



FTAA-2511-1128: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Clutha Pumped Hydro

Date submitted:	12 March 2026	Tracking #: BRF-00535	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	19 March 2026

Actions for Minister's Office staff	<p>Return the signed briefing to: FTAreferrals@mfe.govt.nz.</p> <p>Approve the attached notice of decisions letter.</p>
Number of appendices: 10	<p>Appendices:</p> <ol style="list-style-type: none"> 1. Statutory framework for making decisions 2. Application documents for the Clutha Pumped Hydro project 3. Stage 1 Briefing Note and decisions 4. Section 18 report on Treaty settlements and other obligations 5. Section 19 report on public conservation land 6. Comments received from parties invited under section 17 (including the further information received from the Department of Conservation under section 20) 7. Draft notice of decisions letter 8. Indicative project area 9. Indicative area of proposed land exchange 10. Excerpts from the deed of recognition for Mata-au/Clutha River

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Ashley Sycamore		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Project location

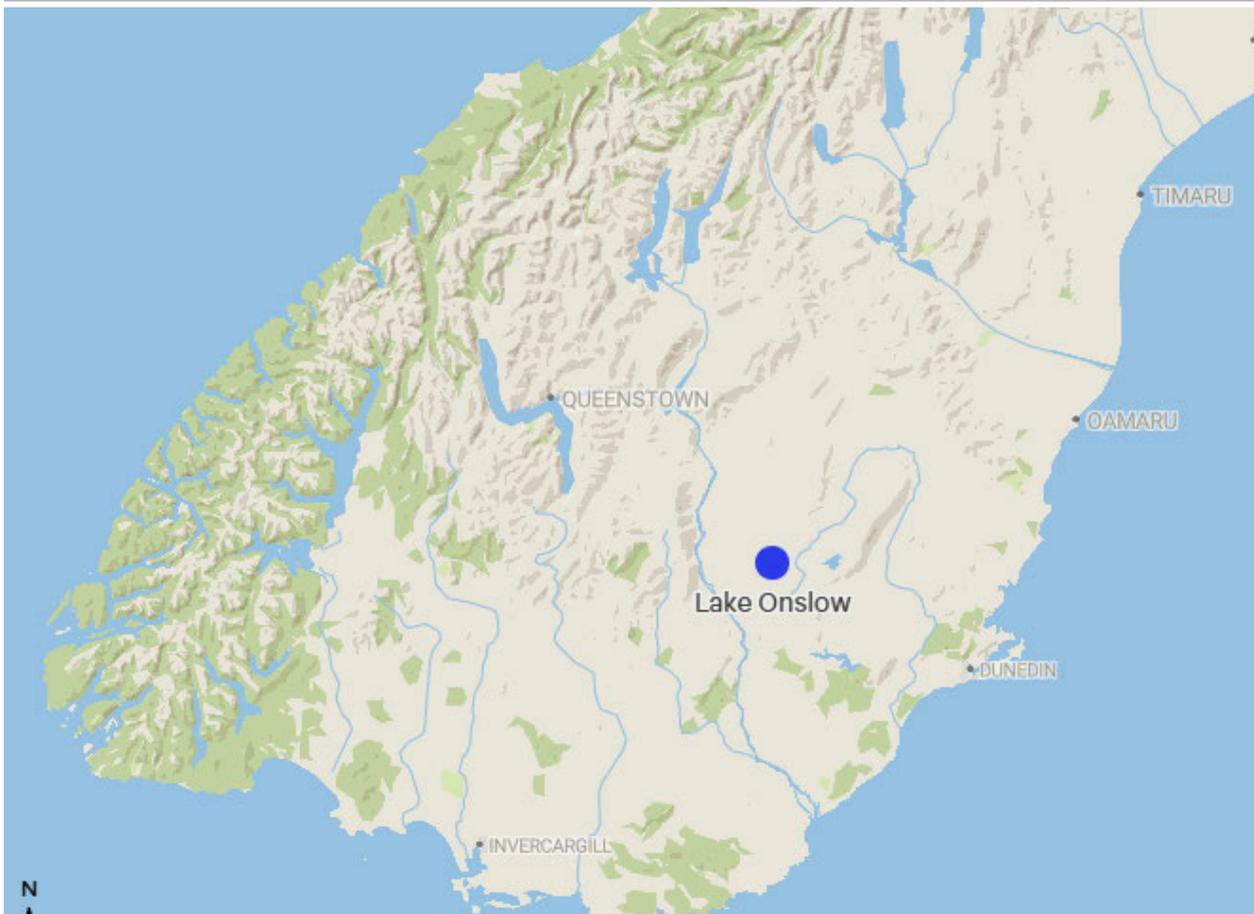


Image 1: Map showing the location of Lake Onslow, with the Mata-au/Clutha River visible to the west and southwest of the lake

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the referral application from Clutha Pumped Hydro Consortium Limited (the applicant) to refer the Clutha Pumped Hydro project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first briefing (Stage 1 – BRF-7231) briefing with your initial decisions annotated is in Appendix 3.

Project details

3. The project is to construct and operate a large-scale pumped hydro energy scheme at Lake Onslow in Central Otago. The project would involve pumping water from the Mata-au/Clutha River via a tunnel to an enlarged Lake Onslow at a higher elevation and water would be released back down the tunnel to generate electricity when required.
4. The project would generate up to 1,000 megawatts (MW) of electricity, and if run for approximately six months that would produce around 4,000 gigawatt-hours (GWh) of electricity. The project would also provide firming for intermittent renewables and electricity system supports.
5. The applicant states that the proposed storage capacity would exceed the combined storage of all existing hydroelectric facilities in New Zealand.

6. The project area encompasses multiple sites covering an area of approximately 290 square kilometres surrounding Lake Onslow in the Central Otago District of the Otago Region, including the Mata-au/Clutha River Valley, the Teviot Valley, and their associated river margins. A map illustrating the indicative project area – with tunnel options and landowners – is included in Appendix 8.
7. The applicant does not currently hold legal interests in the land required for the project. The applicant notes agreements with landowners would be required prior to the commencement of any physical works.
8. The project may also include:
 - a. creating an upper reservoir by enlarging Lake Onslow to store water for energy generation when required, with a new minimum operating level of 695 mRL (metres reduced level, a measure of elevation relative to sea level) and a maximum operating level of 769 mRL – the current lake level is approximately 684mRL
 - b. inundating approximately 7,100 hectares of land
 - c. constructing a new dam on the Te Awa Makarara/Teviot River to increase the size and storage capacity of Lake Onslow
 - d. building structures to harvest water from the Mata-au/Clutha River and return water to the river
 - e. constructing a buffer reservoir adjacent to the Mata-au/Clutha River to store water for pumping
 - f. installing intake and outlet structures within Lake Onslow to transfer water between Lake Onslow and the buffer reservoir
 - g. installing intake and outlet structures within the buffer reservoir to connect water between the buffer reservoir and the powerhouse
 - h. constructing underground tunnels (waterways) to transfer water between the buffer reservoir and the powerhouse, and between the powerhouse and Lake Onslow
 - i. constructing an underground powerhouse to connect the upper and lower water sources, generate electricity as water flows from Lake Onslow to the buffer reservoir and the Mata-au/Clutha River, and pump water back to Lake Onslow
 - j. test drilling, borrow pits for construction materials, and deposition areas for excavated materials
 - k. providing supporting infrastructure for construction and operation including: roading; access, safety and cable tunnels; rock crushing; hazardous goods storage including for fuel and explosives; concrete plant; construction equipment; accommodation; transmission lines; high voltage power, and communication systems; relocation of existing infrastructure as required; and water supply systems.
9. The project does not include connection to the Transpower National Grid at this stage. The applicant states that connection to the grid will be dealt with separately.
10. The applicant states the exact footprint and shape of features such as the dam, tunnel, powerhouse and lower buffer reservoir will not be known until after detailed design. The applicant submits that, for a project of this scale, detailed design would require investment of several million dollars and cannot reasonably be progressed until the necessary approvals are obtained.
11. The applicant has identified that the project may trigger two prohibited activities under the Resource Management Act 1991 (RMA). Both potential prohibited activities would be under

