



Offshore Renewable Energy Feasibility Permits: Application Guidance



MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

New Zealand Government
Te Kāwanatanga o Aotearoa



**MINISTRY OF BUSINESS,
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If you cannot find an answer to your question, you can email your query to OffshoreRenewables@mbie.govt.nz.

Disclaimer

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Offshore Renewable Energy Feasibility Permits: Application Guidance

This guidance supports applicants in making an application for a feasibility permit under the Offshore Renewable Energy Act 2026.

Purpose

This guidance is designed to support applicants to prepare and submit an application for an Offshore Renewable Energy (ORE) feasibility permit (feasibility permit) in accordance with the Offshore Renewable Energy Act 2026 (the Act), the Offshore Renewable Energy Regulations 2026 (the Regulations) and the Offshore Renewable Energy (Levies) Regulations 2026 (the Levy Regulations) by outlining:

- the application assessment process and steps for preparing and submitting an application
- how MBIE intends to assess applications to inform advice to the Minister who is responsible for determining applications
- the supporting documents (and the information that should be contained within each) that an applicant should provide when making an application for a feasibility permit.

The Act, Regulations, and the Round Notice

This guidance does not replace or alter requirements prescribed in the prevailing legislative instruments listed below, which should be read alongside this guidance document. If anything in this guidance differs from or contradicts what is stated in the legislative instruments, the legislative instruments take precedence.

Legislative instrument	Title/reference
Legislation	Offshore Renewable Energy Act 2026
Regulations	Offshore Renewable Energy Regulations 2026
	Offshore Renewable Energy (Levies) Regulations 2026
Application round notice (Round Notice)	Issued (with respect to each application round) under Section 13 of the Offshore Renewable Energy Act 2026 (available on the New Zealand Gazette – www.gazette.govt.nz)

Note: This guidance is intended to be applicable across application rounds. Therefore, it does not generally include information on, or refer to, any application requirements specific to an application round that may be prescribed in that application round’s application round notice (Round Notice). For

example, information on the geographical area or areas to which applications are invited or limitations to which applications are subject, such as the type of technology or generation capacity.

Scope

This guidance covers preparing and submitting an application for an ORE feasibility permit, and how applications are assessed and determined.

It does not cover applications for ORE commercial permits.

Intended audience

This guidance is intended for applicants and anyone preparing a feasibility permit application on their behalf.

Navigating this guidance

Part A: General information - provides key information about the ORE regime, feasibility permits and application rounds that applicants should understand before preparing an application.

Part B: Overview of the application and assessment process - outlines the process for preparing and submitting an application, how applications are assessed and determined, and the roles of MBIE and the Minister.

Part C: Application assessment - explains how MBIE may assess applications, including the feasibility permit assessment and merit assessment of competing applications.

Part D: Application content requirements - provides detailed guidance on the key application documents, the information applicants should include, and how the documents should be structured and formatted.

Appendix A: Glossary - provides definitions of key terms used in this guidance.

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Part A: General information

This part provides general information about the ORE regime, feasibility permits and the application round. It covers the key matters applicants should understand before preparing and submitting an application.

Offshore renewable energy regime

The ORE regime provides rules and processes for permitting and managing a variety of types of ORE generation.

The regime consists of a two-stage permitting system:

- Feasibility permit – provides for a permit holder to assess the feasibility of an ORE development in a proposed permit area and the exclusive right to apply for a future commercial permit within the feasibility permit area. A feasibility permit does not guarantee that a commercial permit will be granted.
- Commercial permit – enables the permit holder to carry out ORE generation infrastructure activities authorised by a resource consent or marine consent, including construction, operation and maintenance. It does not replace those consents or other required approvals.

As shown in Figure 1 below, the two-stage permitting system covers the phases of a typical ORE project.



Other approvals and requirements

A feasibility permit is one part of the approval process for an offshore renewable energy development. It does not replace any consents, approvals or other legal requirements that apply to the proposed activities. Applicants and permit holders must separately meet those requirements.

Depending on the project's location and activities, these may include:

- Resource consents for activities in the territorial sea and onshore, such as transmission cables and associated infrastructure.
- Marine consents for activities in the exclusive economic zone, such as offshore turbines.
- Other approvals, including those required under the Overseas Investment Act 2005 or Maritime Transport Act 1994, where applicable.

Feasibility permits

A feasibility permit normally lasts seven years from its start date. The Minister may approve an extension in limited circumstances, subject to the requirements in section 36 of the Act. An extension cannot increase the permit's total duration beyond 14 years.

If the permit holder applies for a commercial permit while its feasibility permit is current, the feasibility permit continues until the Minister decides the application. If a commercial permit is granted, the feasibility permit ends immediately before the commercial permit starts.

Feasibility activities

Feasibility activities carried out during a feasibility permit period may include, but are not limited to:

- engaging with iwi, hapū and other stakeholders
- assessing the renewable energy resource, such as wind conditions
- carrying out onshore and offshore site investigations
- developing engineering designs
- studying environmental effects and impacts on people and communities, including baseline surveys
- preparing and submitting consent and permit applications
- developing plans for selling the energy generated
- investigating grid connection options
- planning and arranging funding for construction.

Feasibility activities help a developer assess whether its proposed ORE project is viable. This includes considering its technical, commercial, environmental, cultural and social feasibility.

Eligibility to apply

In accordance with section 15(e) of the Act, to be eligible to apply for a feasibility permit, an applicant must be either:

- a single entity that is a body corporate incorporated in New Zealand (such as a New Zealand registered company), or
- an overseas company registered under Part 18 of the Companies Act 1993.

Application round and Round Notice

Applications must be submitted while an official application round is open and within the timeframes prescribed in that application round's Round Notice.

The Round Notice sets out matters relating to the application round, including:

- how the application round will be conducted
- the manner in which applications are to be submitted

- the geographic area or areas open for applications
- when the application round opens and closes (the deadline for applications)
- any requirements or constraints that apply to the application round, such as restrictions on technology types, size or generation capacity
- any permit conditions that apply to all permit holders in the application round.

The applicant must ensure its application meets any requirements or limitations set out in the Round Notice. Any requirements or limitations specific to an application round are not set out or referred to in this guidance. The applicant must refer to the applicable Round Notice for any application round-specific requirements or limitations.

Round Notices are published in the New Zealand Gazette – www.gazette.govt.nz

Application deadline

Applicants must ensure their applications are received by the deadline specified in the Round Notice.

If an applicant cannot submit their application and be received by the deadline, they should notify MBIE as soon as practicable.

MBIE may accept late applications if satisfied that there is a compelling reason as to why an applicant could not comply with the deadline. If MBIE is satisfied that there is a compelling reason, it may accept an application by a later date agreed to by MBIE.

Application components

An application should comprise the following documents and forms:

- ORE feasibility permit application form (ORE 1100)
- proof of payment of the application fee
- preliminary project outline
- project development plan
- preliminary consultation document
- public application summary.

Guidance on the information that should be provided in the application documents is set out in Part D: *Application content requirements*.

The ORE feasibility permit application form (ORE 1100) can be found on the MBIE website.

Request for further information

MBIE may request an applicant to provide further information that MBIE considers will assist in assessing an application and providing advice to the Minister. If MBIE requests further information from an applicant, MBIE will make this request in writing and set a reasonable deadline for the applicant to comply with this request.

Application fee and annual levy

The applicant is required to pay the application fee and provide proof of payment with their application. Application fees are non-refundable, including if an application is rejected under section 127 of the Act without considering its merits.

If a feasibility permit is granted, the permit holder must pay an annual levy.

Payment instructions for the application fee and information on the annual levy can be found on the MBIE website.

Submission methods

There are multiple submission methods available to applicants as prescribed in the Round Notice. Guidance on these submission methods can be found on the MBIE website.

Applicants should determine their preferred submission method ahead of the submission deadline as some methods take longer than others and require pre-registration. For example, to use MBIE's secure file transfer system you must contact MBIE at least 10 calendar days before the application deadline. This allows sufficient time for MBIE to provide access, and for applicants to complete the account registration and verification process required to access the system. Requests received after this timeframe may not be accommodated.

Interested developers

If you are considering applying for a feasibility permit, we encourage you to register your interest with us at OffshoreRenewables@mbie.govt.nz before submitting an application. Registering allows us to keep you informed of any updates to the process, answers to frequently asked questions, and other relevant information during the application round. It will also help us contact you if needed in relation to your application, particularly close to the application deadline.

Notification of change in circumstances

The applicant must notify MBIE at OffshoreRenewables@mbie.govt.nz as soon as reasonably practicable if, before the Minister determines an application, the applicant becomes aware of any change in their circumstances that may materially affect the Minister's consideration of its application. These changes in circumstance may include, but are not limited to:

- a change in persons with significant influence over the applicant
- a material change in the financial standing of the applicant or financial capability to fund feasibility activities
- a material change that may be considered by the Minister to demonstrably change an applicant's technical capability, for example, a considerable loss of technical expertise
- the applicant becoming aware of evidence that likely materially impacts the feasibility of its proposed ORE project.

Multiple applications

Applicants may submit more than one application in an application round, unless the Round Notice states otherwise. For example, an applicant may submit one application for a feasibility permit in Taranaki and another for a feasibility permit in Waikato/South Auckland.

Each application must be submitted separately and accompanied by a separate application fee. MBIE will assess each application on its merits.

Applicants with more complex circumstances, including applications submitted by related parties or proposals to progress more than one development in the same geographic area, should contact MBIE before applying to discuss their specific situation.

Competing and non-competing applications

During an application round, MBIE may receive two or more applications that could each be granted on their own, but cannot all be granted. These are called competing applications.

Competing applications will commonly arise where proposed permit areas overlap, known as a spatial overlap. Competition may also arise because of limits in the Round Notice. For example, if the Round Notice sets a combined generation-capacity limit of 1 GW, two otherwise grantable applications proposing 800 MW each would compete because their combined capacity would exceed 1 GW.

Applicants should check the Round Notice for any limits that apply.

Applications that are not competing with another application are **non-competing applications**.

For information on how applications are assessed, see **Part C: Application assessment**.

Permit conditions

Feasibility permits will include conditions that permit holders must comply with. There are two types:

- **Mandatory conditions:** listed in the Round Notice and required to be included in every feasibility permit granted in that round.
- **Permit specific conditions:** additional conditions that may be imposed on an individual permit to reflect the proposed development and its circumstances.

The conditions applying to each permit will be set out in the permit offer and the permit itself.

Feasibility permit offer

If the Minister proposes to grant an application, the Minister will make an offer to grant a feasibility permit. The applicant must then decide whether to accept or decline the offer within the timeframe and using the method specified in the offer. If the applicant accepts the offer in accordance with its requirements, the Minister will grant the permit.

What the offer will include

The offer will set out the proposed permit details (as required by the Act and Regulations), including permit conditions and any parts of the application proposed to be granted. It will also specify when and how the applicant must accept or decline the offer.

It will also include the feasibility activities that must commence within 12 months of the permit's start date.

Accepting the offer

The applicant must accept the offer in writing, by the specified date and time, and in the manner stated in the offer. The permit granted following acceptance must be consistent with the offer.

Declining the offer or not responding

The offer is automatically revoked when the applicant notifies the Minister that it declines the offer.

If the offer is not accepted by the deadline, including where the applicant does not respond, it automatically expires unless the Minister has extended the timeframe in writing.

