

11. FAST-TRACK APPROVALS ACT 2024 REQUIREMENTS

11.1 OVERVIEW

In assessing applications, panels are to give the greatest weight to the purpose of the FTAA, which is “*to facilitate the delivery of infrastructure and development projects with significant regional or national benefits*”. Section 8(4) of the FTAA sets out that, when taking into account the purpose of the FTAA, the panel must consider the extent of the project’s regional or national benefits.

The FTAA introduces a consenting and permitting regime that consolidates and adjusts several existing regulatory statutes and regulations to enable the proponents of projects with significant regional or national benefits to go through one process to obtain the necessary approvals for the project. Where a substantive application is made, the approval process set out in the FTAA applies instead of the processes provided for under other legislation.³⁶

The FTAA establishes a system that puts in place a single assessment framework to address the various consenting and permitting obligations relevant to a given project. This includes all approvals required under the following legislation applicable to MP4:

- > The RMA;
- > The Wildlife Act;
- > The HNZPT Act; and
- > The Freshwater Fisheries Regulations.

As discussed earlier in this report, MP4 is a listed project in Schedule 2 of the FTAA.

11.2 PRELIMINARY STEPS FOR LISTED PROJECTS

Preliminary steps required under the FTAA ahead of lodging are a combination of those prescribed in the FTAA itself and the transitional provisions in Schedule 1.

Absent the transitional provisions in Schedule 1, section 29 of the FTAA sets out what an applicant must do before a substantive application can be lodged for a listed project. The preliminary steps prescribed by sub-sections 1(aa) and 1A of section 29 were inserted by the Fast-track Approvals Amendment Act 2025. Those sub-sections would require OGNZL³⁷ to

³⁶ Section 40 of the FTAA.

³⁷ As the authorised person pursuant to section 42 of the FTAA.



give written notice to the persons and groups referred to in section 11(1)(b) followed by a 20 working day restriction on lodgement of the substantive application while those persons or groups are given the opportunity to respond to the notice.

As set out in **Part A.08** of this report, OGNZL commenced consultation in December 2025 with the persons and groups referred to in section 11(1)(b)³⁸ of the FTAA being WDC,³⁹ DCC,⁴⁰ ORC,⁴¹ Kā Runaka,⁴² DOC⁴³ and HNZPT.⁴⁴

As this engagement commenced prior to the Act's second commencement date (31 March 2026),⁴⁵ the transitional provisions set out in clause 11 of Schedule 1 of the FTAA apply. Those transitional provisions relieve OGNZL from the preliminary steps prescribed by clauses 1(aa) and 1A of section 29 subject to OGNZL finishing their pre-commencement consultation,⁴⁶ otherwise known as pre-lodgement consultation under the old section 29.

As set out in **Part A.08** of this report, OGNZL has undertaken pre-lodgement consultation and as a courtesy issued written notice to the relevant persons and groups of its intention to lodge its substantive application for MP4.

OGNZL has otherwise met the requirements of section 29 and, for completeness, confirms it is not seeking any access arrangements under the Crown Minerals Act.⁴⁷

11.3 PRELIMINARY STEP FOR APPLICATIONS FOR RESOURCE CONSENT

As required by section 30(2) of the FTAA, OGNZL has notified ORC in writing of its intention to lodge MP4. A copy of the s30 letter is provided in **Part G** of this substantive application which contains the response from the ORC that addresses the matters set out in sections 30(3) to (6) of the FTAA.

For completeness, sections 31 to 37 of the FTAA do not apply to MP4.

³⁸ This section is titled consultation requirements for *referral applications*, however section 29 of the FTAA (which deals with listed projects) cross references back to this section.

³⁹ As a relevant local authority.

⁴⁰ As a relevant local authority.

⁴¹ As a relevant local authority.

⁴² As the relevant iwi authority and Treaty Settlement Entity.