the Regional Plan: Water for Otago 2025, specifically Rule 12.C.0.3 and 13.6.1.1. Rule 12.C.0.3 relates to discharges of sediment from disturbed land into lakes, rivers, Regionally Significant Wetlands, or connected drains without mitigation measures, while Rule 13.6.1.1 prohibits introducing certain pest plant material into the bed or water of these water bodies.

12. The applicant has identified these prohibited activities with the referral application as a precaution, noting that further detailed investigations prior to any substantive application will determine their relevance to the project.
13. The applicant seeks the following approvals under specified Acts to authorise the project:
 - a. resource consents under the RMA (potentially including prohibited activities)
 - b. concessions under the Conservation Act 1987
 - c. a land exchange – the indicative area is illustrated in Appendix 9
 - d. an approval or a dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity
 - e. approvals under the Reserves Act 1977
 - f. wildlife approvals under the Wildlife Act 1953
 - g. archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014
 - h. an amendment to or revocation of a conservation covenant.

Recommendation on referral application

14. We consider the project aligns with the section 22 referral criteria. We consider the project would have significant regional and national benefits because it will deliver new nationally significant infrastructure and will address significant environmental issues, specifically by supporting climate change mitigation.
15. The project also has the potential to result in significant, unavoidable, and in some cases irreversible adverse environmental effects, and may involve prohibited activities under the RMA. These matters have been identified by both the applicant and invited parties and reflect the scale and nature of the project.
16. While these matters are reasons you may consider declining a referral application, given the project's strong alignment with the referral criteria, we consider these matters are best assessed at the substantive stage by an expert panel. At that stage, the panel would have the benefit of a full application, specialist technical advice, and further input from invited parties. The panel would be able to impose conditions to mitigate any environmental effects or decline the application should the adverse effects ultimately outweigh the benefits.
17. We recommend you **accept** the referral application. We seek your decisions on this recommendation, proposed directions to the applicant and expert panel, and notification of your decisions.

Assessment against statutory framework

18. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.

19. Before accepting the project, you must consider the following:
 - a. the application (in Appendix 2)
 - b. the section 18 Treaty settlements report (in Appendix 4)
 - c. the section 19 report in relation to the use of public conservation land (in Appendix 5)
 - d. any comments received from invited parties within the specified time frame (in Appendix 6)
 - e. the further information received from the Department of Conservation in its capacity as a relevant administering agency (in Appendix 6).
20. As detailed below, to comply fully with the procedural requirements of the relevant excerpts of the deed of recognition (in Appendix 10) you must also have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with the Mata-au/Clutha River.
21. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

22. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
23. The report identifies Te Rūnanga o Ngāi Tahu (Ngāi Tahu) and seven Papatipu Rūnanga as relevant Treaty settlement entities, and Aukaha and Te Ao Mārama Incorporated as other Māori groups with interests in the application.
24. The Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) is relevant to the project area. The area is not within the common marine and coastal area, and no Mana Whakahono ā Rohe or joint management agreements apply.
25. The Settlement Act provides for a statutory acknowledgement and deed of recognition over Mata-au/Clutha River, which adjoins and forms part of the project area. Under the RMA and settlement legislation, a consent authority must have regard to the statutory acknowledgement and provide relevant application summaries to Ngāi Tahu.
26. The report concludes that the process for inviting comment from Ngāi Tahu under the Act is broadly comparable to statutory acknowledgement and deed of recognition requirements, but that full compliance with the deed of recognition also requires particular regard to Ngāi Tahu views on their association with Mata-au/Clutha River. Other settlement provisions relating to taonga species, nohoanga entitlements and a conservation protocol are noted as contextual, reflecting Ngāi Tahu's traditional connection with the area.
27. Kāti Huirapa Rūnaka ki Puketeraki and Ngāi Tahu provided comments. Kāti Huirapa Rūnaka ki Puketeraki is neutral and is developing a consultation and engagement agreement with the applicant. Ngāi Tahu emphasised the cultural significance of Mata-au/Clutha River and raised concerns about effects on mahinga kai, nohoanga entitlements and taonga species, including the applicant's omission to address nohoanga entitlements under the settlement.
28. The Minister for Māori Development and the Minister for Māori Crown Relations encourage a more comprehensive assessment of impacts on Ngāi Tahu values and settlement provisions, and support referral of the application subject to consideration of effects on Mata-au/Clutha River, nohoanga entitlements, mahinga kai and taonga species.
29. The report does not identify any matters that make it more appropriate for the proposed approvals to be authorised under another Act.

Section 16 Effects of Treaty settlements and other obligations on decision-making

30. As noted above, to comply fully with the procedural requirements of the deed of recognition, you must have particular regard to the views of Ngāi Tahu relating to its association with Mata-au/Clutha River outlined in the deed of recognition (refer to Appendix 10).
31. Section 16(2)(c) of the Act requires that you must, where relevant, in your notice of decisions on the referral application, direct any panel that considers a substantive application for the project to comply with the applicable requirements. Accordingly, should you accept this referral application, you must direct any panel considering a substantive application for the project to also have particular regard to the views of Ngāi Tahu relating to its association with Mata-au/Clutha River.

Section 19 report in relation to use of public conservation land

32. As the project area includes public conservation land (PCL), the Director-General of Conservation has prepared a report under section 19 of the Act (refer to Attachment 5).
33. The report identifies the following existing arrangements for the administration, access to, or use of PCL:
 - a. the project will directly affect 23 areas of PCL, including multiple marginal strips, esplanade strips and a Stewardship Area
 - b. there are 13 areas of PCL directly adjacent to the proposed area of effect which may see boundary effects, including Stewardship Areas, marginal strips, a Government Purpose Reserve, a Scenic Reserve, a Conservation Park and a conservation covenant
 - c. existing permissions are largely for activities such as filming, research, guided tours and the collection of flora
 - d. there are five active concessions in the identified area of effect, which mostly relate to an existing dam structure.
34. The report has identified the following potential risks and liabilities to the Crown that relate to any proposed approvals of the kind described in section 42(4)(e), (f), (l) or (m): risk of non-completion, failure, or inability to remediate land; frustration of pre-existing activities; the land exchange; environmental effects; cultural considerations; and loss of recreation.
35. There are no specific recommendations arising from the report.