Changes to the offer

Before the offer expires or is accepted or declined, the Minister may amend it, extend the response deadline, or withdraw it with or without making a new offer. The Minister will consult the applicant to the extent appropriate.

Part B: Overview of the application and assessment process

This part provides an overview of the process for preparing and submitting an application, and how applications are assessed and determined.

Assessment process and awarding permits

Figure 2 provides an illustration of an indicative application assessment and permit award process which is outlined in the steps set out below.

This process is provided for information purposes only and is not intended to cover every possible application round scenario. The process followed by MBIE and/or the Minister, including any sequencing, may differ from what is set out below.

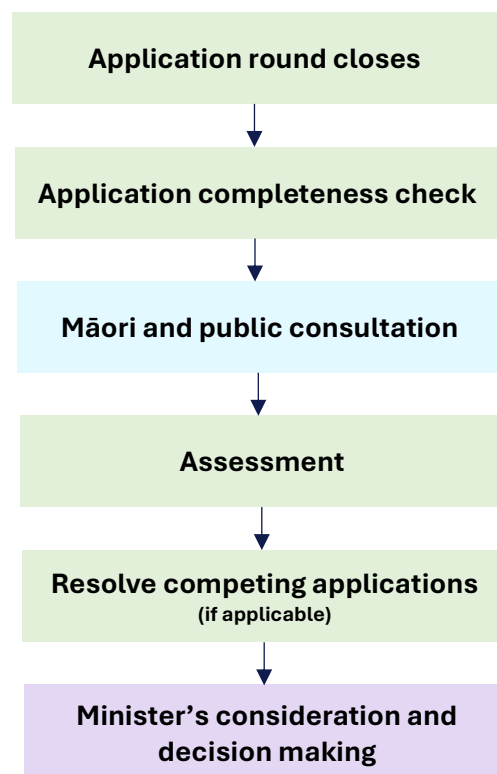


Figure 2 Indicative process for assessment and award of permits

1. Application round closes

An application round is open for applications until the date and time specified in the Round Notice. Late applications are generally not accepted unless the Minister is satisfied there is a compelling reason why an applicant could not comply with the deadline.

2. Application completeness check

Each application will be checked to ensure it is complete, MBIE has enough information to begin the assessment, and that it meets the requirements of the Act and Regulations.

During the completeness check, MBIE may contact applicants to clarify or request further information. Applicants should ensure their nominated contact person is available during this period and able to respond promptly.

Under section 127 of the Act, the Minister may reject an application without considering its merits if the application does not comply with the requirements of the Act. If rejected, the applicant will be given written notice of the decision, including reasons for the decision.

3. Māori and public consultation

Once the completeness check is complete, MBIE will commence public consultation and consultation with relevant Māori groups including iwi authorities, hapū and Treaty settlement entities.

To support the consultation, MBIE will publish an application summary of the proposed developments, including the proposed permit areas, on MBIE's website.

MBIE may also request further information from the applicant to support its consultation.

4. Assessment of applications

While consultation is occurring, MBIE will assess each application to support its advice to the Minister. This includes assessing the application against the criteria in the Act and Regulations that are relevant to the Minister's decision. For example, MBIE will assess the evidence relating to the proposed development's benefits to New Zealand, the proposed development plan, the applicant's technical and financial capability, compliance, and national security and public order considerations.

The assessment will also take into account relevant information received through consultation with Māori and public submissions.

Refer to *Part C: Application assessment* for more details on this assessment.

5. Resolving competing applications

If there are competing applications in an application round, MBIE will provide advice to the Minister on the options available for resolving competition under section 19 of the Act. The Minister may:

- a. if applications relate to the same permit area, invite all or any of the applicants to revise their applications to the extent needed to resolve the competition for that area; and/or
- b. grant one or more permits on the basis of which applications have the most merit and which applicants are the most suitable to hold a permit; and/or
- c. reject one or more applications.

The Minister may use one or more of these options, depending on the circumstances.

Merit assessment of competing applications

If the Minister chooses option (b) above, MBIE will assess the competing applications to inform advice on which applications have the most merit and which applicants are most suitable to hold a permit. This assessment will take into account the relevant considerations in regulation 12, and any rankings, priorities or weightings specified in the Round Notice (if applicable), in accordance with section 19 of the Act.

Refer to Part C: Application assessment for more information on this assessment.

6. Minister's consideration and decision-making

Once MBIE has provided its advice, the Minister will consider the relevant application or applications and decide whether to grant a feasibility permit or reject them.

Depending on the circumstances of the application round, decisions on applications may be made at different times. For example, a non-competing application may be determined before competition between other applications has been resolved.

If the Minister proposes to grant an application, an offer to grant a feasibility permit will be made to the applicant.

Following the Minister's decision, the applicant will be notified in writing. Public notice will also be given that an application has been granted or rejected.

The role of MBIE and the Minister's decision-making powers

The Minister is the primary decision-maker under the Act for feasibility permit applications. The Minister decides whether to grant an application, in whole or in part, or reject it.

MBIE's primary role is to receive, process and assess applications and provide advice to support the Minister's decision-making. Neither MBIE's advice nor this guidance limits the Minister's discretion under the legislation.

Process for compiling and submitting an application

The following steps provide an overview of the process for preparing and submitting an application.

1. Read the application guidance, Act, Regulations and Round Notice

Before preparing an application, applicants should read this guidance, the Act, the Regulations, the Levy Regulations and the Round Notice. Together, these set out the requirements that apply to the application and the information applicants need to provide.

2. Carry out required pre-application consultation with Māori groups

Before submitting an application, applicants must consult the Māori groups specified in section 14 of the Act.

Applicants should plan for and begin this engagement early, allowing sufficient time and flexibility for the groups they are engaging with.

More information on pre-application consultation, including the information that should be included in the application, is provided in the section *Required pre-application consultation with Māori*.

3. Determine the submission method

Applicants should decide how they intend to submit their application well before the application deadline, as some submission methods may take longer or require pre-registration.

Refer to the MBIE website for information about available submission methods.

4. Prepare the required documentation

Applicants should compile all required forms, documents and supporting information and check that they meet the relevant application requirements, including any format and size requirements set out in this guidance.

Part D: Application content requirements provides detailed guidance on the documents and information to include in an application.

5. Pay the application fee

Applicants must pay the application fee and provide evidence of payment with their application.

Refer to the MBIE website for information about the application fee and how to make payment.

6. Submit the application

Once all required forms, documents and supporting information have been prepared, applicants can submit their application using a permitted submission method. Applicants should check that their application is complete and all required information and documentation have been included before submitting it.

Applications must be received by the date and time specified in the Round Notice. The Act requires the Round Notice to specify the deadline.

Applicants will receive confirmation from MBIE that their application has been received. If confirmation is not received, applicants should contact MBIE at OffshoreRenewables@mbie.govt.nz.

Part C: Application assessment

This part explains how MBIE may assess applications to inform the Minister's decisions under the Act, Regulations and applicable Round Notice.

Assessment

There are two assessments MBIE may carry out on applications to inform its advice to the Minister on determining applications. These assessments are:

- feasibility permit assessment, which applies to all applications
- merit assessment, which applies only to competing applications where the Minister chooses to resolve competition based on merit and applicant suitability.

MBIE's advice will also take into account relevant information received through consultation with Māori groups and public submissions, together with any other relevant matters under the Act, Regulations and applicable Round Notice.

The assessment approach described in this part is provided for guidance and may be subject to change. MBIE's assessment and advice does not limit the Minister's discretion when determining applications.

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Feasibility permit assessment

The feasibility permit assessment considers each application against the relevant requirements and considerations in the Act, Regulations and applicable Round Notice. This includes the matters the Minister must be satisfied of, have regard to, or consider when determining the application.

MBIE will assess applications using the criteria and sub-criteria in Table 1. These are provided as guidance.

Assessment criteria	Assessment sub-criteria
Preliminary project outline	
Technical capability for ORE generation activities	Permit area and timeline
	Permit area suitability
	ORE infrastructure
	Proposed methodologies
	Route-to-market
	Project risk identification
	Negative project impacts
Benefits to New Zealand	Benefits to New Zealand
National security or public order	National security or public order risks
Project development plan	
Technical capability for ORE feasibility activities	Organisation & governance
	Project team capability
	Development timeline and activities
	Risk management & good industry practice
Compliance	Compliance record
Financial capability	Financial capability
	Feasibility activity costs
Preliminary consultation document	
Rights and interests	Māori rights and interests
	Other rights and interests

Table 1 – primary assessment criteria and sub-criteria

Merit assessment (competing applications only)

Under section 19(2)(b) of the Act, the Minister may resolve competition by granting one or more permits based on which applications have the most merit and which applicants are most suitable to hold a feasibility permit.

If the Minister chooses this option, MBIE will normally carry out a merit assessment of the competing applications, in addition to the feasibility permit assessment. This comparative assessment informs MBIE's advice to the Minister.

MBIE will compare the applications against the criteria and sub-criteria in Table 2. These reflect the relevant considerations in regulation 12.

The merit assessment covers many of the same matters as the feasibility permit assessment. However, it compares the relative merit of competing applications and the relative suitability of applicants, including the quality and depth of the information and evidence provided.

Some sub-criteria may be awarded points based on merit. Other sub-criteria will be assessed qualitatively. The points-based and qualitative assessments will be considered together to inform MBIE's overall assessment of the competing applications.

The approach described above is provided as guidance only. MBIE may modify or depart from this approach where appropriate, including to reflect the circumstances or terms of an application round. MBIE's assessment and advice do not limit the Minister's discretion when determining competing applications.

Assessment criteria	Total available merit points	Assessment sub-criteria	Maximum available merit points
Preliminary project outline			
Technical capability for ORE generation activities	240	Permit area suitability	40
		ORE infrastructure	40
		Proposed methodologies	40
		Route-to-market	40
		Project risk identification	40
		Negative project impacts	40
Benefits to New Zealand	200	Benefits to New Zealand	50
		Facilitating investment	50
		Local benefits	50
		Feasibility period benefits	50
Project development plan			
Technical capability for ORE feasibility activities	240	Organisation & governance	60
		Project team capability	60
		Development timeline & activities	60
		Risk management & good industry practice	60
Compliance	120	Compliance record	120
Financial capability	200	Financial capability	150
		Feasibility activity costs	50
Preliminary consultation document			
Rights & interests	Qualitative assessment	Māori rights and interests	Qualitative assessment
		Other rights and interests	Qualitative assessment

Table 2 – merit assessment criteria, sub-criteria and total available merit points

Part D: Application content requirements

This part provides detailed guidance on the documents and information applicants should submit, including how the key application documents should be structured and formatted.

Key application documents

The key application documents are:

- **Completed feasibility permit application form (ORE 1100)**
- **Proof of payment of the application fee**
- **Preliminary project outline (PPO)** which should provide a preliminary overview of the applicant's proposed future ORE development
- **Project development plan (PDP)** which should cover an applicant's plan over the feasibility period towards reaching a financial investment decision (FID)
- **Preliminary consultation document (PCD)** which should set out the pre-application consultation an applicant has carried out, and their approach to carrying out further consultation
- **Public application summary (PAS)** which should provide a summary of the proposed ORE development intended for the public to support their understanding and engagement during public consultation.

