

File ref: BRF-6998

21 October 2025

Contact Energy Limited
c/- Claire Hunter
Mitchell Daysh
Email: s 9(2)(a)

Dear Claire

Section 28 – Notice of Decisions on application for referral of the Clutha Hydro Scheme - Increasing Flexibility and Security of Electricity Supply project under the Fast-track Approvals Act 2024

This notice of decisions is for an application received from Contact Energy Limited for referral of the Clutha Hydro Scheme - Increasing Flexibility and Security of Electricity Supply project (the project) under the Fast-track Approvals Act 2024 (the Act).

The project is described as being to to enable an adjustment of the applicant's generation capacity and an increase of the Lake's critical energy storage levels.

Contact Energy Limited already holds resource consents to operate Lake Hāwea between 338 – 346 metres above sea level (masl), with contingent storage allowed down to 336 masl. The application seeks consents to enable the normal minimum operating level of the lake to be lowered to 336 masl, and for contingent storage to 333 masl during a 4% Electricity Risk Curve alert (ERC) and to 330 masl during an 8% ERC.

The project is described as requiring the proposed approvals:

- a. resource consents under the Resource Management Act 1991 (RMA)
- b. variations to existing resource consent conditions under the RMA.

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

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Fast-track referrals are administered on behalf of the Minister for Infrastructure by the Ministry for the Environment | PO Box 10362 | Wellington 6143, New Zealand | NZBN: 9429041908853

The project can only be accepted if the Minister is satisfied the criteria in section 22 is met, which includes being satisfied the project is an infrastructure or development project that would have significant regional or national benefits and referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes, and is unlikely to materially affect the efficient operation of the fast-track approvals process.

Under section 21(3) of the Act, the Minister must decline a referral application if:

- the Minister is satisfied that the project does not meet the criteria in section 22
- the Minister is satisfied that the project involves an ineligible activity
- the Minister considers they do not have adequate information to inform the decision.

Additionally, the Minister has the discretion to decline a referral application for any other reason, even if the project meets the criteria outlined in section 22 of the Act.

Decision on referral application

The Minister has decided to decline the referral application for the whole project under sections 21(3)(a) and 21(4) (pursuant to reasons under section 21(5)(b) and (c)) of the Act.

The project includes variations to existing resource consent conditions which restrict the operating range of Lake Hāwea, which are required to implement the project. It is not clear whether those variations could be processed by an expert panel under the FTAA, and the Minister therefore cannot be satisfied the project is an infrastructure or development project which would have significant regional or national benefits. The Minister therefore must decline the project under section 21(3)(a).

Notwithstanding the above, the Minister has also decided to decline the project under section 21(4), on the basis that the project may have significant adverse effects on the environment (section 21(5)(c)) and it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act (section 21(5)(b)).

The Act requires that:

- a. we provide a copy of this decision to the persons, entities, and groups specified in section 28(1)(a)
- b. the Notice of Decisions, along with the briefing outlining the rationale behind the decision and the comments received from parties invited under section 17, will be published on the Fast-track website in accordance with section 28(1)(b) of the Act, in due course.

If you have any queries about this notice of decisions, please email referral@fasttrack.govt.nz or phone 0800 FASTRK (0800 225 537).

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a horizontal line that tapers to the right.

Ilana Miller

General Manager, Delivery and Operations

cc: Section 28(1)(a)(ii) – Written notice for all decisions:

Anyone invited to comment on the application:

- the relevant local authorities: Queenstown Lakes District Council, Otago Regional Council
- the Minister for the Environment
- other relevant portfolio Ministers: Minister for Energy
- the relevant administering agencies: Ministry for the Environment
- the Māori groups identified in the list provided to the Minister: Te Rūnanga o Ngāi Tahu, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Te Rūnanga o Waihao, Hokonui Rūnanga, Waihōpai Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka-Aparima, Aukaha (1997) Limited, Te Ao Mārama Incorporated
- Any other parties: Transpower New Zealand, The Electricity Authority, Minister for Economic Growth, Minister for Regional Development.