower has identified an interest in the project due to its relationship with the National Grid and the ongoing operation of the scheme as a source of electricity generation. Transpower may not otherwise be captured by the parties specified in section 53 and has requested ongoing involvement in the project.

We note you retain discretion to decide not to specify that Transpower be invited by the panel to comment at the substantive application stage. You may also specify that any other persons or groups of your choosing be invited to comment. You do not need to specify the parties already captured under section 53, as those parties must be invited to comment on a substantive application by the expert panel. This includes relevant local authorities, relevant iwi authorities and Treaty settlement entities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and owners and occupiers within or adjacent to the land to which the substantive application relates.

Whether the substantive application would have any competing applications

Not applicable – As noted above, we have not identified any competing applications at this stage. We note the applicant and the EPA are required to reassess this matter at the substantive application stage.

Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)

Not applicable – As noted above, we have not identified any existing resource consents of the kind referred to in section 30(3)(a) at this stage. We note the applicant and the EPA are required to reassess this matter at the substantive application stage.

Conclusion

We recommend specifying a deadline of **three years** from the date notice of your decision is given to the applicant for lodging any substantive application. We also recommend specifying, under section 27(3)(b)(ii), that any substantive application include **an assessment of the project's consistency with the National Water Conservation (Rakaia River) Order 1988**. In addition, we recommend specifying under section 27(3)(b)(iii) that **Transpower** be invited to comment on any substantive application. Other than these matters, we do not recommend specifying any additional matters under section 27(3) of the Act.

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in section 22
 - b. you are satisfied the project involves an ineligible activity (section 5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in section 21(5) and even if the application meets the section 22 referral criteria.
5. You can decline an application before or after inviting comments under section 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities
 - b. the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
 - c. any other relevant portfolio Ministers
 - d. the relevant administering agencies
 - e. the Māori groups identified by the responsible agency
 - f. the owners of Māori land in the project area (if applicable)
 - g. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.