Written comments received

36. Comments were received under section 17 from the following parties:
 - a. relevant local authorities – Central Otago District Council (CODC) and Otago Regional Council (ORC)
 - b. Ministers – the Minister for the Environment, the Minister for Energy, the Minister for Climate Change, the Minister for the South Island, the Minister for Regional Development, the Minister for Economic Growth, and the Minister for Arts, Culture and Heritage
 - c. relevant administering agencies – the Department of Conservation (DOC) and Heritage New Zealand Pouhere Taonga (HNZPT)
 - d. the Māori groups identified in the list provided to the Minister – Kāti Huirapa Rūnaka ki Puketeraki and Ngāi Tahu

- e. any other persons – the Chief Executive of Land Information New Zealand (LINZ), the Chief Executive of Transpower New Zealand Limited (Transpower), and the Chief Executive of Contact Energy Limited (Contact Energy).
37. The comments from the Minister of Climate Change, Minister for Regional Development, Contact Energy, and Transpower were received after the specified time frame. You may consider these comments, at your discretion, under section 17(7)(b). All other comments were received within the specified time frame for this application and must be considered.
38. A summary of the comments received from Māori groups is provided under the section 18 report above. The key points of relevance to your decisions are summarised in Table A and the full comments are attached in Appendix 6. A summary of the other comments is provided below:
- a. CODC provided copies of existing consents within the project area – we do not consider these consents to be applicable under sections 124C(1)(c) or 165ZI of the RMA
 - b. ORC and the Minister for the Environment did not comment on whether the project should be referred, but highlighted further assessments they consider should be included in any substantive application
 - c. The Minister for Energy and the Minister of Climate Change consider the project meets referral criteria by delivering new nationally significant infrastructure and supporting climate change mitigation
 - d. The Minister for Economic Growth considers the project would generate regionally significant employment and GDP gains during its construction phase, but notes the economic benefits are unquantified
 - e. The Minister for Regional Development and the Minister for the South Island suggest that further information could be sought from the applicant if your decision to refer the project is reliant on economic benefits
 - f. The Minister for Arts, Culture and Heritage responded with no comment
 - g. DOC states that if the project proceeds, a comprehensive package of offsetting and compensation would be required to address these losses and residual effects
 - h. HNZPT notes recorded archaeological sites within the project area and identifies further assessments to be provided with any substantive application
 - i. LINZ identifies approvals that will be required to the Commissioner of Crown Lands outside of the fast-track approvals process
 - j. Contact Energy states that it holds two affected land titles within the project area and is open to a commercial arrangement to enable the project, provided its interests are appropriately protected
 - k. Transpower considers the project will support climate mitigation and will also deliver new regionally or nationally significant infrastructure in line with the referral criteria.
39. The following parties were also invited to comment on the project, but no responses were received by the time of this briefing: the Minister of Conservation, the Minister for Land Information, the Ministry for the Environment, the Chief Executive of Aurora Energy, the Chief Executive of Pioneer Energy Limited Partnership, and eight Māori groups.

Further information provided by DOC and the applicant

40. Further information was requested from DOC under section 20 on whether the land proposed by the applicant to be subject to a land exchange is a Crown-owned reserve, and if so, whether it is managed by someone other than DOC. In their response, DOC confirmed the conservation area is a Crown-owned reserve managed by DOC – this means an assessment under section 22(4) is not required for the project.
41. You must consider all information received within the specified time frame. We have taken this information into account in our advice, and it is presented in Table A.
42. Following the Stage 1 briefing, the applicant provided further information to DOC regarding the proposed land exchange, and a copy was also provided to support the consideration of the referral application. The indicative land exchange map is illustrated in Appendix 9.
43. DOC also queried in their comments whether the applicant will seek approval to amend or revoke the conservation covenant on the land owned by Little Valley Station via the fast-track approvals process. As this approval is able to be sought under section 42(4)(g) of the Act, officials sought confirmation from the applicant as to whether this should be added to the proposed list of approvals. The applicant confirmed that it should be included, and this is reflected in the updated approvals list.
44. We consider that including this additional approval is consistent within the purpose of the Act, which provides for a timely, efficient, and cost-effective process by enabling multiple approvals under specified Acts for a project to be considered together.

Reasons to decline

45. The statutory framework in Appendix 1 sets out the situations where you must decline a referral application under section 21(3). We have considered these matters in detail in Table A. We have not identified any reasons under section 21(3) that you must decline this application.
46. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application under section 21(5) and these are set out in Table A.
47. The scale and nature of the project may result in several potentially significant adverse effects, some of which may not be fully mitigated, and may involve prohibited activities under the RMA.
48. We consider these matters are best assessed at the substantive stage by an expert panel, with the benefit of a full application, technical advice, and additional comments from invited parties. The project aligns with the section 22 referral criteria and would deliver significant regional and national benefits. An expert panel is able to impose suitable conditions or decline the application if the adverse effects ultimately outweigh the benefits.
49. Accordingly, we recommend you do not decline the referral application on these grounds, or on any other grounds under section 21(4) or (5) of the Act.

Reasons to accept

50. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer a project to the fast-track approvals process.
51. Our assessment of these matters is detailed in Table A. To summarise, we consider the project aligns with the referral criteria under section 22, as:

- a. the project is an infrastructure project because it involves the construction and operation of a large-scale pumped hydro energy scheme at Lake Onslow in Central Otago
- b. the project would have significant regional and national benefits because it will deliver new nationally significant infrastructure and will address significant environmental issues, specifically by supporting climate change mitigation
- c. referring the project would facilitate its delivery by allowing multiple required approvals under specified Acts to be considered collectively through the fast-track approvals process, resulting in a more timely and cost-effective process than under normal processes
- d. the project is unlikely to materially affect the efficient operation of the fast-track approvals process because the applicant is sufficiently advanced and supported by the necessary expertise, financial resources, and prior feasibility work.

Conclusions

52. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process, with the specifications outlined below.
53. We consider that if you decide to refer the project, you should specify the following matters under section 27 of the Act:
 - a. Transpower, Aukaha, and Te Ao Mārama Incorporated as the groups from whom a panel must invite comments from in addition to those specified in section 53
 - b. a deadline of four years in your notice of decisions for the applicant to lodge the land exchange application.
54. A detailed assessment of the matters you may specify under section 27(3) is provided in Table A. In summary, we recommend the above specifications for the following reasons:
 - a. the above groups are not automatically captured under section 53 of the Act, but have a relevant interest in the project and were invited to comment at the referral stage
 - b. in consideration of the anticipated 2029 commencement date stated by the applicant, a deadline of four years is considered appropriate to allow sufficient flexibility for lodging a land exchange application given the scale and complexity of the project.

Next steps

55. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.
56. We note under section 16(2)(c) of the Act in your notice of decisions, you must also direct any panel considering the substantive application for this project to have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au/Clutha River as set out in the relevant deed of recognition.
57. If you decide to refer the project, the Ministry must also give notice of your decision to:
 - a. the panel convener
 - b. the Environmental Protection Authority (EPA)

c. the relevant administering agencies

58. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:

- a. the referral application
- b. any comments received under section 17
- c. the report obtained under section 18
- d. the report obtained under section 19.