The PPO, PDP and PCD are each assessed by MBIE when making recommendations to the Minister for the award of permits. **The public application summary is not included in this assessment.**

Applicants should ensure the information contained in each assessed document presents the strongest possible case for their proposed project.

The applicant should be aware that amendments cannot typically be made after submission and there is no guarantee MBIE will request further information from the applicant to support its assessment.

Formatting requirements

The key application documents should be submitted in English, be legible, formatted to A4 size (A3 permitted for appendices), include page numbers and should be within the page limits set out below.

Page limits

Document	Suggested page limit
Preliminary project outline	No more than 200 A4 pages*
Project development plan	No more than 200 A4 pages*
Public application summary	No more than 4 x A4 sides

Preliminary consultation document	No page limit
*excludes any cover page, contents page and appendices.	

Document structure

Applicants are encouraged to structure each of their key application documents to reflect the headings that are set out in this Part for each document. These headings align with the assessment sub-criteria set out in Tables 1 and 2.

Appendices

The assessed key application documents may be accompanied by appendices. Appendices should be used solely for supplementary purposes (unless it is a standalone document or documents that an applicant has been requested to provide such as financial statements) and should be clearly referenced within the relevant key application document (and not solely in any contents page).

Appendices may include but are not limited to:

- permit boundary definitions
- detailed maps
- studies
- technical reports
- letters of support
- project plans and/or Gantt charts
- data tables and spreadsheets
- memorandums of understanding
- risk registers
- contracts
- financial statements
- charts, maps or illustrations
- curricula vitae and/or experience summaries.

Preliminary project outline (PPO)

The PPO should provide a preliminary overview of the proposed ORE development and demonstrate the applicant's current understanding of its technical and commercial feasibility.

The information in the PPO will inform MBIE's assessment of the applicant's technical capability to undertake ORE generation infrastructure activities. It will also provide information relevant to the proposed development's likely benefits and impacts, commercial pathway, key risks, and national security or public order considerations.

MBIE recognises that significant aspects of the proposed ORE infrastructure and activities may remain uncertain at this stage. The information provided should reflect the level of detail reasonably available to the applicant at the time of applying.

What the PPO should cover:

- Permit area and timeline
 - o the proposed permit area and its suitability for the development
 - o the anticipated timing of construction, operation and decommissioning
 - o existing infrastructure, activities, rights and interests that may affect the development.
- Generation infrastructure
 - o the proposed generation technology and infrastructure
 - o the proposed generation capacity and annual output
 - o potential layouts, foundations and structure types
 - o how site characteristics and existing infrastructure may influence the available options.
- Transmission infrastructure
 - o how the proposed development could connect to the national grid
 - o potential transmission infrastructure and cable corridors
 - o connection options, constraints and uncertainties.
- Proposed methodologies
 - o the preliminary methodologies or options being considered for constructing, installing, operating, maintaining and decommissioning the proposed generation infrastructure
 - o how the proposed generation infrastructure activities would be undertaken in accordance with good industry practice.
- Commercial route-to-market
 - o potential pathways for selling the energy generated
 - o how those pathways apply to the proposed development and the New Zealand market
 - o material challenges, dependencies or uncertainties affecting those pathways.

- Project risks and impacts
 - o key risks to the feasibility and delivery of the proposed development
 - o potential environmental, operational and energy-system impacts
 - o how those risks and impacts may be investigated, avoided, mitigated or managed.
- Benefits to New Zealand
 - o material contributions or risks to New Zealand's energy system
 - o likely impacts and benefits for relevant iwi, New Zealand's economy and environment, and local communities
 - o when the expected benefits are likely to be delivered.
- National security or public order risks
 - o any risks posed by the applicant, proposed feasibility activities or proposed ORE development
 - o how any identified risks may be avoided, mitigated or managed.

Technical capability

The PPO should demonstrate the applicant's understanding of the proposed ORE development, including:

- the proposed permit area and its suitability for the development
- the proposed ORE infrastructure and its technical and commercial viability
- the activities required to install, operate, maintain and decommission the proposed ORE generation infrastructure
- the key challenges and risks associated with delivering the proposed development and how they may be addressed.

This information will help inform MBIE's assessment of whether the applicant has, or is likely to have, the technical capability to install, operate, maintain and decommission the proposed ORE generation infrastructure.

How to use the guidance below

The guidance below is organised under headings that reflect the assessment sub-criteria MBIE intends to use. Applicants are encouraged to use the same headings when structuring their PPO.

Under each heading, the guidance explains:

- the information applicants should provide
- any additional guidance on the nature or level of information expected
- where applicable, what MBIE may award points for in a merit assessment.

Note: This guidance does not reproduce requirements or limitations that are specific to an application round. Applicants must ensure their PPO complies with the applicable Round Notice, including any limitations on geographic areas, renewable energy resources, technologies or generation capacity.

Permit area and timeline

A component of technical capability is an applicant's understanding of, and ability to describe, their proposed permit area, including describing its coordinates in accordance with the Act and Regulations. Accordingly, an applicant:

- must describe their proposed permit area in map form, which should be presented in A3 and illustrate the permit area in relation to relevant geographical features
- must describe the proposed permit area as a list of geographic coordinates and in accordance with the Act and Regulations
- should include a spatial data file of the proposed permit area in either shapefile or KML format
- should provide additional information relating to the size of the proposed permit area if the area is larger than what is required for the proposed ORE infrastructure, to assist in determining whether the proposed permit area is a reasonable size
- should provide additional information relating to any overlap of their proposed permit area with any existing non-ORE permits (if applicable), to assist the Minister in considering their technical capability to carry out generation activities (refer to explanatory guidance below).

A component of technical capability is also an applicant's understanding of the timing of key phases of the ORE development. Accordingly, an applicant must provide a timeline that sets out the preliminary dates for the commencement and completion of the construction, operation and decommissioning phases of the proposed ORE development (for example, September 2027 or Quarter 3 2027).

Explanatory guidance

Map of proposed permit area

To understand the proposed permit area in the context of the region, the map of the permit area which should be provided in A3, should illustrate the location of the proposed permit area in relation to:

- the closest coastline
- the closest portion of Transpower's national energy network
- the 12 NM territorial sea limit
- any existing offshore or seabed infrastructure within 10 NM
- any existing petroleum or mining permits within 10 NM.

The map of the permit area should not include transmission corridors between the feasibility permit area and the shore that are intended to connect the ORE generation infrastructure to the national transmission network.

Geographic coordinates

Under section 9(a) of the Act, a permit area must be described using the official geodetic datum for the time being approved by the Surveyor-General and in accordance with any requirements prescribed by the Regulations.

Note: The current (as at the time this guide is published) official datum is the New Zealand Geodetic Datum 2000 (NZGD2000). Applicants should check to confirm the applicable official datum when preparing their application, as the Act requires the datum approved by the Surveyor-General at that time.

Under regulation 5(2), the permit area must be described:

- in map form and

- as a list of geographic coordinates rounded to the nearest second that allow the permit area to be reconstructed unambiguously from the description.

The list should be provided as follows:

List of coordinates			
Point	Latitude	Longitude	Turning
1	D° M' S"	D° M' S"	then....
2			
3			
etc...			

Table 3 – Geographic coordinates list format

Permit boundaries

Applicants should carefully consider the area they may later seek under a commercial permit. Under section 25(a) of the Act, an applicant for a commercial permit must hold a current feasibility permit that applies to the whole area covered by the commercial permit application.

The feasibility permit area does not need to include the route of proposed ORE transmission infrastructure, such as an export cable, where that infrastructure is outside the area required for the proposed ORE generation infrastructure.

Under regulations 5(4) and 5(5), the boundaries of the proposed permit area must be geodesic lines between turning points and must comply with any restrictions in the Round Notice. If part of the boundary abuts an existing permit area, coastline, or sovereign, territorial or other boundary, that part may follow the established boundary and is treated as a geodesic line for the purposes of the Regulations.

Where an established boundary has a legal definition, such as the baseline of the territorial sea or the outer limits of the exclusive economic zone, the proposed permit boundary should follow that legal definition rather than an approximation.

The application must include a map and a list of geographic coordinates that allow the proposed permit area to be reconstructed unambiguously. If there is any inconsistency between the map and the coordinate list, the coordinate list prevails.

Under the current Round Notice, the proposed permit area must:

- be a single permit area
- be wholly within one of the geographic areas described in the Round Notice
- be continuous
- contain no enclaves.

Applicants should not use any 'connecting land of convenience' such as narrow, artificial or unjustified corridors solely to connect otherwise separate parts of a proposed permit area. For example, a dumbbell-shaped permit area connected by a narrow corridor is unlikely to be appropriate unless the corridor is reasonably required for the proposed ORE generation infrastructure.

When determining the proposed permit area, applicants should also consider the space and access likely to be required to install, operate, maintain and decommission the proposed ORE generation

infrastructure. This may include access required by large vessels during construction and other project phases.

Reasonable size

Section 15(a)(ii) of the Act requires an applicant's proposed feasibility permit area to be a *reasonable size* for the proposed ORE generation infrastructure.

Given uncertainties at the feasibility stage regarding the future availability, viability, or suitability of specific sea areas for a proposed ORE development, an applicant may apply for a permit area that is larger than what is required for its future ORE development. This approach gives an applicant greater flexibility to adjust the placement, position and/or size of its ORE infrastructure in response to any future issues, for example, where an area of seabed is found to be unsuitable for construction or access to the site cannot be agreed.

If an applicant chooses to apply for a permit area that is larger than is required for its ORE development, it is expected to justify its reasons for doing so in its application. MBIE will provide advice to the Minister who determines that the permit area being applied for is a *reasonable size* and is not significantly disproportionate to the proposed ORE development.

In justifying the size of their proposed permit area, the applicant should:

- provide a clear rationale for any feasibility permit area that is additional to the area required for ORE generation infrastructure and activities
- outline the specific feasibility activities intended to determine exactly which parts of the permit area will be used for its ORE development
- outline the uncertainties associated with the permit area that warrant the amount of additional area proposed.

Note: Under section 13 of the Act, the Round Notice may set limitations to which applications are subject. These limitations may include limitations on the total size of the proposed permit area or the total size of the ORE generation infrastructure or both. The size of a proposed permit area or ORE infrastructure area must comply with any limitations that may be set out in the Round Notice.

Overlaps with existing rights and interests (non-ORE)

A proposed permit area may overlap with existing non-ORE permits or other existing rights and interests, such as petroleum or minerals permits, submarine cables, pipelines or commercial fishing activities. An overlap does not necessarily prevent an applicant from applying for a feasibility permit over that area.

Where an overlap has been identified, the applicant should explain how it may affect the proposed ORE development. This should include:

- the nature, location and extent of the overlap
- any potential operational, environmental or spatial conflicts
- how the overlap may affect the proposed development area, project design or delivery timeframe
- whether any agreements, permissions or other approvals may be required
- approaches to any conflict management, including describing any known or potential environmental or operational conflicts with existing non-ORE activities related to the area and how these will be assessed or mitigated during the feasibility period.
- any alternative project configurations or contingency arrangements if the overlap cannot be satisfactorily addressed.

The applicant should demonstrate that there is a realistic pathway for addressing any material overlap and progressing the proposed ORE development.

Refer to *Other rights and interests* for the requirements relating to identifying and mapping existing rights and interests, assessing potential impacts, engaging with rights and interest holders, and identifying further rights and interests.