⁴³ Administering agency in respect of the Wildlife Act (wildlife approvals and fisheries regulations).

⁴⁴ Administering agency for the HNZPT Act (archeological authority).

⁴⁵ Being the date on which the Fast-track Approvals Amendment Act 2025 came into force.

⁴⁶ Clause 11(3) of Schedule 1 of the FTAA.

⁴⁷ Section 29(1)(b) of the FTAA is therefore not applicable.



11.4 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION

Section 43 of the FTAA sets out that a substantive application:

- > *Must be lodged in the form and manner approved by the EPA.*⁴⁸ The application has been prepared to meet that requirement;
- > *Must explain how the project is consistent with the purpose of the FTAA.*⁴⁹ Addressed in **Part A.06** of this report and Section 11.5 below;
- > *Must demonstrate that the project does not involve any ineligible activities.*⁵⁰ Addressed in Section 11.6 below;
- > *Must, if the application is lodged by more than one authorised person, state the proposed approval to be held by each person.*⁵¹ OGNZL is the only authorised person lodging the application;
- > *Must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant's knowledge, there are no competing applications.*⁵² The Application does not relate to a priority project;
- > *Must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.*⁵³ OGNZL has paid all relevant fees, charges and levies prior to lodging this substantive application;

For a listed project, must contain the information listed in section 13(4) of the FTAA,⁵⁴ including:

- > *A description of the project and the activities it involves.*⁵⁵ Addressed in **Part A.06** [Project Description] of this report;
- > *Information to demonstrate that the project does not involve any ineligible activities.*⁵⁶ Addressed below in Section 11.6 below;

⁴⁸ Section 43(1)(a) of the FTAA.

⁴⁹ Section 43(1)(b)(i) of the FTAA.

⁵⁰ Section 43(1)(c) of the FTAA.

⁵¹ Section 43(1)(d) of the FTAA.

⁵² Section 43(1)(h) of the FTAA.

⁵³ Section 43(1)(j) of the FTAA.

⁵⁴ Other than section 13(4)(b), (f)(ii) and (iii) and (g) of the Act, as per section 43(2).

⁵⁵ Section 13(4)(a) of the FTAA.

⁵⁶ Section 13(4)(c) of the FTAA.



- > *A description or map of the whole project area that identifies its boundaries.*⁵⁷
Addressed in **Figure 6-1** in **Part A.06** [Project Description] of this report and provided in **Part E** of this substantive application;
- > *The anticipated commencement and completion dates for construction activities.*⁵⁸
Addressed in **Part A.06** [Project Description] of this report;
- > *A statement of whether the project is planned to proceed in stages.*⁵⁹ Addressed in **Part A.06** [Project Description] of this report;
- > *A description of the anticipated and known adverse effects of the project on the environment.*⁶⁰ Addressed in **Part A.09** [AEE] of this report;
- > *A statement of any activities involved in the project that are prohibited activities under the RMA.*⁶¹ MP4 does not propose any prohibited activities under the RMA, as addressed in **Section 7.2.2** in **Part A.07** [Approvals Sought under the Fast-track Approvals Act] of this report;
- > *A list of the persons and groups OGNZL considers are likely to be affected by the Project, and details of any consultation undertaken including how that consultation has informed the Project.*⁶² Addressed in **Part A.08** [Consultation, Engagement and Agreements] of this report;
- > *A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements.*⁶³ Addressed in **Section 12.3.17** of **Part A.12** [Statutory Assessment Relating to the RMA] of this report;
- > *A description of any processes already undertaken under the Public Works Act 1981 in relation to the project.*⁶⁴ Addressed in **Section 5.6.1** of **Part A.05** [Existing Environment] of this report;
- > *A statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.*⁶⁵ Not provided as the Project Site is not located in the marine and coastal area.

⁵⁷ Section 13(4)(d) of the FTAA.

⁵⁸ Section 13(4)(e) of the FTAA.