59. We will undertake this action on your behalf.

60. We have attached a draft notice of decisions letter to the applicant based on our recommendations (refer to Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

61. Our recommendations for your decisions follow.

Recommendations

62. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Clutha Pumped Hydro Consortium Limited (the applicant) if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied that the Clutha Pumped Hydro project (the project) meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the referral application under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. the report obtained under section 19 in Appendix 5
- iv. any comments and further information sought under sections 17 and 20 provided within the specified time frame (you are not required to consider comments received after the specified time frame but may do so at your absolute discretion) in Appendix 6.

Yes / No

- c. **Agree** to exercise your discretion under section 17(7)(b) to consider the late comments in Appendix 6 received from the Minister of Climate Change, the Minister for Regional Development, Contact Energy Limited, and Transpower New Zealand Limited after the time frame specified under section 17(6) of the Act.

Yes / No

- d. **Note** that in considering this application, to have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au/Clutha River as outlined in the relevant clauses of the deed of recognition (in Appendix 10).

Noted

- e. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act because:

- i. it is an infrastructure project that would have significant regional and national benefits [section 22(1)(a)] as it:
 - will deliver new nationally significant infrastructure [section 22(2)(a)(ii)] by constructing and operating a large-scale pumped hydro scheme at Lake Onslow that would materially increase New Zealand's electricity storage and generation capacity. In particular, the enlarged Lake Onslow would be capable of storing sufficient water to enable generation of up to 1,000 megawatts (MW) for approximately six months, producing around 4,000 gigawatt-hours

(GWh) of electricity, and would represent New Zealand's largest hydro development.

- will address significant environmental issues [section 22(2)(a)(ix)] and support climate change mitigation [section 22(2)(a)(vii)] through the creation of new renewable energy generation, contributing to the reduction of greenhouse gas emissions across the electricity system.
- ii. referring the project would facilitate its delivery [section 22(1)(b)(i)] by allowing multiple required approvals under specified Acts to be considered collectively through the fast-track approvals process, resulting in a more timely and cost-effective process than under normal processes.
- iii. referring the project is unlikely to materially affect the efficient operation of the fast-track approvals process [section 22(1)(b)(ii)] because the applicant is sufficiently advanced and supported by the necessary expertise, financial resources, and prior feasibility work.

Yes / No

- f. **Agree** to accept the referral application under section 21(1)(c) and refer the whole project to the fast-track approvals process under section 26(2)(a).

Yes / No

- g. **Agree** to specify Clutha Pumped Hydro Consortium Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

- h. **Note**, pursuant to section 16(2)(c) of the Act, you must direct any panel considering the substantive application for this project to have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au/Clutha River as set out in the relevant deed of recognition.

Noted

- i. **Agree**, under section 27(3)(c)(i) of the Act, to specify a deadline of four years within your notice of decisions to the applicant for lodging the land exchange application.

Yes / No

- j. **Agree**, under section 27(3)(b)(iii) of the Act, to specify the following groups from whom a panel must invite comments from in addition to those specified in section 53:

- i. Transpower New Zealand Limited
- ii. Aukaha
- iii. Te Ao Mārama Incorporated.

Yes / No

- k. **Agree** that the Ministry for the Environment will provide your notice of decisions to:
- i. anyone invited to comment on the application, which includes the relevant administering agencies
 - ii. the panel convener
 - iii. The Environmental Protection Authority (EPA).

Yes / No

Signatures



Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

<p>Recommendation</p>	<p><u>Accept</u> the referral application and refer the project to the fast-track approvals process.</p>		
<p>Project details</p>	<p>Project Name</p>	<p>Applicant</p>	<p>Project Area</p>
	<p>Clutha Pumped Hydro (the project)</p>	<p>Clutha Pumped Hydro Consortium Limited (the applicant) c/- Cue Environmental Limited (the agent) The applicant is a registered NZ limited company and is eligible to apply for the approvals sought.</p>	<p>The project area encompasses multiple sites covering an area of approximately 290 square kilometres surrounding Lake Onslow in the Central Otago District of the Otago Region, including the Mata-au/Clutha River Valley, the Teviot Valley, and their associated river margins. A map illustrating the indicative project area – with tunnel options and landowners – is attached in Appendix 8.</p>
<p>Project description</p>	<p>The project is to construct and operate a large-scale pumped hydro energy scheme at Lake Onslow in Central Otago. The project would involve pumping water from the Mata-au/Clutha River via a tunnel to an enlarged Lake Onslow at a higher elevation and water would be released back down the tunnel to generate electricity when required. The project would generate up to 1,000 megawatts (MW) of electricity, and if run for approximately six months that would produce around 4,000 gigawatt-hours (GWh) of electricity. The project would also provide firming for intermittent renewables and electricity system supports.</p> <p>The project may include:</p> <ol style="list-style-type: none"> a. creating an upper reservoir by enlarging Lake Onslow to store water for energy generation when required, with a new minimum operating level of 695 mRL (metres reduced level, a measure of elevation relative to sea level) and a maximum operating level of 769 mRL – the current lake level is approximately 684mRL b. inundating approximately 7,100 hectares of land c. constructing a new dam on the Te Awa Makarara/Teviot River to increase the size and storage capacity of Lake Onslow d. building structures to harvest water from the Mata-au/Clutha River and return water to the river e. constructing a buffer reservoir adjacent to the Mata-au/Clutha River to store water for pumping f. installing intake and outlet structures within Lake Onslow to transfer water between Lake Onslow and the buffer reservoir g. installing intake and outlet structures within the buffer reservoir to connect water between the buffer reservoir and the powerhouse h. constructing underground tunnels (waterways) to transfer water between the buffer reservoir and the powerhouse, and between the powerhouse and Lake Onslow i. constructing an underground powerhouse to connect the upper and lower water sources, generate electricity as water flows from Lake Onslow to the buffer reservoir and the Mata-au/Clutha River, and pump water back to Lake Onslow j. test drilling, borrow pits for construction materials, and deposition areas for excavated materials k. providing supporting infrastructure for construction and operation including: roading; access, safety and cable tunnels; rock crushing; hazardous goods storage including for fuel and explosives; concrete plant; construction equipment; accommodation; transmission lines; high voltage power, and communication systems; relocation of existing infrastructure as required; and water supply systems. <p>The applicant seeks the following approvals under the fast-track approvals process to authorise the project:</p> <ol style="list-style-type: none"> a. resource consents under the Resource Management Act 1991 (RMA) as described in section 42(4)(a) of the Fast-track Approvals Act 2024 (the Act), and potentially includes prohibited activities (to be confirmed by the applicant with the substantive application following further technical assessments) b. concessions under the Conservation Act 1987 as described in section 42(4)(e) of the Act c. a land exchange as described in section 42(4)(f) of the Act – the indicative area of the land exchange is illustrated in Appendix 9 d. an approval or a dispensation that would otherwise be applied for under regulation 42 or 43 of the Freshwater Fisheries Regulations 1983 in respect of a complex freshwater fisheries activity as described in section 42(4)(j) of the Act e. approvals under the Reserves Act 1977 as described in section 42(4)(e) of the Act f. wildlife approvals under the Wildlife Act 1953 as described in section 42(4)(h) of the Act g. archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014 as described in section 42(4)(i) of the Act h. an amendment to or revocation of a conservation covenant as described in section 42(4)(g) of the Act. 		
<p>Minister invites comments / requests information</p>	<p>Comments from invited parties [section 17]</p> <p><i>The following section provides a summary of the comments received from invited parties under section 17 of the Act. Full copies of all comments received are attached in Appendix 6. Under section 17(7)(a) of the Act, you must consider any comments received within the time frame under section 17(6). The comments from the Minister of Climate Change, Minister for Regional Development, Contact Energy Limited, and Transpower New Zealand Limited were received after the specified time frame. You may consider these comments, at your discretion, under section 17(7)(b). All other comments were received within the specified time frame for this application and <u>must</u> be considered.</i></p> <p>Local authorities</p> <p><i>Central Otago District Council (CODC)</i> CODC did not provide general comments, nor comment specifically on whether the project should be referred.</p> <p>CODC did not identify any applications that would be competing applications if a substantive application for the project were lodged. Regarding whether there any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply, CODC identified four resource consents granted to NIWA and MBIE for environmental monitoring and exploratory geotechnical/hydrological works for the NZ Battery project. NIWA holds two consents for weather monitoring with a 35-year consent term (RC 210185 & 210186) and MBIE holds two consents for geotechnical investigations (RC 210508 & 220110). CODC provided copies of the consents.</p>		