Merit assessment - competing applications only

The permit area and timeline sub-criterion is not assessed under a merit assessment.

Proposed permit area suitability

A component of technical capability is an applicant's understanding of the energy resource and infrastructure it intends to use as it relates to the proposed permit area.

Another component is the suitability of the proposed permit area for installation, construction, operation, maintenance and decommissioning of the ORE infrastructure.

Accordingly, an applicant:

- must provide information on the proposed type of renewable energy that is being used for the proposed ORE development, and this should include information on its commercial viability with respect to the proposed permit area
- should provide information on the suitability of the proposed permit area for the proposed ORE technology and infrastructure
- should provide information on the proposed permit area's physical and environmental characteristics and their suitability for the installation, construction, operation, maintenance and decommissioning of the proposed ORE infrastructure.

Note: The Round Notice may specify limitations on the type of renewable energy permitted (such as wind only). An application must meet any limitations set out in the Round Notice.

Merit assessment - competing applications only

Points may be awarded on the extent to which applicants can evidence that their proposed permit area is likely to be suitable for the proposed ORE infrastructure by demonstrating a more detailed, site and project-specific understanding of their proposed feasibility permit area. Applicants may wish to demonstrate this using public data, desktop studies, feasibility studies, surveys or engagement with existing users of the permit area in relation (but not limited) to:

- resource certainty
- geological conditions
- metocean conditions
- environmental receptors (marine mammals, fish, avian, or benthic populations)
- marine or air traffic constraints
- regulatory constraints
- existing infrastructure
- existing users of the area.

ORE infrastructure

ORE infrastructure comprises:

- generation infrastructure
- transmission infrastructure.

Applicants should clearly distinguish between the proposed ‘generation infrastructure’ and ‘transmission infrastructure’ in the information they provide. Applicants are encouraged to present this information under separate headings, while explaining how the two components will work together as part of the proposed ORE development.

Generation infrastructure

An applicant’s understanding of the generation infrastructure it proposes to use, or is considering, is relevant to assessing its technical capability.

Applicants should describe their proposed generation infrastructure, including any options under consideration, and explain the factors influencing their selection.

Explanatory guidance

An applicant should seek to provide a preliminary base case for the proposed ORE development’s generation infrastructure. The information in the preliminary base case should cover:

- the type, quantities, sizes, ratings and likely physical parameters of the proposed ORE generation infrastructure
- the proposed range in capacity (MW) and annual output (GWh per annum) to be generated by the ORE development (this should be expressed as a range where different technology options are under consideration)
- information on the proposed type or types of technology used, which should include information on the maturity of the technology or technologies proposed
- the potential location, orientation and layout of the ORE generation structures in relation to one another within the permit boundaries
- the foundations or structure types under consideration
- any potential interaction with existing infrastructure (e.g. cable and/or pipeline crossings)
- any variations in the ORE generation infrastructure that may be expected depending on site characteristics (e.g. water depth and/or soil conditions)
- any other ORE generation infrastructure options under consideration and the factors influencing the selection of one over the other.

Note: The Round Notice may specify limitations on the type of technology permitted. An application must meet any limitations set out in the Round Notice.

Transmission infrastructure

An applicant’s understanding of how its proposed ORE development could connect to the national electricity transmission grid is relevant to assessing its technical capability.

Applicants should describe their proposed transmission infrastructure and transmission route, including any options under consideration, and demonstrate that a physical connection to the national grid is likely to be feasible.

Explanatory guidance

In describing the proposed transmission infrastructure and transmission infrastructure route, or options under consideration, the applicant may seek to address and/or include:

- whether the proposed permit area has one or more potentially feasible cable corridors enabling it to be connected to a suitable node on Transpower's National Transmission Network
- an indication of the expected quantities, structure types, sizes and nominal ratings of onshore or offshore substations
- any considerations pertaining to the onshore transmission route that may affect the selection or feasibility of any potential offshore cable corridors
- an indicative layout illustrating a potential search area or route of the transmission infrastructure connecting the proposed ORE generation infrastructure to the National Transmission Network
- indicative quantities of cable and seabed areas covered by offshore export cables
- any potential interactions with existing infrastructure (e.g. cable/pipeline crossings and/or mineral extraction operations)
- any options or variations under consideration and the factors that may influence selection.

Merit assessment - competing applications only

Points may be awarded based on the extent to which applicants can demonstrate:

- a more detailed project-specific and site-specific understanding of the proposed ORE development's generation infrastructure selection (or options under consideration) and/or significant progress towards establishing the likely feasibility of specific choices or options
- a more detailed location, site or ORE development-specific understanding of the considerations related to the development of the necessary transmission infrastructure, electrical grid connection and related technology or can demonstrate progress towards establishing the likely feasibility of specific options.

Proposed methodologies

A component of technical capability is the knowledge of how a proposed development is likely to be constructed, operated and eventually decommissioned as well as how good industry practice can be incorporated into the applicant's planned activities. Accordingly, an applicant:

- should include information on the proposed methodologies or options under consideration for constructing, operating, maintaining and decommissioning the proposed ORE infrastructure (ORE infrastructure activities)
- must include a statement outlining how it will incorporate good industry practice into its proposed ORE generation activities.

Explanatory guidance

It is recognised that methodologies chosen for construction, operation, maintenance and decommissioning are normally highly dependent on factors that are likely to be unknown to the applicant at the time of applying for a feasibility permit and are therefore subject to change as feasibility activities progress. For these reasons, information provided on methodologies is only expected to be preliminary in nature. An applicant may also choose to present different options for methodologies based on factors it identifies as relevant.

Wherever possible, the methodologies presented should reference existing industry methods and good industry practice. Where methodologies are proposed that are novel or likely to differ

significantly from proven industry approaches or best practices, further detail should be provided to address how the associated risks with using novel methodologies will be managed and mitigated. An applicant should also outline any contingencies should any planned methodologies later prove to be non-viable.

Note: Regulation 7(2)(e) applies to good industry practice for proposed ORE generation infrastructure activities. Good industry practice for proposed ORE feasibility activities is addressed separately under Risk management and good industry practice, in accordance with regulation 7(2)(h)(ii).

Merit assessment - competing applications only

Points may be awarded based on the extent to which the applicant's selection of methodologies (or options under consideration) for ORE infrastructure activities have been considered in relation to relevant factors along with the depth and quality of this information. For example, factors such as:

- New Zealand and site-specific maritime environment and metocean conditions (e.g. sea states, depths)
- supply chain limitations (e.g. vessel or contractor availability, sources of fabrication)
- the limitations of existing infrastructure (e.g. ports)
- logistics constraints (e.g. ports, vessels, travel distances)
- impacts on key environmental receptors (e.g. impacts of pile driving).

Commercial route-to-market

A commercially viable ORE development will require a credible pathway for selling the energy it generates and earning revenue.

Applicants should describe one or more potentially viable commercial routes-to-market for their proposed ORE development. Each route-to-market should be specific to the proposed development and the New Zealand market. Applicants should also identify any material challenges, dependencies or uncertainties that could affect its viability.

Applicants are not expected to have secured a commercial route-to-market when applying for a feasibility permit. However, the information provided should demonstrate an understanding of the credible options available and the work required to develop and secure a viable route-to-market.

Merit assessment - competing applications only

Points may be awarded based on the extent to which applicants can demonstrate significant progress in developing one or more potentially feasible commercial route(s)-to-market for its proposed New Zealand development.

Project risk identification

A component of technical capability is an applicant's ability to identify risks to the delivery of its proposed ORE development. Accordingly, an applicant:

- must provide information on any risks to the successful delivery of the proposed ORE development
- should prioritise those risks considered to be the 20 highest.

Explanatory guidance

The applicant should identify and describe the twenty highest risks to the successful delivery of its proposed ORE development in its PPO.

The applicant is **not** required to address its management or mitigation of these risks, as this should be addressed in its PDP (under *Risk management and good industry practice*). Applicants should prioritise identifying and describing risks that:

- should be mitigated within the feasibility permit period to progress future ORE infrastructure activities or that pose a material threat to the feasibility of the proposed ORE development
- will be the focus of significant feasibility activities (as outlined in the accompanying PDP).

Risks may include, but are not limited to, those that fall under or relate to the following areas:

- commercial
- technical
- environmental
- social licence
- access, competing or conflicting rights and interests
- regulatory and consenting
- supporting infrastructure.

Applicants should clearly identify and describe each risk along with its significance (or consequence) to the delivery of the ORE development and its likelihood of occurring.

Merit assessment - competing applications only

Points may be awarded based on the extent to which the applicant can demonstrate a developed understanding of the risks it has identified.

Negative project impacts

A component of technical capability is an applicant's understanding of any potential impacts of its proposed development and its knowledge of how it may avoid, mitigate and/or manage these impacts. Accordingly, an applicant should provide information on:

- any potential impacts of the proposed ORE development, including any environmental impacts and impacts on New Zealand's energy system
- how any potential impacts may be avoided, mitigated or managed.

Explanatory guidance

An ORE development has the potential to negatively impact the environment, electricity grid and wider energy system. Successful development of ORE infrastructure may require addressing these impacts to gain the necessary regulatory consents and system access, as well as acquiring and maintaining social licence. Some examples of potential impacts resulting from an ORE development are:

- noise impacts
- visual impacts
- impacts on land used for pylons and substations in, and nearby, local communities
- impacts on the electricity grid/system stability
- impacts on civilian or military aviation flight paths or radar installations
- impacts on the seabed, shore, beach and/or landings as a result of generation and transmission infrastructure

- local reduction in the wind or wave resources impacting activities such as surfing
- impacts on marine or avian species from infrastructure and technology.

Merit assessment - competing applications only

Points may be awarded based on the extent to which the applicant can demonstrate a developed understanding of potential impacts and how they may be avoided, mitigated and/or managed.

Benefits to New Zealand

Under section 18(1)(a) of the Act, the Minister may grant a feasibility permit only if satisfied that the proposed ORE development is likely to deliver benefits for New Zealand.

Applicants must provide information about the benefits their proposed development is likely to deliver. In accordance with regulation 8, this information should address:

- any material contributions and risks the proposed ORE development is likely to bring to New Zealand's energy system
- the likely impacts of the proposed development plan and proposed ORE development on relevant iwi, New Zealand's economy and environment, and local communities
- when the identified benefits are likely to be delivered.

Explanatory guidance

For each claimed benefit, applicants should explain:

- what the benefit is
- who is expected to receive it
- whether it is expected to arise during the feasibility permit period or during a later phase of the development
- when it is expected to arise and how long it may continue
- its likely scale or magnitude
- the evidence and assumptions supporting it
- how certain the benefit is
- any prerequisites, dependencies or risks that may affect whether it is realised.

Applicants should distinguish between benefits they are committing to deliver and benefits that remain potential or aspirational. Benefits should not be presented as certain where their delivery depends on matters that remain unresolved.

Applicants may include benefits arising from the presence of an entire future industry (e.g. an offshore wind industry) but should focus on the benefits specifically arising from its proposed ORE development.