⁵⁹ Section 13(4)(f) of the FTAA.

⁶⁰ Section 13(4)(h) of the FTAA.

⁶¹ Section 13(4)(i) of the FTAA.

⁶² Section 13(4)(j), (k) and (ka) of the FTAA.

⁶³ Section 13(4)(l) of the FTAA.

⁶⁴ Section 13(4)(m) of the FTAA.

⁶⁵ Section 13(4)(n) of the FTAA.

- > *There are no parcels of Māori land, marae or identified wāhi tapu in any district or regional plan, within the project area.*⁶⁶ Addressed in **Part A.05** [Existing Environment] of this report;
- > *A description of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work.*⁶⁷ Addressed in **Section 6.4.2 of Part A.05** [Existing Environment] of this report;
- > *An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant, needed to complete the project.*⁶⁸ Addressed in **Part A.07** [Approvals Sought under the Fast-track Approvals Act] of this report.
- > *Information as to whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified FTAA and – if an application has been made, details of the application, if a decision has been made, the outcome of the decision and the reasons for it.*⁶⁹

In 2024, OGNZL submitted a resource consent application for a project called MP4 which proposed to extend the life of the Macraes Operation to around 2030. This project, hereafter referred to as “**MP4 (RMA)**” involved expanding some areas of current operations at mines or pits previously developed and mined to their former economic limit over the last 30 years. Resource consents were sought from WDC, DCC and ORC to authorise the following proposed activities:

- > Further development of, and tailings deposition in Frasers TSF (referred to as Frasers TSF Stage 2);
- > Down dip extension of three open pits (Innes Mills, Coronation and Golden Bar) and associated waste rock disposal;
- > Transporting of ore to the Processing Plant for gold extraction;
- > Backfilling of the Coronation North Pit following the completion of the mining currently authorised;

⁶⁶ Section 13(4)(o) of the FTAA.

⁶⁷ Section 13(4)(s) of the FTAA.

⁶⁸ Section 13(4)(t) of the FTAA.

⁶⁹ Section 13(4)(u) of the FTAA.



- > Realignment of part of Golden Bar Road to facilitate additional mining in Innes Mills Pit;
- > Ancillary features such as topsoil stockpiles, low-grade ore stockpiles, silt ponds, areas for pit infrastructure and access roading;
- > Activities associated with the mitigation, remediation, and offsetting of the effects of the above activities, including amenity effects, water quality and ecological effects management (via the Murphys Ecological Enhancement Area);
- > Partially infilling Golden Point Pit with waste rock rehandled from Northern Gully WRS and some waste from Innes Mills Pit to form buttressing on the west wall; and
- > Establishment of an ecological enhancement area on the true right side of Murphys Creek, an access track and associated facilities.

The following activities which form part of MP4 to which this substantive application relates are substantially the same as those activities which formed part of the MP4 (RMA) project:

- Coronation Pit Extension (Stage 6);
- Golden Bar Pit and Waste Rock Stack Extension;
- Backfilling of Golden Point Pit; and
- Transportation of ore for processing, ancillary features, associated activities and ecological enhancement, linked to the above proposed mining activities.

The MP4 (RMA) applications were publicly notified in March 2025 and were originally set down to be heard in July 2025. In response to a joint submission made by Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, and Te Rūnanga o Ōtākou (“**Ka Rūnaka**”) and the supporting CIA prepared by Aukaha for MP4 (RMA), and matters raised in Council evaluation reports under Section 42A RMA OGNZL requested that the hearing for MP4 (RMA) be deferred. The deferral was needed to allow the relationship with Ka Rūnaka to be strengthened and to negotiate potential mitigation or compensation measures for the matters raised in the submission, the CIA as well as re-engineering parts of the project, conducting further assessments and developing management responses to the Councils’ evaluation reports.