Otago Regional Council (ORC)

ORC did not specifically comment on whether the project should be referred but did provide comments on further assessments/information the applicant should include in any substantive application for the project. ORC did not identify any competing applications, or any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. ORC notes that the application does not include an assessment of the project against the relevant provisions of the applicable regional plans. They note a detailed assessment of these documents will be required with any substantive application.

ORC considers further assessments and considerations related to engineering will be required with any substantive application including the potential impact on the Lower Clutha Flood Protection & Drainage Scheme; clarity regarding take and discharge; flood characteristics; altered flows; rise/fall impacts on river and flood banks; cumulative effects; and sediment transport and hydrology. ORC also encourages engagement between the applicant and the Lower Clutha Liaison Group.

ORC considers that the application provides limited detail on natural hazard risks, noting that early assessments appear to rely largely on desktop mapping and require further investigation. ORC states that reservoir-related slope instability warrants detailed assessment and highlights the need for comprehensive evaluation of active faulting, strong ground shaking, and inconsistencies between existing fault recurrence interval estimates. ORC also identifies the need to assess liquefaction and lateral spreading risks at lower-reservoir infrastructure sites and emphasises that regional-scale fault maps should not be relied upon to rule out active faulting at the dam location.

ORC identifies that the project would result in the total loss of existing wetlands, and notes that wetland bird values and salmonid spawning habitat require further assessment. ORC states that additional potential adverse effects include the loss of naturally uncommon ecosystems, type localities for species, and habitats for a range of flora, fauna, and invertebrate communities, with limited opportunities for mitigation within the catchment. ORC also highlights the need to assess broader environmental risks, including microclimate effects, hydrological impacts near drainage divides, and potential arsenic mobilisation from fluctuating lake and groundwater levels. ORC considers that a good understanding of existing freshwater values is essential to accurately quantify impacts and develop targeted mitigation, as the effects of the project on freshwater values are likely to be significant.

Ministers

Minister for the Environment

The Minister considers that the application lacks specific information on potentially significant adverse environmental effects. They emphasise that the project is located within sensitive indigenous biodiversity and freshwater systems of the Onslow Basin, as well as within Outstanding Natural Landscapes and Landscape Management Areas of the East Otago Uplands. The Minister states that while further detailed assessments will be required at the substantive stage, it would be more efficient for the applicant to identify early the scale of likely adverse effects and how these may be managed or mitigated.

The Minister suggests that, should the referral application be accepted, discretion is exercised under section 27(3)(b)(ii) of the Act to require specific information with the substantive application. This includes comprehensive ecological assessments (covering seasonal surveys for fauna and vegetation, and wetland extent and hydrological connections), information on mitigation, offsetting, or compensation of unavoidable impacts (particularly for wetlands and threatened species), detailed project design information, and comprehensive natural hazard assessments (including slope stability, seismic risk, flood modelling, and erosion analysis).

Minister for Energy

The Minister views the project as delivering nationally significant infrastructure under section 22(2)(a)(ii) of the Act. The Minister notes that the proposed scale of the project would make it New Zealand's largest hydro development if constructed as proposed. This exceeds the capacity of existing schemes, including Manapouri (approximately 800 MW) and Lake Pukaki (approximately 2,300 GWh storage). The Minister considers that large-scale water storage and generation would support energy security and exert downward pressure on wholesale electricity prices. The Minister states a pumped hydro scheme could also enable the use of low-cost generation from other sources to refill the lake at optimal times. The Minister notes that a project of this magnitude would have significant implications for other water users, including existing hydro generation on the Clutha river system.

Minister of Climate Change

Note: the comments from the Minister of Climate Change were received three working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).

The Minister considers it is likely the project will have significant national benefits in terms of climate mitigation. The Minister considers the project is unlikely to have significant national or regional benefits in terms of climate adaptation.

Minister for the South Island

The Minister acknowledges the applicant's view that the project would deliver significant national and regional benefits, including improved energy security, reduced price volatility, and substantial employment and GDP impacts during construction. The Minister considers that the project is likely to deliver considerable economic benefits but notes that key costs and economic metrics are not quantified, and further analysis may be required if the referral decision relies on these benefits. They also observe that the project would be New Zealand's largest hydro scheme, with any comment on energy system impacts sitting with the Minister for Energy.

The Minister notes that the enlarged reservoir would inundate approximately 7,100 hectares, including conservation land, resulting in likely significant environmental effects. They consider that comment on environmental impacts rests with the Minister for the Environment and note that the project would also have major implications for other water users, including existing hydro generation. The Minister observes that the project aligns with national and regional priorities for renewable generation and energy security.

Minister for Economic Growth

The Minister notes the project would be New Zealand's largest hydro scheme if built as proposed. They consider it would generate regionally significant employment and GDP gains during its multi-billion-dollar construction phase, with ongoing benefits from related infrastructure upgrades. The Minister also cites the applicant's economic benefits report, which, although unquantified, identifies likely gains such as improved national energy security, greater resilience, and lower electricity prices. As the project enables the use of renewable electricity, the Minister also considers it may be assessed under the climate change mitigation criterion in section 22(2)(a)(vii) of the Act.

Minister for Regional Development

Note: the comments from the Minister for Regional Development were received five working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).

The Minister considers that, while the benefits of the project are not quantified in detail, the scale of construction for the project would deliver significant regional benefits and may hold national significance given the range of skills and resources required. They note that, should your decision to refer depend on specific economic impacts, further economic analysis could be sought from the applicant.

