

OFFICIAL INFORMATION ACT REQUEST:

**Data Centres: Resource and Environmental Governance, Public Participation and the
Makarewa Datagrid Development**

J R BRUNING. AUGUST 29, 2026. 26-OIAD-02576

Please provide information held by MCERT, including information created or held by its predecessor agencies and subsequently transferred to or now held by MCERT, relating to data-centre consenting processes and their environmental, infrastructure and public-participation implications.

MCERT's December 2025 Resource Management consent data report examined the effects-management and notification thresholds underpinning the proposed resource-management reforms. It estimated that up to 46% ($\pm 6\%$) of existing resource consents might become unnecessary under the proposed system. The report records decisions to raise thresholds for determining affected parties and public notification.

<https://environment.govt.nz/assets/publications/Resource-Management-consent-data-report.pdf>

The report also identifies material limitations in the underlying evidence. It describes assessment of effects as subjective and variable between local authorities. Its principal sample excluded publicly notified consents, non-complying activities and the highest-cost 25% of consents, the latter on the assumption that these were more likely to represent large-scale or complex developments.

Large-scale data-centre developments may present a class of consenting problem not readily captured by conventional site-specific effects assessment. Their implications can extend beyond immediate site effects to cumulative demands upon electricity generation and transmission, groundwater and other resources, strategic infrastructure, land use and affected communities.

There is also a broader public-law concern arising from the pace and sequencing of these developments. Major data-centre infrastructure may operate for decades and create long-term dependencies and cumulative pressures extending well beyond an individual consenting decision. MCERT is itself a newly established agency, while significant resource-management reforms and data-centre policy development are occurring concurrently.

This raises questions as to whether decision-making frameworks provide sufficient time, institutional capability and evidential rigour to assess effects over appropriate long-term horizons, including at least 25 years; whether cumulative and potentially irreversible effects are adequately identified; and whether the public has a meaningful opportunity to scrutinise the evidence and assumptions relied upon before consequential decisions are made. Without such scrutiny, material gaps in the parameters or evidence informing an assessment may remain unidentified, potentially constraining effective long-term environmental stewardship.

The Makarewa Datagrid development provides a useful case study. Considerable information about the project has become available through Overseas Investment Office decisions, council consent files, Fast-track records and corporate announcements. However, the principal resource-consent applications were not publicly notified.

This raises a broader policy question as to whether existing and proposed consenting frameworks provide adequate mechanisms for assessing the cumulative and national implications of developments of this scale, and adequate opportunities for public participation.

This request therefore has two parts: first, the adequacy of the consenting framework for large and nationally significant developments; and second, information held by MCERT concerning the Makarewa Datagrid development.

Part A. Large and nationally significant developments

1. Fitness of effects and notification thresholds: Please provide any substantive advice, analysis, research or briefing considering whether the proposed effects-management, affected-party and notification thresholds are appropriate for large-scale, complex or nationally significant developments, noting that publicly notified consents, non-complying activities and the highest-cost 25% of consents were excluded from the principal sample analysed in the December 2025 Resource Management consent data report.
2. Public participation: Please provide any analysis considering whether raising affected-party and notification thresholds may reduce opportunities for public participation in decisions concerning large-scale or nationally significant developments, particularly where immediate site effects may be assessed as minor but cumulative infrastructure, resource, environmental or community implications extend beyond the immediate site.
3. Cumulative and system-level effects: Please provide any advice or analysis concerning whether existing or proposed resource-management processes adequately identify and assess cumulative or system-level effects of large developments, including cumulative effects arising across multiple developments or activities, and combined demands upon:
 - electricity generation and transmission;
 - groundwater and surface-water resources;
 - land and associated infrastructure;
 - environmental limits and resilience; and
 - competing or alternative uses of finite infrastructure and natural resources.
4. Central, regional and local decision-making. Please provide any advice considering whether national data-centre policy, national direction, Fast-track mechanisms or other central-government interventions may reduce or materially constrain regional or local decision-making concerning the location, scale, resource demands or environmental effects of major data-centre developments.
5. Data centres and resource-management reform. Please provide any substantive advice, briefing, analysis or correspondence considering data centres, hyperscale computing

infrastructure, AI infrastructure or similarly electricity-intensive digital infrastructure in the development of the Planning Bill, Natural Environment Bill, national policy direction, infrastructure provisions, Fast-track legislation or associated resource-management reforms.