OGNZL subsequently sought and was later granted resource consents for the Continuity Consents Stage 2 Project which enabled continuation of the Macraes Operation beyond March 2026, when tailings capacity in Frasers TSF Stage 1 was forecast to run out. Upon the granting of consents for Continuity Consents Stage 2 Project, OGNZL withdrew its application for MP4 (RMA) on 14 November 2025. At that

point, with enactment of the FTAA having superseded lodgement of MP4 (RMA), which listed MP4 in Schedule 2 of the Act, OGNZL made the decision to apply for all necessary remaining approvals for MP4 via the Fast-track process.

Although the resource consent applications for MP4 (RMA) did not proceed to a decision, the submissions received and evaluated in Councils' reporting provided OGNZL with a clear indication of the environmental issues that would be relevant for the substantive application for MP4. That insight became the key outcome of the MP4 (RMA) application process. As touched on throughout these substantive application documents and outlined in **Part A.09** of this report (Table 9-1 in Section 9.2), OGNZL has addressed these issues to the extent practicable through project design, technical reporting, and effects management frameworks. MP4 is a substantially improved project over MP4 (RMA) in the robustness of its responses to environmental concerns.

Further to the above, and for completeness, it is noted that MP4 seeks to re-authorise the operation, maintenance and rehabilitation of some mining areas established under other resource consent processes. This is discussed in **Part A.07** and **Part F** of these substantive application documents. To the extent that use, maintenance and rehabilitation of these areas is provided for by existing resource consents, those activities have been subject to previous applications and decisions made under the RMA. **Part F** of this substantive application provides an analysis of which resource consents are relevant here. In all cases, the granting of the relevant resource consent was considered by the respective decision maker to achieve the sustainable management purpose of the RMA and to be consistent with the planning documents in force at the time.

- > *A description of whether and how the project would be affected by climate change and natural hazards:*⁷⁰

Natural hazards such as instability, earthquakes and climate change (including seepage rates and rainfall probability) have been considered throughout numerous technical reports provided in **Part B** of this substantive application. These considerations have been summarised in multiple sections in **Part A.12** [Statutory Assessment Relating to

⁷⁰ Section 13(4)(v) of the FTAA.

the RMA]⁷¹ of this report and Management Plans provided in **Part C** of this substantive application.⁷²

Of note, structures (including TSFs and WRS) are closely regulated for structural integrity in their construction, operation and closure by the Building Act 2004 and (in the case of TSFs) the Building (Dam Safety) Regulations 2022, which fall outside the framework of the FTAA.

- > *A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant:*⁷³

There have not been any compliance or enforcement actions taken against OGNZL and no company director, trustee, partner, or anyone else involved with the application has been convicted of any offence, and no current criminal charges are pending, under the following statutes covered in the FTAA that are relevant to this application:

- > Conservation Act;
- > Wildlife Act;
- > HNZPT Act; and
- > Fisheries Regulations

There have been compliance or enforcement actions taken against OGNZL (but not company directors or anyone else involved with the application) under the RMA and Crown Minerals Act, as follows:

- > **Reefton Mine – RMA**

Until 2016, OGNZL operated a gold mining operation at Reefton known as the Oceana Gold Globe – Progress Mine. The Mine is now the Reefton Restoration Project and handover to the landowner, DOC, is nearing completion with parts of the site now re-opened to public access.

On 1 December 2009 the West Coast Regional Council charged OGNZL under section 15(1)(b) of the RMA for discharging sediment into Devils Creek from a silt settling pond at the mine on 2 September 2009, in breach of its resource consent. The breach of the condition was a consequence of the rainfall in the week prior to

⁷¹ Sections 12.2.3, 12.3.1, 12.3.10 – 12.3.16 of the substantive application.

⁷² Surface and Groundwater Management Plan, Geochemistry Management Plan, Ground Control Management Plan, Coronation Pit and Trimbells WRS Management Plan, Erosion and Sediment Control Management Plan and WRS Construction and Management Plan.