The Minister states that advice on the project's significance within the national energy system should come from the Energy portfolio. However, they further consider that the project is expected to be a nationally significant asset. The Minister considers that high energy costs are a key driver of deindustrialisation in regional areas. They state that large-scale water storage and generation would support energy security, place downward pressure on wholesale electricity prices, and support positive outcomes for regional communities and power-reliant businesses. The Minister notes that the project is likely to have environmental and habitat impacts with potential implications for regional communities, and advises that comment on these matters should come from the Environment portfolio.

Minister for Arts, Culture and Heritage

The Minister responded with no comment on the referral application.

Māori Groups

Te Rūnanga o Ngāi Tahu (Te Rūnanga)

While Te Rūnanga does not have a position on whether the project should progress through the fast-track approvals process, they seek that appropriate consideration is given to their comments.

Te Rūnanga states that the project involves taking and discharging water within the Mata-au/Clutha River, a Statutory Acknowledgement area with significant cultural, historical, and mahinga kai values, including traditional trails and sites regarded as taonga. Te Rūnanga considers that although the Nohoanga Entitlements most relevant to the project are downstream, potential adverse effects on the awa – such as mixing of water from different catchments, introduction of pests, reduced flows, and loss of mahinga kai, wetlands, or sites of significance – may limit the ability of Ngāi Tahu whānui to use these entitlements as intended. Te Rūnanga notes that the application acknowledges the Statutory Acknowledgement but does not identify or assess the Nohoanga Entitlements or fully recognise their interconnected settlement values, making it difficult to understand the implications for these provisions.

Te Rūnanga notes that while the applicant acknowledges potential impacts on Treaty Settlement taonga species, the absence of an ecological effects assessment makes it difficult to understand the scale or nature of impacts, particularly given the applicant's own acknowledgement of potential extensive loss of wetlands, fauna, flora, and culturally important ecosystems that contain taonga species. Te Rūnanga considers that the potential ecological loss could be significant and asks that the substantive application include an explicit assessment of potential adverse effects on taonga species.

Te Rūnanga notes that mahinga kai is a fundamental Treaty Settlement value and acknowledges the applicant's recognition that the project could adversely affect mahinga kai, taonga species, culturally important sites and ecosystems, and the mauri of water. Te Rūnanga acknowledges the applicant's intention to undertake a cultural impact assessment with mana whenua but considers that, given the potential effects on Ngāi Tahu values and settlement provisions, a full cultural assessment led by mana whenua must accompany any substantive application.

Kāti Huirapa Rūnaka ki Puketeraki

Kāti Huirapa Rūnaka ki Puketeraki indicated a neutral position on the application. This reflects that they, along with other mana whenua, are in the process of establishing a Process Agreement with the applicant.

Administering agencies

Department of Conservation (DOC)

DOC did not specifically comment on whether the project should be referred. DOC identifies that the project area contains or is near to several parcels of Public Conservation Land (PCL). They list 23 parcels of PCL within the identified area of effects and 13 parcels of PCL near the identified area of effects. DOC agrees with the applicant's consideration that the project will result in significant adverse effects across multiple conservation values, including loss of some values. DOC states that if the project proceeds, a comprehensive package of offsetting and compensation would be required to address these losses and residual effects. They consider it is not possible to quantify the effects at this stage of the process.

While DOC has not identified any specific reasons under sections 21(3) or 21(4) of the Act for the Minister to decline the referral application, they consider further information should be sought at this stage to adequately understand potential significant adverse effects on the environment. We have discussed this further under the assessment of section 21(3)(c) below.

DOC adopts the applicant's consideration that the scale of the project – including the inundation of approximately 7,100 hectares of land, hydrological modification of catchments, the creation of a new large dam structure and the installation of extensive lower-reservoir infrastructure – will change natural, cultural, ecological and social environments. Overall, they anticipate that adverse effects on conservation values will be significant and include permanent loss of some values. They state the risk of population decline of threatened and at-risk species cannot be ruled out. DOC identifies the following potential significant adverse effects from the project: the permanent loss of approximately 1,300 hectares of wetland ecosystems; the loss of aquatic habitats; the loss and fragmentation of habitats for a range of nationally threatened and at-risk species; and the loss of trout spawning habitat.

DOC queries whether the applicant will also seek approval to amend or revoke the conservation covenant on the land owned by Little Valley Station via the fast-track approvals process – we note we have raised this with the applicant, who has requested this be included in the list of approvals sought via the fast-track approvals process. DOC notes that several approvals will be required to advance this project, some of which will need to be sought outside of the fast-track approvals process. DOC considers that approval would be required under section 60 of the Land Act 1948 for the creation of easements across Beaumont Crown pastoral lease for the proposed tunnels; under either the Local Government Act 1974 or the Public Works Act 1981 for the stopping or closure of a public road that is to be flooded; and that approval under the Crown Pastoral Lease Act 1998 would also be required.

Heritage New Zealand Pouhere Taonga (HNZPT)

HNZPT notes that the applicant's desktop review identifies eight recorded archaeological sites within part of the project area, including a Category 2 Historic Place, and that additional sites are recorded across the broader area. HNZPT confirms that the project has the potential to modify or destroy recorded sites and that further archaeological material may be encountered. Accordingly, an archaeological authority will be required before works commence.

HNZPT advises that a suite of conditions will be necessary to mitigate adverse effects on archaeological values, although these have not yet been discussed with the applicant. If the project is referred, HNZPT anticipates further engagement to ensure that a substantive application includes a comprehensive archaeological assessment, appropriate methodologies and strategies, an appropriate draft management plan and research strategy, evidence of consultation with tangata whenua, and suitable draft conditions.

Any other persons or groups

Land Information New Zealand (LINZ)

LINZ confirms there is Crown land (Lake Onslow) on the site, and Crown pastoral leasehold land in the surrounding area. They state any works or installation of assets on the Crown land (parcel ID 3166426 and 3103023) or any other works will require a separate application to the LINZ Commissioner of Crown Lands. LINZ notes this is because approvals under the Land Act 1948 and activity on Crown pastoral land held under the Crown Pastoral Land Act 1998 sit outside of the fast-track approvals process.

Contact Energy Limited (Contact)

Note: the comments from Contact were received one working day after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).

Contact states that it holds two land titles (OT14C/642 and OT203/47) that would be affected by the project, noting that the project area map indicates these properties would be inundated by the expanded lake. Contact is open to a commercial arrangement to enable the project, provided its interests are appropriately protected. Contact also holds resource consents for water discharges downstream of the Roxburgh Dam and considers that the project's operations could either moderate or exacerbate these discharges, with associated implications for its consents. Contact notes the application material acknowledges that altered river flows and uncertainty around the location of in-river works and tunnels could significantly affect its consented discharges.

Contact seeks further opportunities for input as technical solutions and infrastructure plans progress, noting that project-related infrastructure, including new transmission, has the potential to constrain its existing generation. Contact further notes that it currently contributes to ORC's costs for investigating river behaviour downstream of the Roxburgh Dam and expects this arrangement would need to be renegotiated as a result of the project.