New Zealand's energy system

When describing contributions or risks to New Zealand's energy system, applicants may address matters such as:

- anticipated electricity demand and generation patterns
- regional or national security of supply
- the potential effect on electricity prices
- the potential to reduce the carbon intensity of the energy system while meeting increased demand

- how the proposed development could complement New Zealand’s existing generation mix
- behind-the-meter or off-grid energy supply for existing industrial users, including whether this could reduce demand on the grid, increase available network capacity or support the decarbonisation of local industry
- opportunities to support new industrial capacity without increasing demand on the grid
- any energy system constraints or risks associated with the proposed development.

Applicants should explain the evidence and assumptions supporting any claimed energy system contribution, including how the proposed development’s location, scale, generation profile and expected timing affect that contribution.

Relevant iwi, the economy and local communities

Applicants should explain the likely impacts on relevant iwi, New Zealand’s economy and environment, and local communities arising from both:

- the feasibility activities and other work proposed during the feasibility permit period
- the construction, operation and eventual decommissioning of the proposed ORE development.

Potential impacts and benefits may include employment, regional development, participation by relevant iwi, investment in supporting infrastructure, opportunities for New Zealand businesses and supply chains, workforce development, knowledge transfer, environmental monitoring and research.

Applicants should identify who is expected to experience each benefit or impact, where it is expected to arise, and the evidence or assumptions supporting it.

Environmental benefits

Potential environmental benefits may include:

- reduced emissions or displacement of more carbon-intensive energy generation
- improved environmental monitoring or data collection
- support for marine science or research
- other positive environmental outcomes supported by credible evidence.

Applicants should also identify associated environmental risks or adverse impacts. A potential outcome should not be presented as an environmental benefit unless the applicant can explain the evidence supporting it and how it is expected to arise.

Timing and likelihood of benefits

For each claimed benefit, applicants should explain:

- whether it is expected during the feasibility permit period or during a later phase of the proposed development
- when it is expected to begin
- how long it may continue
- its likely scale or magnitude
- how certain it is
- any prerequisites, dependencies or risks that may affect whether or when it is realised.

Applicants should distinguish between commitments and aspirations and should not present benefits as certain where their delivery depends on unresolved matters.

Merit assessment - competing applications only

Points may be awarded based on the extent to which an applicant demonstrates tangible efforts to better understand, quantify or support the realisation of the likely benefits to New Zealand identified in its PPO. Examples of these efforts may include:

- forming relationships, consortiums or other formal arrangements with interested parties that increase the likelihood of a benefit being realised
- commissioning studies to assess the likely scale and impact of potential benefits
- investing time or funding in addressing barriers to the realisation of a likely benefit.

When awarding points, MBIE may generally consider the following:

- An application presenting credible benefits that are demonstrably more likely to be realised may receive more points than one presenting ambitious benefits with a low likelihood of being realised.
- An applicant that provides evidence of tangible efforts to increase the scale, duration or certainty of likely benefits may receive more points than an applicant that does not.
- Benefits that would ordinarily arise from the proposed ORE development, such as local operations and maintenance roles, are unlikely to receive points unless the applicant demonstrates a significant point of difference.
- Organised knowledge transfer that is likely to materially improve the ability of New Zealand individuals or businesses to participate in the global ORE industry may receive more points than ordinary commercial exchanges.

Facilitating investment

This sub-criterion is used to award points under a merit assessment only.

Points may be awarded where the proposed ORE development is likely to facilitate wider investment and bring significant additional economic benefits to the region in which the development is located. This may include co-located investments that use either the proposed ORE infrastructure or the energy it will generate, such as:

- new industrial capacity
- commercial aquaculture
- data centres
- battery-storage systems.

The investment may involve new facilities or significant expansions or upgrades to existing facilities.

This sub-criterion does not cover investment that is integral to delivering the proposed ORE development, such as investment in the goods or services needed to develop it. These investments should instead be addressed under Benefits to New Zealand.

When awarding points, MBIE will consider the scale of the additional economic benefits the investment is likely to bring to New Zealand and the likelihood that the investment and associated benefits will be realised.

Applicants should provide information on:

- the key development expenditure, capital expenditure and operational expenditure components of the investment
- the key characteristics of the wider investment and how it relates to the proposed ORE development

- any technical or commercial prerequisites that may affect the feasibility of the investment, such as land, consents, energy-cost thresholds, supporting infrastructure or national trade arrangements.

Local benefits

This sub-criterion is used to award points under a merit assessment only.

Points may be awarded based on the extent to which an applicant demonstrates concrete efforts to maximise the involvement of New Zealand-based supply chains, investment and participation during the proposed ORE development's commercial phase.

To receive points, an applicant should demonstrate that it has gone beyond raising awareness of potential participation opportunities and has taken action that materially increases the likelihood of those opportunities being realised by New Zealand-based individuals, businesses or investors.

Examples may include:

- identifying specific workforce and skill shortages and demonstrating meaningful collaboration with parties that can help address them, such as through memoranda of understanding, skills and training partnerships, consultation records, feasibility studies, training programme development or workforce development plans
- taking steps likely to provide significant benefits to relevant iwi or hapū, such as formal partnerships, memoranda of understanding, commercial participation arrangements, training and apprenticeship pathways, support for environmentally focused programmes or legacy commitments
- clearly prioritising New Zealand supply chains when procuring goods and services, supported by an understanding of:
 - o the specific New Zealand goods and service providers that could participate
 - o the assistance that may be required to enable their participation
 - o how the applicant has assisted, or intends to assist, in facilitating that participation
- facilitating partnerships with industry experts or providing learning opportunities for New Zealand businesses, academic institutions or science organisations that increase their ability to provide services to the proposed development or participate in the wider ORE industry.

Applicants may also provide information on opportunities for New Zealand investment or participation during the construction, operation or maintenance phases of the proposed ORE development.

Examples include:

- onshore port and marshalling support services during construction
- onshore and offshore electrical services and commissioning
- investment in and management of operations and maintenance infrastructure or marine and aviation support fleets
- ongoing management of operations and maintenance facilities and activities.

Applicants may also describe:

- how New Zealand's port, industrial and fabrication capabilities have been considered during the early engineering design process, including how opportunities to use New Zealand

resources have been identified and prioritised without compromising the integrity or feasibility of the proposed development

- support for New Zealand-based academic research that addresses local issues relevant to the proposed development or contributes to a specialised ORE-related knowledge base in New Zealand.

Feasibility period benefits

This sub-criterion is used to award points under a merit assessment only.

Points may be awarded based on the extent to which an applicant demonstrates likely benefits to New Zealand arising during the feasibility permit period. These benefits may include:

- economic benefits arising from the applicant's project team being based in New Zealand and permanently employed by the applicant. Refer to *Project team capability* for information on what comprises the project team
- co-development of, or significant financial investment in, New Zealand infrastructure, such as ports, needed to progress the proposed ORE development
- long-term sponsorship or funding for relevant community or environmental initiatives
- financial or non-financial support that enables relevant iwi or hapū to participate meaningfully in the proposed feasibility activities, such as paid representation on working groups or access to independent specialist expertise
- initiatives that promote or prioritise the use of environmental or engineering expertise and services located in New Zealand, including partnerships or long-term arrangements supporting education, knowledge transfer or meaningful participation in the proposed feasibility activities or the wider Asia-Pacific ORE industry
- collaboration with New Zealand universities or the New Zealand Institute for Earth Sciences that uses their expertise and enables them to participate in, or develop specialist expertise relating to, the proposed type of ORE development
- using the applicant's feasibility activities and resources to collect and share environmental data for public benefit, beyond the information needed for consenting and engineering, where this helps address gaps in publicly available information
- committing to provide data collected through feasibility activities earlier than required under section 32 of the Act, such as site-investigation, metocean, ecological or environmental baseline-monitoring data. This commitment may be supported by a data-management plan explaining the expected nature and timing of the data
- using New Zealand-registered and operated vessels or marine assets to undertake feasibility activities, such as offshore surveys, environmental surveys and site investigations
- providing meaningful support or sponsorship for public or academic research relevant to the proposed ORE development.

Where the delivery of an identified feasibility period benefit is material to the Minister's decision to grant a feasibility permit, the Minister may impose a permit condition relating to the delivery of that benefit.

National security or public order risks

Before granting a feasibility permit, the Minister must have regard to whether the applicant poses, or granting the permit could pose, any significant risk to national security or public order, and whether that risk can be adequately avoided, mitigated or managed.

Applicants must provide information about any national security or public order risks that may arise from:

- the applicant
- the applicant's ownership, control or management arrangements
- the proposed ORE feasibility activities
- the proposed ORE development.

For each identified risk, applicants must explain how it may be avoided, mitigated or managed. This reflects regulation 7(2)(f) and the information requested in Part E of the ORE 1100 application form.

The information provided should be proportionate and specific to the applicant and the proposed project. Depending on the circumstances, national security or public order risks may include, but are not limited to, risks relating to ownership, control or management arrangements, cyber security, access to sensitive information or technology, and supply-chain dependencies.

Risks may arise at different points across the proposed development, including through suppliers, contractors, technology, systems, ownership arrangements or management arrangements.

For each risk identified, applicants should explain:

- what the risk is
- how it could arise
- what could be affected and the potential consequences
- how the risk may be avoided, mitigated or managed
- any remaining risk after those measures are applied.

Risks may differ across the various components and systems of the proposed ORE development. For example, the national security risks associated with physical components, such as foundations, towers or turbine blades, may differ from those associated with digital control systems.

If an applicant concludes there are no national security or public order risks, it should briefly explain what it considered in reaching that conclusion.

Merit assessment - competing applications only

The national security or public order risk sub-criterion is not assessed under a merit assessment.

Project development plan (PDP)

The PDP should explain how the applicant intends to investigate and progress the proposed ORE development during the feasibility permit period. It should set out the proposed ORE feasibility activities and explain how those activities are expected to progress the development towards a financial investment decision and, if the development proves feasible, construction and later phases.

The information in the PDP will inform MBIE's assessment of the applicant's current and likely future technical and financial capability to undertake the proposed ORE feasibility activities.

The PDP should also provide information relevant to:

- the applicant's current and likely future financial capability to install, operate, maintain and decommission the proposed ORE generation infrastructure
- the applicant's compliance record, including its environmental track record
- the compliance records of the applicant's related parties.

What the PDP should cover

The PDP should cover:

- **Organisation and governance**
 - o the applicant's ownership and governance arrangements
 - o key roles, responsibilities and decision-making arrangements
 - o how the proposed feasibility activities will be directed and overseen.
- **Project team capability**
 - o the technical expertise currently available to undertake and manage the proposed feasibility activities
 - o any additional expertise required
 - o how and when the applicant intends to obtain that expertise.
- **Development timeline and activities**
 - o the feasibility activities planned during the feasibility permit period
 - o the sequencing, timing, dependencies and expected expenditure associated with those activities
 - o the feasibility activities intended to commence within the first 12 months
 - o key milestones and the proposed pathway towards a financial investment decision
 - o any relevant feasibility activities already undertaken.
- **Risk management and good industry practice**
 - o the key risks to successful delivery of the proposed ORE development
 - o how the proposed feasibility activities will investigate, reduce or manage those risks

- o how the feasibility activities will be carried out in accordance with good industry practice
- o any contingencies available if significant risks cannot be adequately managed.
- **Compliance record**
 - o the applicant's compliance record, including its environmental track record
 - o the compliance records of its related parties
 - o any relevant proceedings, investigations, enforcement action or other compliance matters.
- **Financial capability**
 - o the expected costs of the proposed feasibility activities
 - o the applicant's current funding and proposed funding sources for those activities
 - o the applicant's current financial position and ability to raise additional funding
 - o the estimated cost and timing of installing, operating, maintaining and decommissioning the proposed ORE generation infrastructure
 - o how the applicant expects to obtain the funding required for those future generation infrastructure activities.
- **Feasibility activity costs**
 - o the estimated cost of each significant feasibility activity
 - o the basis for those estimates
 - o relevant quotations, contracts, cost breakdowns or other supporting information
 - o any cost and risk contingencies included.