6. Planning processes as investment impediments: Please provide any advice considering whether existing district or regional planning, notification, consultation or consenting processes have been identified as impediments to data-centre investment, and any options considered to reduce or remove such impediments.
7. Long-term effects and decision horizons: Please provide any advice or analysis concerning the time horizons over which environmental, infrastructure, resource and community effects of large or nationally significant developments are expected to be assessed, including whether assessment frameworks consider cumulative effects, infrastructure dependencies, resource constraints, climate or drought conditions, technological change and other material risks over periods of 25 years or longer.
8. Regional and local authority responsibilities and capacity: Please provide any advice or analysis concerning responsibilities expected to be exercised by regional councils and territorial authorities under the proposed resource-management system in relation to large, complex or nationally significant developments, including:
 - responsibilities transferred, delegated to, or otherwise expected to be undertaken at regional or local level;
 - additional assessment, monitoring, compliance, enforcement or reporting responsibilities;
 - technical or specialist expertise required to discharge those responsibilities;
 - whether councils have sufficient staffing, expertise, information and institutional capacity to undertake them;
 - additional costs expected to be incurred by councils; and
 - Crown funding, cost-recovery mechanisms or other resourcing provided or proposed to support those responsibilities.
9. Allocation of governmental responsibility: Please provide any analysis identifying functions or decision-making authority transferred from regional or local government to central government under the proposed reforms, and functions, responsibilities or implementation burdens remaining with or transferred to regional councils or territorial authorities, including the rationale and resourcing implications of that allocation.
10. Scientific and technical capability: Please provide any assessment of the scientific, technical or analytical capability required by central government, regional councils and territorial authorities to identify and assess cumulative or system-level effects of large and complex developments, including any identified capability or evidence gaps and any funding, research, monitoring or technical-support measures proposed to address them.

Part B — Makarewa Datagrid development

Please provide substantive advice, assessments, briefings, reports, commissioned research and relevant correspondence held by MCERT or its predecessor agencies concerning the Makarewa Datagrid development, addressing the following matters:

1. National public-interest assessment: Any assessment of whether facilitating the Makarewa Datagrid development represents a net public benefit or is in the national public interest, including consideration of its anticipated electricity demand, alternative uses of electricity-system capacity, electricity prices, additional generation or transmission requirements, infrastructure costs and who ultimately bears those costs.
2. Electricity-system capacity: Any advice, analysis or information held or received by MCERT concerning the implications of the Makarewa development's anticipated electricity demand of approximately 280 MW, including generation sufficiency, transmission or network capacity, additional generation or storage requirements, resilience, electricity pricing and opportunity costs associated with alternative uses of available or additional electricity-system capacity.
3. Groundwater and aquifer capacity: Any hydrogeological assessment, advice or analysis held, received, commissioned or relied upon by MCERT concerning groundwater abstraction associated with the Makarewa development, including:
 - aquifer capacity and recharge;
 - cumulative abstraction;
 - long-term sustainability;
 - drought or low-recharge conditions;
 - effects upon other users or connected water bodies; and
 - whether existing regulatory requirements provide for adequate assessment of cumulative aquifer effects for developments of this scale.
4. Land and alternative uses: Any assessment of the opportunity costs or public-interest implications associated with using the Makarewa site for the Datagrid development, including its previous or potential productive use and the application of protections for highly productive land or specified infrastructure.
5. Ownership and controlling interests: Any advice or analysis concerning the ownership, ultimate beneficial ownership, financing or controlling interests of the Makarewa Datagrid development, including whether the project's ownership structure was considered relevant to assessment of national or regional benefit, accountability, economic benefits accruing within New Zealand, community engagement or long-term control of strategically important infrastructure.
6. Electricity supplier and equity ownership: Any advice or analysis concerning Mercury NZ Limited's roles as an electricity generator, prospective electricity supplier to Datagrid and equity investor in the Datagrid project, including consideration of competition, electricity-

market implications, alignment of commercial incentives, infrastructure investment incentives, or implications for assessment of the project's public benefit, and any actual, potential or perceived conflict of interest identified by officials.

7. Public participation and non-notification: Any advice, assessment or correspondence held by MCERT concerning the decision that the Makarewa Datagrid resource-consent applications could proceed without public notification, including any consideration of whether the scale, national significance, cumulative resource demands or wider infrastructure implications of the project warranted broader public participation.
8. Local-authority capability and central-government support: Any advice, assessment or correspondence held by MCERT concerning whether Southland District Council, Environment Southland or other relevant local authorities had sufficient technical expertise, staffing, information and resources to assess matters associated with the Makarewa Datagrid development, including cumulative environmental and groundwater effects, infrastructure demands and other system-level effects, and whether central-government technical, scientific, financial or other assistance was provided or considered.
9. Where matters material to assessment of the Makarewa development fell outside the statutory responsibilities, expertise or assessment capacity of the relevant regional or local authorities, please provide any advice identifying which central-government agency or other body was responsible for assessing those matters.
10. Fast-track versus ordinary consenting: Any advice or analysis concerning the relationship between Datagrid's application for inclusion in the Fast-track regime and its subsequent progression through ordinary regional and district consenting processes, including any assessment of the project's national or regional significance under the respective processes.
11. Integrated assessment: Please provide any assessment bringing together the project's electricity demand, water requirements, land use, infrastructure requirements, ownership and control, environmental effects, economic benefits and costs, community effects and public-participation implications in determining whether the Makarewa development represents a net public benefit to New Zealand. If no integrated assessment of this kind has been undertaken or is held by MCERT, please confirm this explicitly.

For the purposes of this request, I am seeking substantive policy, analytical and evidential material rather than routine administrative correspondence, duplicate documents or operational communications. Where a document has already been publicly released in full, a link to that document is sufficient. Where an analysis identified above has not been undertaken or is not held by MCERT, please confirm this explicitly.