⁷³ Section 13(4)(x) of the FTAA.



sampling and that there had been additional rainfall on 25 August 2009 (8 days prior to sampling) which had increased the water height in the silt pond. However, the consent condition provided no exemption based on rainfall events. OGNZL entered an early guilty plea and participated in a restorative justice process with the West Coast Regional Council where it was agreed that OGNZL would carry out remediation at Devils Creek. On 15 November 2010 OGNZL was sentenced and fined \$23,000 for breach of the consent and an enforcement order was made by consent.

OGNZL prepared a remedial action plan in consultation with the West Coast Regional Council, obtained the necessary consent, and trialled stream bed works in Devils Creek. It became apparent to both parties that extending the trial would result in extensive vegetation disturbance, and mobilisation of sediment in the Creek could result in further areas being affected. The parties agreed an amended remedial action plan which was completed during site closure. The enforcement order has been cancelled.

> **Macraes Mine – RMA**

On 20 February 2024, the Otago Regional Council issued OGNZL an abatement notice under section 322(1)(a)(i) of the RMA, in relation to the outdoor storage of tyres in excess of 20 m³ at the Macraes Operation. By September 2024, OGNZL complied with the notice by obtaining resource consent in accordance with the Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021.

In 2024, WDC and DCC commissioned an independent audit into OGNZL's Annual Ecological Reporting. The need for an independent audit arose from the number and complexity of consent conditions, and the consequent difficulty in assessing compliance with those conditions. The audit found a number of areas of potential non-compliance. On 14 August 2026, OGNZL entered into an agreement with WDC and DCC regarding performance of ecological conditions for the consents set out in Table 11-1. The agreement specifies a series of actions and responsibilities to ensure all parties have the same view on what certain existing consents require. OGNZL has also committed to funding a liaison officer to assist the District Councils with managing compliance and enforcement at Macraes.

Table 11-1: OGNZL Resource Consents

Name	Consent Number (Council)
MPIII	201.2011.35 (WDC)
Tipperary Freshwater Dam	201.2013.162 (WDC)
Coronation	201.2013.360 (WDC) and LUC-2013-225 (DCC)
Coronation North	201.2016.799 (WDC), 201.2013.360/1 (WDC), LUC-2016-230 (DCC), LUC-2013-225/A (DCC)
Coronation North Extension (North Pit and Trimbells WRS)	201.2019.1241 (WDC) and LUC-2019-42 (DCC)
Deepdell North III	201.2019.1454 (WDC)

> **Macraes Mine - Crown Minerals**

While OGNZL is not applying for mining permits under the Crown Minerals Act, the following information has been included for completeness.

Overall OGNZL has a strong compliance record under the Crown Minerals Act across the multiple minerals permits it has held during its 35+ years of operation. It exercises reasonable skill, care and diligence in all its activities, including reporting and payment of annual fees and royalties, which have undergone routine audits from time to time with no material issues identified.

On 11 October 2017, two charges were laid by the Ministry for Business, Innovation and Employment against OGNZL under the Crown Minerals Act. This was for failing to supply a mining plan on time as part of the annual report on mining activities that had taken place under mining permit 52738 and mining permit 41064 (both at Macraes Operation) during the 2016 year. The charges were subsequently withdrawn after OGNZL was offered, and successfully completed, diversion.

> *If the proposed approvals include:*

- > *A resource consent, the information specified in clause 2 of Schedule 5, being an assessment of the project against any relevant national policy statements, any*

*relevant national environmental standards, and confirmation whether there are any existing resource consents for the same activity.*⁷⁴

An assessment of MP4 and the applicable provisions of national policy statements and national environmental standards is contained in Section 12.3 of **Part A.12** [Statutory Assessment Relating to the RMA] of this report.

OGNZL confirms there are no existing resource consents for the same activity as being sought in this report. This is also confirmed in the letter from ORC contained in **Part G** of this substantive application.