Technical and financial capability

The PDP should demonstrate the applicant's understanding of:

- the feasibility activities required to investigate and progress the proposed ORE development
- how those activities will be sequenced, managed and overseen
- the people, expertise and organisational arrangements needed to undertake them
- the risks to successful delivery and the strategies identified to manage those risks
- the likely costs of the proposed activities and how they will be funded.

This information will inform MBIE's assessment of whether the applicant has, or is likely to have, the technical and financial capability to undertake the proposed ORE feasibility activities.

The financial information in the PDP will also inform MBIE's assessment of whether the applicant has, or is likely to have, the financial capability to install, operate, maintain and decommission the proposed ORE generation infrastructure.

How to use the guidance below

The guidance below is organised under headings that reflect the assessment sub-criteria MBIE intends to use. Applicants are encouraged to use the same headings when structuring their PDP.

Under each heading, the guidance explains:

- the information applicants should provide
- any additional guidance on the nature or level of information expected
- where applicable, what MBIE may award points for in a merit assessment.

Note: This guidance does not reproduce requirements or limitations specific to an application round. Applicants must ensure their PDP complies with the applicable Round Notice and any relevant requirements in the Act and Regulations.

Organisation and governance

An applicant's corporate and governance arrangements are relevant to assessing its technical capability to oversee and progress the proposed feasibility activities.

Applicants should describe their ownership and governance arrangements and explain how these arrangements, including the experience of the relevant entities and individuals, will support effective oversight and decision-making during the feasibility permit period.

Explanatory guidance

Applicants should explain how the applicant is owned, governed and controlled, how key decisions about the proposed development will be made, and who will be responsible for overseeing the proposed feasibility activities.

Applicants should provide an organisational chart and supporting information showing:

- the applicant's ownership and shareholding structure
- all related parties (as defined under regulation 3 'related party') and how they relate to the applicant
- the distribution of shareholding and voting rights
- the ultimate beneficial owners of the applicant, particularly where a special-purpose vehicle or layered ownership structure is used
- any indirect ownership or control through other entities, including how that control is exercised, such as through agreements or board representation
- any contractual or other arrangements that give an entity or individual greater influence than its shareholding, share class or voting rights may otherwise suggest
- the applicant's governance and decision-making arrangements
- key governance and commercial roles and responsibilities
- the names of individuals currently filling key governance roles
- the relevant organisational and governance experience of the applicant, its related parties and the individuals filling key governance roles
- where the applicant relies on the experience, capability or resources of a related party or another entity, how these will be made available to, transferred to or otherwise used for the benefit of the applicant and the proposed ORE development.

Applicants should identify which arrangements are already in place and which are proposed or remain subject to further agreement.

Applicants should ensure they have identified all related parties in accordance with the definition in the Regulations. This includes parties with significant influence over the applicant, associated persons, related bodies corporate and certain trusts. The definition is broader than entities with a direct shareholding in the applicant.

The organisational chart should focus on corporate ownership, governance, control and decision-making. The structure and resourcing of the team responsible for the day-to-day delivery of the proposed feasibility activities should be addressed separately under *Project team capability*.

Merit assessment - competing applications only

Points may be awarded based on the extent to which the applicant demonstrates that its organisation and governance arrangements provide relevant experience and effective oversight for progressing a large-scale infrastructure development, particularly one similar to the proposed ORE development.

Where the applicant relies on the experience of a related party or another associated entity, it should explain how that experience will be made available to, transferred to or otherwise used for the benefit of the applicant and the proposed ORE development.

Project team capability

An applicant's current and likely future access to the skills, experience and resources needed to undertake the proposed feasibility activities is relevant to assessing its technical capability.

Applicants should provide information on:

- the technical expertise and resources currently available to undertake and manage the proposed feasibility activities
- the extent to which those people and resources are committed and available to the proposed development
- any additional expertise or resources required
- how and when the applicant intends to obtain any capability not currently available.

Explanatory guidance

Applicants should provide a high-level resourcing plan for the project team expected to contribute substantially to the day-to-day management and progression of feasibility activities during the feasibility permit period.

The project team may include personnel who have already contributed, or are expected to be available and able to contribute, to the proposed ORE development. This may include permanent staff, personnel from connected organisations, specialist contributors, contractors, or resources available through long-term resourcing agreements.

The resourcing plan should:

- identify the relevant skills and expertise currently available within the applicant's project team
- include a curriculum vitae for each person, clearly highlighting their experience relevant to their role and proposed contribution
- identify any current or anticipated gaps in knowledge or experience
- explain how and when those gaps will be addressed to ensure the necessary technical capability is available when required

- include a project team organisational chart showing:
 - o the day-to-day project management structure
 - o key roles and responsibilities
 - o which roles are currently filled
 - o when vacant roles are expected to be filled during the feasibility permit period
 - o which roles are expected to be based in New Zealand
 - o which roles are expected to be filled by employees and which by contractors
 - o relevant past project experience of the applicant, its parent organisation and contributing individuals or contractors.

The resourcing plan is expected to include full-time-equivalent resourcing in the following areas:

- commercial contract negotiation and management
- financial management
- infrastructure project and activity planning
- onshore, offshore and engineering quality, health, safety and environmental management
- environmental surveying and consenting
- technical package and engineering management
- marine construction, transport and installation
- New Zealand regulatory and consenting requirements
- stakeholder engagement and management.

Where members of the applicant's core project team, such as project managers, planners, quality, health, safety and environmental personnel, technical package managers or project engineers, are not expected to be dedicated exclusively to the proposed development or based in New Zealand during the feasibility permit period, the applicant should explain how it will ensure that:

- sufficient time and resources will be available to the proposed development
- the team has the New Zealand specific knowledge and experience needed to progress the proposed development successfully.

Relevant New Zealand specific knowledge and experience may include environmental conditions, engineering standards, regulatory regimes, supply chains, ports and transmission infrastructure

Merit assessment - competing applications only

Points may be awarded based on:

- the extent to which the applicant's project team demonstrates significant experience in developing large-scale or offshore infrastructure projects relevant to the proposed ORE development
- the level of certainty that people with key project-team skills will be committed to, or available exclusively for, the proposed development.

Evidence of commitment may include permanent employment arrangements or long-term agreements that specify the personnel, time or resources allocated to the proposed development.

Where the applicant relies on the experience of a related or associated entity, rather than an individual team member, the resourcing plan should explain how the relevant knowledge and

experience will be made available or transferred to the applicant, or otherwise used for the benefit of the proposed ORE development.

Development timeline and activities

An applicant's understanding of its proposed programme of feasibility activities and pathway towards a financial investment decision is relevant to assessing its technical capability to undertake ORE feasibility activities.

Applicants must provide information on:

- the ORE feasibility activities planned to be undertaken during the term of the feasibility permit, including their sequencing or timing
- the ORE feasibility activities the applicant intends to commence within 12 months of the permit's start date
- the key milestones planned to be completed during the term of the feasibility permit
- any ORE feasibility activities the applicant has already undertaken.

Applicants should also provide any other information that may help the Minister understand how the proposed feasibility activities and milestones are expected to progress the proposed ORE development towards a financial investment decision.

Note: The associated expenditure for the proposed feasibility activities should be addressed under Feasibility activity costs. Risks to successful delivery, the strategies identified to manage those risks, and how the feasibility activities will be undertaken in accordance with good industry practice should be addressed under Risk management and good industry practice. Together, these sections cover the proposed development plan matters required by regulation 7(2)(h).

Explanatory guidance

Applicants should provide a development timeline covering the feasibility permit period, presented as a Gantt chart in PDF and Microsoft Planner formats, with supporting written explanation where necessary.

The timeline should show:

- the proposed feasibility activities, key project milestones and engineering phases on the critical path towards a financial investment decision
- the sequencing of, and dependencies between, the proposed feasibility activities
- the feasibility activities the applicant intends to commence within 12 months of the permit's start date
- any feasibility activities, or groups of similar activities, expected to cost more than 2.5 percent of total development expenditure
- any feasibility activities that will contribute significantly to developing the proposed ORE development or assessing its feasibility
- how the applicant expects to complete the feasibility activities needed to reach a financial investment decision and apply for a commercial permit within the seven-year feasibility permit period.

The applicant should also identify any relevant feasibility activities it has already undertaken and explain how they relate to the remaining programme of work.

The first 12 months of the timeline should contain sufficient detail to align the planned activities with the expenditure and funding information provided for that period. Beyond the shorter term, the timeline may be more preliminary and high level.

Applicants may also provide alternative timelines showing how relevant factors could affect the critical path. These could include alternative routes to market or significant delays to key activities or milestones.

Depending on the proposed development, the feasibility activities may include:

- offshore resource measurement campaigns and site investigations
- pre-construction prototyping, verification or measurement campaigns, where applicable
- onshore and offshore geophysical and geotechnical survey campaigns
- engineering development phases, including concept or feasibility design, preliminary front-end engineering and design, front-end engineering and design, and detailed design
- environmental baseline surveys, impact assessments and stakeholder negotiations
- applications for regulatory approvals and consents, including expected processing periods
- key procurement activities and early engagement with contractors or suppliers
- key financial, commercial, engineering and procurement milestones.

Note: Under section 32(a) of the Act, every permit holder must report annually on the ORE feasibility activities conducted during that year.

Phased development

If an applicant proposes to develop the ORE development in phases, the development timeline should clearly show:

- the proposed phases and the infrastructure or generation capacity anticipated for each phase
- the indicative timing of the financial investment decision, construction and operation for each phase
- the feasibility activities and milestones relevant to each phase
- any dependencies or uncertainties that must be addressed before later phases can proceed
- how the feasibility activities for each phase fit within the overall development programme.

Applicants should provide an overall development timeline and, where separate financial investment decisions are proposed, a timeline for each phase.

Any information about later phases may be preliminary where relevant details remain uncertain. Any future commercial permit application will need to meet the requirements applying at that time.

Merit assessment - competing applications only

Points may be awarded based on the extent to which an applicant demonstrates:

- a detailed and well-developed plan for progressing the proposed ORE development towards a financial investment decision

- a credible pathway for reaching a financial investment decision earlier than competing applicants.

Risk management and good industry practice

An applicant's understanding of how it intends to manage risks to the successful delivery of the proposed ORE development is relevant to assessing its technical capability to undertake the proposed feasibility activities.

Many of the feasibility activities undertaken during the feasibility permit period will be intended to investigate, reduce or manage risks to the proposed development. This work should help the applicant determine whether the proposed development is feasible and, if so, progress towards securing the investment needed for construction and commercial operation.

Applicants must provide:

- information on the strategies identified to manage risks to the successful delivery of the proposed ORE development, including the risks identified under *Project risk identification*
- a statement explaining how the proposed ORE feasibility activities will be undertaken in accordance with good industry practice
- any other information that may assist the Minister in considering the applicant's technical capability to undertake and manage the proposed feasibility activities.

