

Clutha Pumped Hydro referral application - responses to mfe queries

From Ben Farrell s 9(2)(a)
 Date Tue 25/11/2025 10:23 AM
 To Ashley Sycamore s 9(2)(a)

6 attachments (9 MB)

RE: Clutha Pumped Hydro referral application; Attachment 2B Map B Project Area updated.pdf; Attachment 3 Titles Landowners 251125.pdf; CODC - CT OT14B_499_Title_Search_Copy.pdf; CODC OT14B_500_Title_Search_Copy.pdf; DOC parcel 6699713 for which there is no title.pdf;

MFE CYBER SECURITY WARNING
 This email originated from outside our organisation. Please take extra care when clicking on any links or opening any attachments.

Hi Ashley, thank you for your time and email yesterday.

1. In response to your email (copy attached) please see email below from John Hardie on behalf of the applicant. Hopefully, this helps address the consultation queries you had. Additionally:
2. I've attached to this email:
 - An updated Attachment 2B Map B Project Area. The only change is a tweak to the 'footnote' to ensure that untitled roading is more clearly captured in the list of land within the Project Area.
 - An updated Attachment 3 (Tiles & Landowners). We've updated this to identify Crown Interests on the titles (we thought this would assist you and others).
 - Copies of titles with Reserve Status. These are both owned by CODC.
 - Copy of legal information about parcel 6699713, which is administered by DOC but has not title.
3. I'll email you copies of all other titles separately.
4. Thank you also for highlighting the typo in our documentation about the proposed power generation. I can clarify the project would produce up to **4000GWh** of electricity as stated in the application form, not 4500GWh as stated in Attachment 1.
5. In terms of the application form we would like two tweak the responses to sections 3.1.3 and 3.1.13 to say the following respectively. Fig 1 below shows track changes so you can see the actual tweaks.

3.1.3: *When Lake Onslow was last raised a road was flooded. The road was stopped. Underlying title to two small squares of the road reverted to the Central Otago District Council. These are first the 450m2 piece of land is in title OT14B/499 being Section 2 Survey Office Plan 22549, and second the 600m2 piece of land in title OT14B/500 being Section 3 Survey Office Plan 22549, both of which are recorded as "local purpose esplanade reserve". We initially believed these pieces of land may be under the lake already. It now appears they are in effect part of the marginal strip around the lake. We have sought clarification from the CODC and others about whether we need an approval under the Reserves Act or whether this in effect dealt with by the creation of new marginal strips under the Conservation Act. Until this is clarified, we are assuming we need Reserves Act approval in respect of the two titles.*

3.1.13: *Authorisations from the Commissioner of Crown Land in respect of development and activities on and under existing Crown Pastoral Leases. Potential alteration to easements and rights of ways on affected land.*

Section	Amended Response
3.1.3	When Lake Onslow was last raised a road was flooded. The road was stopped. Underlying title to <u>two</u> small squares of the road reverted to the Central Otago District Council. <u>These are first the</u> 450m2 piece of land is in title OT14B/499 being Section 2 Survey Office Plan 22549, <u>and second the 600m2 piece of land in title OT14B/500 being Section 3 Survey Office Plan 22549,</u> both of which <u>are</u> recorded as "local purpose esplanade reserve". We <u>initially believed</u> <u>these</u> pieces of land may be under the lake already. <u>It now appears they are in effect part of the marginal strip around the lake.</u> We have sought clarification from the CODC and others about whether we need an approval under the Reserves Act <u>or whether this in effect dealt with by the creation of new marginal strips under the Conservation Act.</u> Until this is clarified, we are assuming we need Reserves Act approval in respect of the <u>two</u> titles.
3.1.13	Authorisations from the Commissioner of Crown Land in respect of development and activities on and under existing Crown Pastoral Leases. <u>Potential alteration to easements and rights of ways on affected land.</u>

Figure 1 Updated wording for sections 3.1.3 and 3.1.13 of the application form (showing track changes)

Please let me know if we need to provide any of this material in any other format, or if you have any further queries.

Warm regards

Ben Farrell

Owner & Director



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From: John Hardie s 9(2)(a)
Sent: Tuesday, 25 November 2025 9:24 am
To: Ben Farrell s 9(2)(a)
Subject: Consultation

Hi Ben, please find below some responses for Ashiley's queries regarding consultation undertaken in respect of the purposes of section 11; and how the consultation has informed the project.

Firstly, by way of background, the scope of our CPH project and the consultation we have undertaken to date has been directly informed by the voluminous reports prepared by many experts (including for and on behalf of respective government departments) for what is known as the NZ Battery Project. While our letters to these relevant parties are recent, and proof of direct written feedback from these parties absent in our application, we have been engaging with these parties and our consultation should be seen as a continuation of earlier consultation undertaken as part of the New Zealand Battery Project. We are not starting from a clean slate. Moreover, details of some of the relevant consultation material, at least that we are aware of, is contained within information currently being withheld by the Government (MBIE) on grounds which included privacy and confidentiality. We presume this information can be made available to the Administering Agencies. We would be happy to release this information if it were able to be released to us. Whilst we are confident provision of this information would demonstrate more effective consultation that has occurred to date, none of it is necessary to further "inform" the application – as that has been embedded in the findings of the NZ Battery Project which our project scope is reliant on.