	<p><i>Transpower New Zealand Limited (Transpower)</i> <i>Note: the comments from Transpower were received three working days after the specified timeframe. We recommend you consider these comments, at your discretion, under section 17(7)(b).</i></p> <p>Transpower considers the project will support climate mitigation (under section 22(2)(a)(vii) of the Act) and will also deliver new regionally or nationally significant infrastructure (under section 22(2)(a)(ii) of the Act). Transpower notes the application states that electricity would be supplied to the National Grid during times of constrained supply. Transpower expects that for this supply to be provided, changes to the National Grid, including new assets, would be required. They note some of these potential changes were explored by the NZ Battery Project that was led by the Ministry for Business, Innovation and Employment. They note initial discussions have taken place between Transpower and the applicant, and they expect these discussions will continue.</p> <p>Further information from relevant administering agencies [section 20]</p> <p><i>DOC</i> Further information was requested from DOC on whether the land proposed by the applicant to be subject to a land exchange (Title OT17B/406 and parcel 6699713) is a Crown-owned reserve, and if so, whether it is managed by someone other than DOC.</p> <p>In their response, DOC states the identified property is the western parcel of the Manorburn Conservation Area. DOC confirms this area is Crown-owned PCL held under section 25 (Stewardship Area) of the Conservation Act 1987 (Conservation Unit Number G43053). They also confirmed the conservation area is managed by DOC and the area is bisected by unformed legal roads.</p>
<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> - would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title - would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area (CMCA) - is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it is not an aquaculture activity and will not occur in the CMCA - would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement - would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMCA - would not occur on Schedule 4 land as confirmed by the records of title and the comments received from DOC - would not occur on a national reserve as confirmed by the records of title and the comments received from DOC - would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title and the comments received from DOC - is not a prohibited activity or decommissioning activity under the EEZA, or under 15B or 15C of the RMA - is not for the purpose of an offshore renewable energy project. <p>No comments received from invited parties have indicated that the project would be ineligible for referral.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>DOC considers that further information may be required to inform a referral decision, given the scale of the project and its effects. They identify further information may be required to adequately understand potential significant adverse effects on the environment under section 21(5)(c). They also consider further information may be required to adequately understand the realisable benefits of the project in terms of the section 22(2) referral criteria.</p> <p>We note the Act does not require the applicant to provide a full assessment of environment effects with a referral application. A detailed assessment of environmental effects must be provided with a substantive application if the project is referred. As assessed below, we consider you have adequate information to conclude that the project meets the section 22 referral criteria, based on the applicant's assessment and comments received from invited parties. We note the applicant retains the ability to provide additional assessment on this matter with a substantive application, to assist with the expert panel's consideration of the extent of the project's regional or national benefits.</p> <p>Overall, we consider you have adequate information to inform your decision on the referral application.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>The section 18 report has identified the Ngāi Tahu Claims Settlement Act 1998 as relevant to the project area. The project area is not in the common marine and coastal area, and no Mana Whakahono ā Rohe or joint management agreements are relevant to the project area. The Ngāi Tahu Claims Settlement Act 1998 provides for a statutory acknowledgement and a deed of recognition over Mata-au/Clutha River, which directly adjoins and forms part of the project area.</p> <p>To comply fully with the procedural requirements of the deed of recognition, you must have particular regard to the views of Te Rūnanga o Ngāi Tahu relating to its association with Mata-au/Clutha River outlined in the deed of recognition (refer to Appendix 10 for the relevant excerpts from the deed of recognition).</p>
<p>Section 22 assessment criteria</p>	
<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p>You <u>must</u> consider a relevant Government Policy Statement (GPS) [s22(1A)] The only current relevant GPS is the Government Policy Statement on Grocery Competition. This is not relevant to your decisions on the project.</p> <p>You <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant.</p> <p>The applicant considers the project, being a large-scale pumped hydro scheme, is an infrastructure project that would have significant regional and national benefits.</p> <p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p>

The applicant considers the project, being a large-scale pumped hydro scheme at Lake Onslow in Central Otago, will deliver new regionally and nationally significant infrastructure. The applicant states the project is a "Renewable Electricity Generation Activity" as defined in the National Policy Statement for Renewable Electricity Generation and is consequently defined as "Nationally Significant Infrastructure" in the Otago Regional Policy Statement. The applicant states that the raised Lake Onslow will hold enough water to generate at 1,000 MW for six months and produce up to 4,000 GWh. They note this is the equivalent to the worst energy shortfall the New Zealand hydro system has experienced over the last 89 years of recordings.

The Minister for Energy views the project as delivering nationally significant infrastructure in line with this criterion, noting the project would be New Zealand's largest hydro development if constructed as proposed. The Minister for Regional Development considers that the project is expected to be a nationally significant asset. Transpower considers the project will deliver new regionally or nationally significant infrastructure in line with this criterion.

Based on the applicant's assessment and the comments received from the Minister for Energy, the Minister for Regional Development, and Transpower, we recommend that the project **does meet the criterion under section 22(2)(a)(ii)** as it will deliver new nationally significant infrastructure, being a large-scale pumped hydro scheme, that would have significant regional and national benefits. We consider you can refer the project on this basis.

Will deliver significant economic benefits [s22(2)(a)(iv)]

The applicant considers the project will have significant national benefits under this criterion as detailed in the summary of significant benefits in Attachment 4 and the economic assessment in Attachment 5. The applicant states that the project would deliver significant national and regional benefits by providing one of New Zealand's largest power stations with substantial storage capacity. They identify several economic benefits from the project including the ability to manage price differentials independently of hydrology which would address the long-standing dry year risk, support greater renewable generation at lower long-run marginal costs, and contribute to a more competitive electricity market. The applicant considers the construction phase of the project will have regionally significant effects on employment and GDP; however, an economic impact analysis has not been undertaken for the project and there are no estimated GDP or employment figures to support this conclusion.

The Minister for Economic Growth considers the project would generate regionally significant employment and GDP gains during its multi-billion-dollar construction phase, with ongoing benefits from related infrastructure upgrades. The Minister for Economic Growth also cites the applicant's economic assessment, which, although they note to be unquantified in the application, identifies likely gains such as improved national energy security, greater resilience, and lower electricity prices.

The Minister for the South Island considers that the project is likely to deliver considerable economic benefits but notes that key costs and economic metrics are not quantified, and further analysis may be required if the referral decision relies on these benefits.

The Minister for Regional Development considers that, while the benefits of the project are not quantified in detail, the scale of construction for the project would deliver significant regional benefits and may hold national significance given the range of skills and resources required. The Minister for Regional Development further considers that, should your decision to refer depend on specific economic impacts, further economic analysis could be sought from the applicant.

We consider the project has the potential to deliver economic benefits at both a regional and national scale as identified by the applicant. Invited parties also note the potential for regionally significant employment and GDP gains during the construction phase of the project. However, the economic benefits identified in the application are described largely in qualitative terms and are not supported by detailed quantitative analysis. The Minister for Regional Development and the Minister for the South Island both suggest that further information could be sought from the applicant at this stage if your decision to refer the project is reliant on economic benefits.

Based on the information currently available, it is difficult to conclude with confidence that the project will deliver significant economic benefits in line with section 22. While we consider the project is likely to generate such benefits, the evidence provided does not enable these to be clearly quantified or assessed at this stage.