Explanatory guidance

Applicants should explain how the proposed feasibility activities form part of the strategies identified to investigate or manage risks to the successful delivery of the proposed ORE development. In doing so, applicants should address:

- how the proposed feasibility activities will be used to investigate or manage each identified risk
- any options being considered to avoid, mitigate or otherwise manage each risk
- how the proposed approach draws on established industry strategies, standards and good industry practice relevant to the risk
- any work already completed to investigate, reduce or manage the risk
- any contingency arrangements available if the risk cannot be adequately avoided, mitigated or managed.

Good industry practice

Applicants should also explain how the proposed feasibility activities will be undertaken in accordance with good industry practice. This should include:

- the relevant industry standards, methods, systems or practices that will apply
- why they are appropriate for the proposed activities and the New Zealand context
- how their application will be overseen
- how the applicant will ensure that activities carried out by contractors or other third parties are undertaken in accordance with good industry practice.

Where applicants rely on approaches developed in another jurisdiction, they should explain why those approaches are relevant to the proposed activities and appropriate for the New Zealand context.

Merit assessment - competing applications only

Points may be awarded based on the extent to which the applicant demonstrates tangible efforts to manage identified risks using approaches that draw on established industry strategies, standards and good industry practice relevant to each risk.

For example, this may include approaches based on lessons learned from jurisdictions with an established offshore renewable energy industry, or with natural or regulatory environments similar to New Zealand.

Compliance record

To enable the Minister, when determining an application for a feasibility permit, to consider the compliance record (including the environmental track record) in New Zealand and internationally of the applicant and its related parties, the applicant:

- must provide information on its compliance record, and that of its related parties, in New Zealand and internationally, including with environmental laws and regulations
- should provide any other information to assist the Minister in considering the compliance record of the applicant and its related parties.

Explanatory guidance

The compliance records of an applicant and its related parties should demonstrate that the applicant is highly likely to be able to comply with relevant legislative and regulatory requirements if awarded a feasibility permit. To demonstrate this, the compliance record may include, for example:

- successful applications for offshore or infrastructure-related licences, permits, contracts for difference (CFDs), transmission grid connections or similar
- employment and management of a workforce in compliance with relevant national quality, health, safety and environment (QHSE) frameworks and employment regulations
- a demonstrated ability to conduct or manage construction or offshore operations, in compliance with the relevant quality standards, health and safety and environmental regulations.

An applicant should also disclose and describe the nature and outcome (if known) of any of the following matters relating to the applicant and its related parties:

- legal proceedings, regulatory investigations and/or enforcement actions relevant to the development of infrastructure similar to the proposed ORE development
- awards of seabed leases, tariffs, CFDs, feasibility permits, or similar instruments globally and relating to the development of renewable energy that were not considered fulfilled and/or honoured by the issuing authority
- previous declarations of bankruptcy, insolvency, affairs placed in administration or prior disqualification(s) from managing or operating a company
- convictions for a criminal offence
- other relevant compliance issues that may impact the applicant's credibility

- Disclosing any matters relating to those outlined above may not necessarily result in an applicant not being recommended for the award of a feasibility permit.

Merit assessment - competing applications only

Points may be awarded based on the scale and relevance of an applicant's and its related parties' compliance records. For example, evidence of compliance with legal and regulatory frameworks specifically related to offshore infrastructure or evidence of compliance with legal and regulatory frameworks in multiple foreign jurisdictions.

Financial capability

An applicant should demonstrate that it has, or is likely to have, sufficient financial capability to finance its proposed development plan, undertake ORE feasibility activities and to install, operate, maintain and decommission the proposed ORE generation infrastructure.

This may be demonstrated through funding already available to the applicant or its ability to raise or access sufficient funding as required.

To demonstrate its financial capability, the applicant should provide information on:

- the likely costs of the feasibility activities set out in its proposed development plan, and an annual schedule of the anticipated sources of funding to meet those costs, as well as any relevant supporting information to demonstrate this, reflecting the level of detail reasonably available at the time of application
- with respect to the proposed ORE generation infrastructure, the estimated cost and timing* of:
 - o construction, operation and maintenance, and how it intends to fund these activities, including any relevant supporting information
 - o decommissioning, and how it intends to build the financial capability needed to fund decommissioning activities, including any relevant supporting information
- its current financial position, including annual financial statements covering the last three financial years
- any costs not directly related to the ORE project that the applicant is likely to incur while carrying out its ongoing business activities. These may include other current or planned development projects or existing operations in New Zealand or other countries
- any other information that may assist the Minister in considering the financial capability of the applicant.

All costs should be in New Zealand dollars (NZD).

*Timing should match that set out in the timeline provided by the applicant under *Permit area and timeline*.

Explanatory guidance

Proposed development plan and feasibility activities

The annual schedule should show the likely source and amount of funding required to meet the costs of the feasibility activities planned for each year.

An applicant does not need to demonstrate that all funding for the full feasibility permit period is already available at the time of application. Where funding is expected to be raised or secured in the

future, the applicant should provide information demonstrating its ability to raise or access that funding.

Sources of funding may include, for example, current cash or near cash, new equity, or new loans.

Supporting information

If the applicant is likely to rely in part on the financial capability of one or more related parties, the applicant should provide a completed deed of guarantee for each such related party. Please contact MBIE for the deed of guarantee template.

If the applicant is planning to raise additional equity to meet its proposed financial capability, it should provide details of relevant experience within its management team that is likely to support the raising of that equity. The applicant should also describe the likely timing and amount of the proposed equity raising.

If the applicant has existing debt facilities available to it, it should provide details of those facilities, including remaining draw-down capacity, repayment terms, cost of debt, lending covenants and how the debt is secured.

If the applicant is planning to raise debt to meet its proposed financial capability, it should provide details of relevant experience within its management team that is likely to support that financing. The applicant should describe the likely timing and amount of the proposed debt financing and provide supporting information demonstrating why that financing is likely to be available.

Financial statements

Where the applicant does not have annual financial statements covering the last three financial years, it should provide:

- annual financial statements from its related parties covering the last three years
- proof of cash or near cash funds currently held in the applicant's name.

Merit assessment - competing applications only

Points may be awarded based on the extent to which an applicant can demonstrate the availability of financial capability beyond the short term and certainty of this funding being available.

Feasibility activity costs

A component of financial capability is an applicant's depth of understanding and the accuracy of the likely costs involved over the period of the feasibility permit. Accordingly, an applicant should provide further information on the costs for each of the feasibility activities it has identified on its development timeline (refer to *Development timeline and activities*).

Explanatory guidance

Information provided should include where relevant:

- costs for the applicant's own staff and costs for external service providers
- expenditure within New Zealand, Australia and other countries
- costs based on quotes, contracts or with sources supporting the values provided
- details of cost contingency (for uncertain costs or uncertain scope of work)
- details on risk contingency (for unexpected events that, if they occur, will increase costs).

The cost estimates for ORE feasibility activities at the start of the development timeline are expected to have greater detail and certainty than the cost estimates for activities at the end of the development timeline. Forecast costs are only expected to reflect best estimates based on the information the applicant has on hand at the time of an application.

Merit assessment - competing applications only

Points may be awarded based on the extent to which an applicant can demonstrate accuracy and reliability with respect to cost estimations. For example, through quotations, contracts and/or cost-breakdowns based on relevant experience.

Preliminary consultation document (PCD)

The preliminary consultation document, or PCD, should provide the information needed to support the Minister's consideration of the pre-application Māori consultation and rights and interests within the proposed permit area.

The PCD should address:

- the pre-application consultation undertaken with the Māori groups specified in section 14 of the Act, including how that consultation informed the proposed ORE development
- the impact of granting the permit on Treaty settlements, protected customary rights areas and other Māori groups with relevant interests
- the applicant's approach to identifying existing rights and interests in the proposed permit area, engaging with their holders, and addressing those rights and interests, to the extent that the applicant is reasonably able to do so.

Required pre-application consultation with Māori

Section 14 of the Act requires applicants to consult specified Māori groups before applying for a feasibility permit. This section explains which groups must be consulted and provides guidance on planning, carrying out and recording that consultation.

Applicants must provide sufficient information for the Minister to understand:

- which Māori groups the applicant identified and consulted
- how the consultation was planned and undertaken
- the views and information received through consultation
- how the consultation informed the proposed ORE development
- any matters that remain unresolved and the proposed approach to further engagement.

The application must include a record of the consultation and a statement explaining how it informed the proposed ORE development.

The Minister must have regard to the applicant's consultation when determining the application under section 18(2)(b) of the Act. For competing applications, the Minister must also consider the nature of the consultation and the views of the consulted groups about the applicant's conduct and the proposed ORE development.

Identifying relevant groups

Te Puni Kōkiri (Ministry of Māori Development) includes information on its website in relation to iwi groups, including a map of regions within New Zealand and iwi located within those regions.

The following sources may also help to identify and contact relevant groups:

- Te Kāhui Māngai | Directory of Iwi and Māori Organisations (Te Puni Kōkiri)

- Tribal marae of Aotearoa New Zealand (Māori Maps)
- Te Kāhui Whakatau | Treaty Settlements (Te Tari Whakatau | Office of Treaty Settlements and Takutai Moana)
- Pātaka Whenua | Māori Land Information (Te Kooti Whenua Māori | Māori Land Court)
- Local and regional councils (LGNZ)
- Marine and Coastal Area (Takutai Moana) Act 2011 applications for recognition orders — Courts of New Zealand

We recommend in the first instance, applicants identify relevant iwi, hapū and Treaty settlement entities and familiarise themselves with these groups by accessing information shared by and on these groups through relevant websites, environmental plans and other publicly available information.

It is recommended that applicants read the *Guidelines for engagement with Māori* which can be accessed on the Te Puni Kōkiri website at: <https://www.tpk.govt.nz/en/a-matou-whakaarotau/maori-crown-relations/crown-engagement-with-maori>.

Planning and carrying out consultation

Applicants should plan and begin consultation early. Sufficient time should be allowed for relevant groups to consider the proposal, participate meaningfully and influence the proposed development before the application is submitted.

Applicants should:

- clearly explain the purpose and scope of the consultation
- plan the consultation process, timeframes, communication approach and key information in advance
- consider opportunities for coordinated or joint engagement where appropriate
- provide clear and sufficiently detailed information before meetings or hui
- respond promptly to questions and requests for further information
- provide information following consultation about how the matters raised have, or have not, been reflected in the proposed development and explain why.

Record of consultation

The record of consultation should include:

- the groups consulted and the relevant rights and interests identified
- a timeline of engagement, including dates of meetings or hui
- copies of relevant correspondence
- the principal matters raised
- the applicant's responses to those matters
- any agreed next steps or ongoing engagement arrangements.

Where consultation records include personal information relating to other individuals, applicants should ensure that the information is collected, used and provided to MBIE consistently with the Privacy Act 2020.

Important: Pre-application consultation under section 14 of the Act is mandatory and must be completed before an application is made. Under section 127 of the Act, the Minister may reject an application without considering its merits if it does not comply with these requirements.

MBIE consultation

MBIE will also consult the Māori groups specified in section 14 on behalf of the Minister before applications are determined. The Minister will consider the information obtained through both the applicant's pre-application consultation and MBIE's consultation when determining the application.