In our view the application has urgency. Practically, we cannot await arrival on written feedback from all the Administering Agencies. We have proceeded with our application on the understanding that all of the relevant parties will be able to participate in the referral application process, and on the basis that we are committed to continuing consultation.

Noting the above, I can confirm the following on behalf of our team in respect of specific feedback / engagement since our letters were sent to the relevant administering agencies:

Heritage New Zealand

- We've received feedback from Heritage New Zealand. As part of our ongoing discussions, we've advised Heritage New Zealand of heritage assessment work (prepared for the NZ Battery Project) that we understand has identified all the issues and authorities that should be of particular relevance to Heritage NZ. Despite being held within Government, Heritage New Zealand have informed us that they do not have a copy of this report (we do have a copy but currently do not have authority to disclose it). We are working to remove the restriction as it will inform our engagement with Heritage New Zealand. Based on the findings of the Heritage assessment work undertaken on the project to date (that is held by Government and not able to be released by us), we are confident the scope of our application captures the heritage issues and authorities (Archaeological Authorities) that may be required by Heritage New Zealand for the referral application to proceed to a substantive application.

Department of Conservation (DOC)

- We have received administrative feedback from DOC and completed a new customer form and paid the necessary deposit and one of our representatives has met directly with Penny Nelson to discuss the project.
- We have requested information, including in relation to Galaxiid distribution in the project area, as we need to know if further evidence needs to be collected in preparation of a substantive application. The concepts of offsets and/or compensation will remain a live issue going forward in preparation of any substantive application – and throughout project implementation. We anticipate continued consultation with DOC to remain active throughout the length of this project.

Ministry for the Environment (MfE)

- We have not consulted with MfE other than our correspondence included with the Application. We understand, and have noted in the application form, the

numerous and wide ranging types of RMA approvals that we anticipate will be required in the substantive application.

Central Otago District Council (CODC)

- Since sending our initial letter to CODC, our representatives have met in person with the Mayor, spoken with the CEO, and also spoken with Dillon Rushbrook (a senior executive of the CODC). CODC feedback to date has been to say that they well understand their role in fast track based on their experience of another listed project in their district. We accept that questions relating to the land in CT OT14B/499 and CT OT14B/500, and road reserves affected by the Application are complex and at this stage may not be not fully understood. This could be true at both the raised lake Onslow and adjacent to the Clutha. However, in our view, there is nothing more that needs to be done with the CODC until a substantive application is prepared if approval is given to use the fast track process.

Otago Regional Council (ORC)

- Since our letter was sent to ORC, we have had telephone discussions with the newly appointed ORC Chair (Hilary Calvert). We are informed that ORC is standing ready with capacity to deal with fast track applications as they unfold. We have agreed to further discussions but did not need those to be conducted in detail to inform our project scope. Those discussion will await a decision from the Minister as to whether the fast-track process is available to us.

Ngai Tahu/ Papatipu Runaka

We understand from the NZ Battery Project that considerable consultation was undertaken with Aukaha on behalf of relevant Ngai Tahu authorities (including TRoNT and relevant papatipu Runanga). This early consultation coupled with our further contact with Aukaha, drew particular attention being given to the issues raised in the two cultural impact reports they have prepared for this project. Issues raised included the attention needing to be drawn to the statutory acknowledgements in respect of Te Mata/ the Clutha in the Ngai Tahu deed of settlement. This has informed the project in a number of ways, for example we have narrowed the maximum generation capacity to 5TWhr; and we will remain will remain open to addressing, inter alia, the specific matters raised in the statement of cultural values (wāhi tūpuna and ara tawhito, wai māori values, ecological values, archaeological values, and equity values), including for example direct support for Ngai Tahu entities to help optimise the projects economic benefits, capture potentially mutually beneficial investment opportunities, and off set effects.

Our consultation with Aukaha (on behalf of TRoNT and runaka), has led us to further interactions with Mr Brett Ellison and we have since executed an agreement with runaka. In terms of the scope of the project, our interactions have included congratulations being offered to us on resurrecting a project that is seen as important to Ngai Tahu and New Zealand as a whole. The positive nature of our continuing consultation with Ngai Tahu reinforces us in our decision to stay within the scope of the original NZ Battery project, as otherwise there would be concerns within Aukaha, and other Runanga, that there could be broader effects than they were aware of. We are having positive engagement with mana whenua. A number of the people who are carrying this project forward via the applicant have long and valued relationships with a number of the runaka, as well as TRoNT itself. Upcoming meetings include a meeting scheduled this week with Brett Ellison, and a likely meeting at the Christchurch office of Te Runanga o Ngai Tahu in Christchurch on Tuesday 9 December 2025 with all directors of the applicant and participants of mana whenua.

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JG Hardie
Director Clutha Pumped Hydro Consortium Ltd
Barrister and Mediator
Cells 9(2)(a)