- > *A change or cancellation of resource consent conditions, the information specified in clause 3 of Schedule 5, being an evaluation of whether the change or cancellation of conditions is material to the implementation or delivery of MP4.*⁷⁵

Authorisations of existing mining activities and their relationship to MP4 are provided in **Part F** of this substantive application. This document details the relationship between existing authorisations and MP4, including the extent to which proposed activities are already authorised, the approvals and condition changes required to facilitate MP4, and the approach proposed to manage interactions between existing consents and approvals sought under the Act. No cancellation of existing consent conditions is proposed in this application.

- > *A certificate of compliance, the information specified in clause 4 of Schedule 5, being an evaluation that the activity that the certificate of compliance is intended to cover can be done lawfully in the particular location without a resource consent.*⁷⁶

No certificates of compliance are being sought as part of MP4.

- > *A freshwater fisheries activity, the information specified in clause 2 of Schedule 9 – whether instream structures are proposed, the extent to which they may impede fish passage and whether any fish salvage activities are proposed.*⁷⁷

A dispensation is required under Regulation 43 (damming or diverting a watercourse) of the Freshwater Fisheries Regulations, and two approvals are required under the complex freshwater fisheries activities under Regulation 42 (culverts) for complex freshwater fisheries. These matters are described in two parts

⁷⁴ Section 13(4)(y)(i) of the FTAA.

⁷⁵ Section 13(4)(y)(ii) of the FTAA.

⁷⁶ Section 13(4)(y)(iii) of the FTAA.

⁷⁷ Section 13(4)(y)(vi) of the FTAA.



of the substantive application; **Section 7.5 of Part A.07** [Approvals sought under the Act] and **Part A.15** [Complex freshwater fisheries approvals].

- > *The applicant must provide the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project with reference to Schedule 2.*⁷⁸

The information OGNZL provided to the Minister in support of its listing is provided in **Part K** of this substantive application.⁷⁹ MP4:

- > Is within the area described in the Project Description column of Schedule 2 of the FTAA that relates to 13,500 ha at Golden Point Road, Macraes Flat.
- > Is within the scope of the Project Description described in Schedule 2, being that MP4 seeks to expand the existing open pit and underground gold mining operations to enable output of approximately 130,000 ounces per annum (as described in **Part A.06** [Project Description] of this report). Must, for resource consents, include the information required by clauses 5 to 9 (as relevant) of Schedule 5 of the FTAA (addressed in **Part A.12** [Approvals Sought under the Fast-track Approvals Act] of this report);⁸⁰
- > *The applicant must, for a change or cancellation of resource consent conditions, include the information required by clause 10 of Schedule 5 of the Act.*⁸¹ Addressed in **Part I** of this substantive application;
- > *The applicant must, for a certificate of compliance, include the information required by clause 11 of Schedule 5 of the Act.*⁸² This not addressed in the substantive application, as no certificate of compliance is being sought for the MP4 Project.
- > *The applicant must, for wildlife approvals, include the information required by clause 2 of Schedule 7 of the Act.*⁸³ Addressed in **Part A.13** [Wildlife Approval Requirements] of this report.

⁷⁸ Section 43(2)(c) of the FTAA.

⁷⁹ An amendment to the listing of MP4 in Schedule 2 of the FTAA to remove the reference to the year “2036” was approved on 26 June 2026, by clause 4(6) of the Fast-track Approvals (Buller Plateaux Continuation and Other Projects) Order 2026 (SL 2026/183). OGNZL’s request for this amendment is also provided in **Part K** of the application documents.

⁸⁰ Section 43(3)(a) of the FTAA.

⁸¹ Section 43(3)(b) of the FTAA.

⁸² Section 43(3)(c) of the FTAA.

⁸³ Section 43(3)(h) of the FTAA.