Māori rights and interests

The pre-application consultation section above explains who applicants must consult and how that consultation should be planned, undertaken and recorded.

Applicants must also provide information to support the Minister's separate consideration under section 18(2)(c) of the Act. This requires the Minister to have regard to the impact of granting the permit on Treaty settlements, protected customary rights areas and other Māori groups with relevant rights and interests.

To support the Minister's consideration of these impacts, applicants should provide information on:

- the Treaty settlements, protected customary rights areas and other relevant Māori rights and interests identified within or near the proposed permit area
- how granting the permit could affect those settlements, areas, groups, rights and interests
- whether the impacts could arise from:
 - o granting exclusive feasibility rights over the permit area
 - o carrying out the proposed feasibility activities
 - o progressing the proposed ORE development
 - o a combination of these
- whether the impacts are expected to be positive, adverse or uncertain
- how any adverse impacts could be avoided, mitigated, managed or otherwise addressed
- how the identified rights, interests and impacts will be further investigated and assessed during the feasibility permit period
- any other information that may help the Minister understand the impact of granting the permit.

Example: A proposed permit area may overlap with a protected customary rights area in which a recognised customary activity is carried out. The applicant should identify and map the area, explain how granting the permit and carrying out the proposed feasibility activities could affect the customary activity, and describe how the applicant intends to investigate and address those effects. This could include changing the timing or location of particular feasibility activities following further engagement with the relevant group.

Merit assessment - competing applications only

In determining a competing application based on which application has the most merit and which applicant is more suitable for the award of a permit, the Minister must consider the nature of the

consultation undertaken by the applicant with the Māori groups referred to in section 14 of the Act and the views of those groups about the applicant's conduct and the proposed ORE development.

Other rights and interests

New Zealand's territorial sea, exclusive economic zone and coastal areas support a wide range of cultural, recreational, environmental and economic activities. A proposed ORE development may therefore affect a range of existing rights, interests and activities.

This section covers existing rights and interests other than the Māori rights and interests addressed in the sections above. Other rights and interests could include, for example:

- existing infrastructure, such as submarine cables, pipelines and platforms
- permits and other rights granted under different regulatory regimes (such as petroleum or mining permits)
- economic activities, such as commercial fishing, aquaculture, tourism, ferry services and coastal shipping
- protected environmental areas, such as marine reserves, marine mammal sanctuaries, closed seamounts and benthic protection areas
- shipping routes, cable and pipeline protection zones, safety zones and military operating areas
- community and recreational activities, such as recreational fishing, boating, diving, surfing, kitesurfing and paragliding.

To support the Minister's consideration under section 18(2)(d) of the Act, applicants must explain their approach to:

- identifying existing rights and interests in the proposed permit area
- engaging with the holders of those rights and interests
- assessing and addressing those rights and interests, to the extent that the applicant is reasonably able to do so.

Applicants should do more than identify that a right or interest exists. They should explain:

- how the proposed ORE development could affect it
- who holds or exercises the right or interest
- what engagement has occurred or is planned
- how any potential conflict or impact will be investigated and addressed
- any remaining uncertainty and how it will be resolved during the feasibility permit period.

Example: If a proposed permit area overlaps with a commercial fishing area, the applicant should describe the nature and location of the fishing activity, explain how the proposed development could affect access or fishing operations, outline engagement undertaken or planned with relevant fishing interests, and explain how potential impacts will be further assessed and addressed.

Holders of existing rights and interests may also make submissions during the public submission process. The Minister must have regard to submissions made in relation to an application when determining it.

Merit assessment - competing applications only

Consideration may be given to the progress the applicant has made in:

- identifying existing rights and interests within the proposed permit area
- engaging with the holders of those rights and interests
- addressing the identified rights and interests and any associated effects

Required map

Applicants must provide a map showing the areas affected by each right or interest identified within the proposed permit area, including:

- showing the areas affected by the identified rights and interests within the proposed permit area that are covered by the section 14 pre-application consultation requirements
- permits issued under the Crown Minerals Act 1991
- defence areas as defined in the Defence Act 1990
- military operating areas designated under Part 71 of the Civil Aviation Rules
- any other existing rights and interests identified within the proposed permit area.

Applicants may provide this information in one consolidated map or in separate maps, provided all the information required by regulation 7(2)(o) is clearly shown.

The map should clearly identify the location and extent of each mapped right or interest in relation to the proposed permit area.

Public application summary (PAS)

The purpose of the public application summary, or PAS, is to provide a concise, high-level and publicly accessible overview of the applicant's proposed ORE development. **The PAS is not assessed by MBIE.**

Under section 16 of the Act, the Minister must give public notice of a summary of the proposed developments being considered, including their proposed permit areas, and provide a reasonable opportunity for public submissions. MBIE will arrange this public notice and submission process on behalf of the Minister.

The PAS gives applicants an opportunity to identify the information they consider would best explain their proposed development to the public. MBIE will use the PAS as a starting point when preparing the information to be published for the public submission process.

The PAS is indicative only. MBIE will determine the final form and content of the information published and may edit, supplement or restructure the PAS to ensure that the published information is accurate, clear, accessible and sufficient to support public understanding and submissions. MBIE may ask the applicant to clarify or amend information before publication.

The PAS should focus on the key features of the proposed ORE development and the feasibility activities associated with progressing it. It should be clear, factual and accessible to a general audience. Applicants should use maps, diagrams or other illustrations where these would help the public understand the proposal.

The PAS should include:

- the applicant's name and the name of the proposed ORE development
- a map showing the location and extent of the proposed feasibility permit area in relation to the coastline and recognisable geographic features or locations
- a summary of the feasibility activities proposed during the feasibility permit period
- a summary of the ORE infrastructure and activities proposed during later phases of the development
- a high-level timeline showing the anticipated progression of the proposed development through to commercial operation.

Appendix A: Glossary

Term	Definition
Applicant	The entity making the application.
Application round	In accordance with the Act, means an application round for feasibility permits of which public notice has been given under subpart 2 of Part 2 of the Act.
Commercial phase	A subset of ORE infrastructure activities that comprise the fabrication, construction and operation phases of an ORE development.
Competing application	In accordance with the Act, means where there are two or more applications in an application round in respect of which the Minister may grant a feasibility permit but they cannot both or all be granted.
Connecting land of convenience	A narrow or artificial, or unjustified connector included only to join otherwise separate areas to avoid the requirement that a permit area be a single continuous area.
Construction	Refers to the act of construction and covers the period from Final Investment Decision/Financial Close (FC) through to Commercial Operation Date (COD).
Decommissioning	In accordance with the Act, means an activity undertaken under any enactment, and in accordance with any requirements or standards set by that enactment or imposed by a regulatory agency, to take infrastructure out of service permanently and includes undertaking any site restoration when ORE infrastructure activities cease (for whatever reason) and includes any other activity prescribed by the regulations in relation to the infrastructure.
Feasibility permit	In accordance with the Act, means a permit granted under subpart 2 of Part 2 of the Act.
Financial investment decision (FID)	The point at which an applicant, with all the necessary financing in place, formally commits to proceed with an ORE project's construction.
Offshore renewable energy (ORE)	For the purposes of this guidance means energy generation from offshore wind, offshore solar, wave, tidal, tidal-stream and ocean-based thermal energy conversion.
Operation phase	The phase of an offshore renewable energy development during which energy is actively generated and supplied to the national grid. This phase continues until the ORE development ceases commercial operation, at

	which point it may transition to either re-powering or decommissioning of its infrastructure.
ORE development	In accordance with the Act, means: • the ORE generation infrastructure that is, or is proposed to be, constructed, installed, operated, maintained or decommissioned under a permit; and • the ORE generation infrastructure activities that are, or are proposed to be, carried out under a permit in the permit area by or on behalf of the permit holder; and • includes the ORE transmission infrastructure that is connected to that ORE generation infrastructure and related ORE transmission infrastructure activities.
ORE feasibility activities	In accordance with the Act, means activities that are for the purpose of assessing the feasibility of future ORE infrastructure activities.
ORE generation infrastructure	In accordance with the Act, refers to any infrastructure, structure or installation, that is proposed to be built or used in the territorial sea or exclusive economic zone for the purpose of generating energy from a renewable energy resource in that sea or zone but does not include ORE transmission infrastructure or any excluded infrastructure.
ORE generation infrastructure activities	In accordance with the Act, means: • the construction, installation, operation, maintenance, or decommissioning of ORE generation infrastructure; and • all related or supporting activities related to those activities; but does not include ORE transmission infrastructure activities or ORE feasibility activities.
ORE infrastructure activities	In accordance with the Act, means ORE generation infrastructure activities and ORE transmission infrastructure activities.
ORE project	For the purposes of this guidance, encompasses the meaning of ORE development and includes feasibility activities.
ORE transmission infrastructure	In accordance with the Act, means any infrastructure, structure, or installation (including a cable, pipeline, or ORE substation) that: • is built or used (or is proposed to be built or used) for the purpose of storing, transmitting, transforming, or conveying energy from or through the territorial sea or exclusive economic zone; and • is (or is proposed to be) connected to ORE generation infrastructure; but does not include— • ORE generation infrastructure; and

	• electricity lines services within the meaning of section 54C(1) of the Commerce Act 1986.
ORE transmission infrastructure activities	In accordance with the Act, means the construction, installation, operation, maintenance, or decommissioning of ORE transmission infrastructure.
Overlapping application	With respect to applications made in the same application round, an application for a feasibility permit where the proposed permit area partially or fully overlaps with another application's proposed permit area or applications' proposed permit areas.
Permit area	In accordance with the Act, means the area of the Exclusive Economic Zone or the territorial sea (or both) to which a feasibility permit applies.
Permit conditions	Specific requirements or obligations that a permit holder must comply with. These may relate to how activities are carried out, environmental protection, reporting, monitoring, or other regulatory matters. Permit conditions may be set out in the Round Notice and apply to all permits in that round and/or they may be applied to specific permits only.
Related party	In accordance with the Regulations, means a party who has significant influence (determined in accordance with section 41(2) of the Act) over an applicant and an associated person or a related body corporate (within the meaning of those terms under section 12 of the Financial Markets Conduct Act 2013) of the applicant, and a trust of which the applicant is the settlor, a trustee, or a beneficiary.
Round Notice	In accordance with the Act, means, in respect of an application round, the public notice by which the Minister launches that round under section 13 of the Act.
Significant influence	In accordance with the Act, Person A has significant influence over a permit holder if- • Person A has the power (whether directly or indirectly) to- - o Control the composition of more than 25% of the governing body of the permit holder; or - o Exercise, or control the exercise of, more than 25% of the voting rights in the permit holder • Person A has, together with 1 or more specified persons, the power (whether directly or indirectly) to- - o Control the composition of more than 25% of the governing body of the permit holder, or - o Exercise, or control the exercise of, more than 25% of the voting rights of the permit holder. With respect to the above definition, specified person, in relation to person A means-

	• A person who is acting or will act jointly or in concert with person A in respect of exercising, or controlling the exercise of a power referred to in subsection (2); or • A person who acts, or is accustomed to acting, in accordance with the wishes of person A.
Transmission corridor	Designated pathways or areas where offshore renewable energy transmission infrastructure such as cables or substations is located or proposed.



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