- > *The applicant must, for an archaeological authority, include the information required by clause 2 of Schedule 8 of the Act.*⁸⁴ Addressed in **Part A.14** [Arch authority Requirements] of this report.

*The applicant must, for a complex freshwater fisheries activity approval, include the information required by clause 3 of Schedule 9 of the Act.*⁸⁵ Addressed in **Part A.15** [Complex Fisheries] of this report.

11.5 THE MP4 PROJECT AND THE PURPOSE OF THE ACT

Section 3 of the FTAA sets out its purpose, as follows:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Part A.04,⁸⁶ **Part A.06**⁸⁷ and multiple provisions of **Part A.12**⁸⁸ of this report describes the significant regional and national economic benefits that MP4 is expected to have. These benefits are summarised as follows:

- > **Investment:** MP4 brings around \$1.3 billion of additional capital investment over the life of the project (\$1.6b including inflation);
- > **Exports:** The project adds between \$4.5 billion (at the base case gold price) and \$7.3 billion (upside gold price) of gold exports, an average of \$320 to \$520 million a year;
- > **Employment:** The mine directly employs around 760 people, and supports around 2,600 jobs in total across New Zealand once suppliers, contractors and the spending of those workers are counted;
- > **Economic activity:** MP4 is associated with around \$3.1 billion of spending in New Zealand over the life of the project, on wages, suppliers and capital; and
- > **Crown revenue:** The project returns between \$0.5 billion (base case) and \$1.4 billion (upside) to the Crown over its life, in royalties, company income tax and PAYE.

The FTAA is designed to provide a “one-stop-shop” approvals process for significant proposals, primarily to minimise delays and costs associated with obtaining sequential approvals under different statutory regimes and to promote consistency in requirements

⁸⁴ Section 43(3)(i) of the FTAA.

⁸⁵ Section 43(3)(j) of the FTAA.

⁸⁶ Sections 4.3, 4.4.3 and 4.5 of the substantive application.

⁸⁷ Section 6.1 of the substantive application.

⁸⁸ Sections 12.1, 12.2.2, 12.3.7, 12.3.8, 12.3.10, 12.3.11, 12.3.13, 12.3.14 and 12.3.15 of the substantive application.



across different types of authorisations. Recognising MP4's need for approvals under a range of statutes and from a variety of regulatory authorities, it is an ideal project for processing under the FTAA.

On this basis, it is considered that MP4 is entirely consistent with the purpose of the FTAA.

11.6 INELIGIBLE ACTIVITIES

Section 5 of the FTAA addresses ineligible activities which cannot be authorised under the FTAA. In this respect, MP4:

- > Is not located on identified Māori land;⁸⁹
- > Is not located in a customary marine title area;⁹⁰
- > Is not located in a protected customary rights area;⁹¹
- > Is not located on Māori customary land or land set apart as a Māori reservation;⁹²
- > Is not an aquaculture activity or an activity that is incompatible with aquaculture activities;⁹³
- > Does not require an access arrangement under section 61 or 61B of the Crown Minerals Act;⁹⁴
- > Is not an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Act;⁹⁵
- > Is not located on any land listed in Schedule 4 of the Crown Minerals Act 1991,⁹⁶ or within a national reserve under the Reserves Act 1977;⁹⁷
- > Is not located on a reserve held under the Reserves Act that is vested in someone other than the Crown or a local authority or managed by someone other than the DOC or a local authority;⁹⁸

⁸⁹ Section 5(1)(a) of the FTAA.

⁹⁰ Section 5(1)(b) of the FTAA.

⁹¹ Section 5(1)(c) of the FTAA.

⁹² Section 5(1)(d) of the FTAA.

⁹³ Section 5(1)(e) of the FTAA.

⁹⁴ Section 5(1)(f) of the FTAA.

⁹⁵ Section 5(1)(g) of the FTAA.

⁹⁶ Section 5(1)(h) of the FTAA.

⁹⁷ Section 5(1)(i) of the FTAA.

⁹⁸ Section 5(1)(j) & (k) of the FTAA.



- > Is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or section 15B or 15C of the RMA;⁹⁹
- > Is not a decommissioning-related activity in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012;¹⁰⁰ and
- > Is not an activity undertaken for the purposes of an offshore renewable energy project.¹⁰¹

The activities which OGNZL are seeking authorisation for under the FTAA as part of this substantive application are, therefore, not ineligible activities.

11.7 CONSENT TERM SOUGHT

To secure the enablement, delivery and rehabilitation of MP4, OGNZL is seeking a consent term of 35 years for the majority of necessary resource consents for MP4.

OGNZL acknowledges that section 127B was included in the RMA on 21 August 2025 by the Resource Management (Consenting and Other System Changes) Amendment Act 2025. Section 127B creates a legislative limitation for the duration of water permits in Otago and states that new permits granted under the Regional Water Plan must not exceed six years.

Policy 10A.2.2 of the Regional Water Plan is directive and limits the duration of resource consents for new water takes and / or uses of freshwater for no more than six years (except for existing hydro-electricity generation activities).

However, when the context necessitating section 127B of the RMA and Policy 10A.2.2 of the Regional Water Plan are considered alongside the objectives and policies of the Regional Water Plan as a whole, OGNZL considered that the panel is not precluded from granting the water permits sought under the FTAA for a period longer than six years. This is because:

- > The six-year duration was intended to be a temporary measure to manage water allocation and provide a framework for the assessment of take and use applications for water in the transition period while a new Regional Water Plan was prepared (which would be operative by 31 December 2025). It was intended to enable ORC to transition to a new integrated planning framework efficiently and effectively by limiting the number of long-term permits operating under an outgoing planning framework. The six-year duration was intended to discourage further investment to respond to an imminent change in policy setting. However, the prevention of notification of freshwater planning

⁹⁹ Section 5(1)(l) of the FTAA.

¹⁰⁰ Section 5(1)(m) of the FTAA.

¹⁰¹ Section 5(1)(n) of the FTAA.

instruments in 2024 by the Resource Management (Freshwater and Other Matters) Amendment Act necessitated the inclusion of section 127B in the RMA as ORC had existing permit holders with short duration permits that would expire before a new framework was in place;

- > The intention and context behind the six-year duration to discourage investment is directly contrary to the purpose of the FTAA, to which the greatest weight must be given;
- > Section 127B is contained in Part 6 of the RMA and is a relevant consideration to the Panel's decision making. However, in the context of the FTAA, while section 127B is still a relevant consideration, Clause 17(4) of Schedule 5 directs that where the provisions of the RMA would normally require an application to be declined a panel must not treat those provisions as requiring the application under consideration to be declined. The same logic must apply where a provision requires a consent term to be limited. The RMA provisions need to be subject to the weighting exercise; and
- > This requires the panel to consider the RMA provisions, including section 127B on an individual basis, prior to standing back and conducting an overall weighting exercise in accordance with the legislative direction of the Act. Under the FTAA's weighting test, the panel has the ability to determine that the benefits of facilitating the delivery of MP4 over a longer term outweigh the inconsistency with the six-year duration of water permits in the RMA.

In summary, the proposed MP4 water permits to take and use water:

- > Will not result in surface water (or groundwater treated as surface water) allocation issues;
- > Are a unique scenario which the objectives and policies of the Regional Water Plan and section 127B of the RMA, or the events that necessitated them, did not contemplate or provide for;
- > Will not impact ORC's ability to transition to a new integrated planning framework efficiently and effectively; and
- > Need to align with the duration of other approvals sought under the FTAA to facilitate the delivery of MP4 and the associated national and regional benefits.

For these reasons, the panel is not precluded from granting the approvals sought under the FTAA for a period longer than six years and doing so would disrupt the delivery of MP4 and be contrary to the purpose of the FTAA.