While further economic analysis could be sought from the applicant under section 20 of the Act to better quantify the potential economic benefits of the project, we consider this to be unnecessary at this stage. We consider the project more strongly aligns with other criteria in section 22, which provides a pathway for the referral application to be accepted. We note the applicant retains the ability to provide further detailed economic analysis with a substantive application to assist the expert panel in understanding the extent of the project's contribution to regional or national economic benefits. As such, we **do not recommend** you refer the project under this criterion.

Will support primary industries, including aquaculture [s22(2)(a)(v)]

The applicant considers the project will support the decarbonisation of primary processing and encourage higher value processing across a range of primary industries, which they note are high electricity consumers. They further note that the transition to non-fossil fuel industrial heat is expected to be lower cost and to occur more rapidly, delivering benefits to energy intensive primary industries such as dairy, livestock, timber, fish and vegetable processing. The applicant considers this, in turn, is expected to encourage greater value-added manufacturing, rather than the export of less processed primary products.

Although we agree the project may deliver some benefits to primary industries, the applicant has provided limited analysis to support this criterion, and no invited parties have specifically commented on this matter. Given the project's strong alignment with other criteria, we **do not recommend** you refer the project under this criterion.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]

The applicant states that the project will contribute to New Zealand's climate change mitigation objectives by enabling greater use of renewable electricity and reducing reliance on fossil fuel generation. The project involves a large-scale pumped hydro scheme that would provide dry year storage, which the applicant considers would support the transition to 100 per cent renewable electricity and helping meet commitments under the Paris Agreement and the Zero Carbon Act. Dry year storage refers to water (or energy) that is deliberately stored during normal or wet periods so it can be used in an unusually dry year, when natural inflows are low.

The applicant notes that in years when rainfall or snowmelt is insufficient to adequately replenish New Zealand's existing hydropower catchments, additional or 'back-up' electricity generation is required to maintain security of supply. At present, this role is largely met by fossil fuel generation, principally coal and gas at Huntly. As New Zealand transitions away from fossil fuels and existing thermal generation approaches end of life, the applicant considers alternative solutions will be required. In this context, the applicant refers to the Interim Climate Change Committee's recommendation that further detailed analysis be undertaken of potential options – particularly large-scale pumped hydro storage – to assess their feasibility in enabling the elimination of fossil fuels from the New Zealand electricity system.

The project would enlarge Lake Onslow to store sufficient water to generate up to 1,000 MW for approximately six months, producing around 4,000 GWh of electricity. The applicant considers this storage capacity is intended to address New Zealand's dry year risk and reduce the need for coal and gas generation during periods of low hydro inflows. The applicant further considers this solution essential to maintaining security of supply as electricity demand grows with electrification and as intermittent renewable sources such as wind and solar become more prominent. The applicant considers the project could be the ultimate solution to the dry hydrological year problem while simultaneously contributing to addressing the climate change mitigation goals of New Zealand.

The Minister of Climate Change considers it is likely the project will have significant national benefits in terms of climate mitigation. Transpower considers the project will support climate mitigation in line with this criterion. DOC considers the project would be intended to assist in supporting New Zealand's commitments to reducing carbon emissions to zero by 2050, supporting climate change mitigation (and potentially greenhouse gas emissions) by providing an energy supply (through its storage) when other renewable electricity generation activities are unavailable.

	<p>Based on the applicant's assessment and the comments received from the Minister of Climate Change, Transpower, and DOC, we recommend that the project does meet the criterion under section 22(2)(a)(vii) as it will support climate change mitigation to a scale that would have significant regional and national benefits. We consider you can refer the project on this basis.</p> <p><i>Will address significant environmental issues [s22(2)(a)(ix)]</i> The applicant considers that the project will address significant environmental issues because it supports climate change mitigation by reducing reliance on fossil fuel generation and enabling greater use of renewable electricity, as detailed under the criterion above.</p> <p>We agree that the climate change and greenhouse gas emissions are significant environmental issues, and we consider that the project will address these significant environmental issues by supporting the integration and reliability of renewable electricity generation in New Zealand. For the same reasons identified above in the assessment of section 22(2)(a)(vii), which includes the applicant's assessment and the comments received from the Minister of Climate Change, Transpower, and DOC, we recommend that the project does meet the criterion under section 22(2)(a)(ix) as it will address significant environmental issues, specifically climate change and greenhouse gas emissions, by supporting the storage and integration of renewable electricity generation to a scale that would have significant regional and national benefits. We consider you can refer the project on this basis.</p> <p>While we consider that the project will address the significant environmental issues stated above, it is acknowledged (and recognised by the applicant) that the project will also likely result in significant, unavoidable, and in some cases irreversible adverse effects. These significant adverse effects are addressed separately in the assessment of sections 21(4) and (5) below.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers the project will achieve some consistency with the relevant planning documents including the Otago Regional Policy Statement 2021 (RPS), the Regional Plan: Water for Otago 2025 (ORP-W), and the Central Otago District Plan 2026 (CODP) as detailed in Attachment 2.6 of the application. The applicant has identified that the project may trigger two prohibited activities under the RMA. Both potential prohibited activities would be under the ORP-W, specifically Rule 12.C.0.3 and 13.6.1.1. Rule 12.C.0.3 relates to discharges of sediment from disturbed land into lakes, rivers, Regionally Significant Wetlands, or connected drains without mitigation measures, while Rule 13.6.1.1 prohibits introducing certain pest plant material into the bed or water of these water bodies.</p> <p>ORC notes that the application does not assess the project against the relevant provisions of the applicable regional plans and identifies several potentially significant adverse effects, including the loss of wetlands.</p> <p>DOC considers the project is likely to be inconsistent with the Conservation General Policy 2005 and the Otago Conservation Management Strategy 2016, which they note would need to be addressed in any substantive application. DOC also considers the project is likely to be similarly inconsistent with the RPS, ORP-W and CODP.</p> <p>The project may involve prohibited activities and, notwithstanding its identified significant regional and national benefits, has the potential to result in significant unavoidable adverse environmental effects. These factors suggest the project is unlikely to align with strategic objectives and policies in local and regional planning documents that seek to protect ecosystems, including regionally significant wetlands. Given these inconsistencies, it is difficult to conclude that the project would be consistent with local or regional planning documents in a way that would have significant regional or national benefits. Therefore, we do not recommend that you refer the project under this criterion.</p> <p><i>Conclusion</i> Based on the assessment above, we consider the project is an infrastructure project that would have significant regional and national benefits in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. If you agree with this recommendation and are satisfied that the whole project meets the criteria in section 22, you may accept the referral application and refer the whole project to the fast-track approvals process in accordance with section 26 of the Act.</p>
<p>Land exchanges [section 22(3)]</p>	<p><i>When assessing whether the project would have significant regional or national benefits, if the project involves land exchange, then you must consider the impact of the proposed land exchange on the person or persons responsible for managing the Crown-owned reserve [s22(4)]</i> As confirmed by DOC in their section 20 response, the land proposed by the applicant for the land exchange (the western parcel of the Manorburn Conservation Area) is managed by DOC. Because the land to be exchanged is a Crown-owned reserve managed by DOC, an assessment under section 22(4) is not required for the project.</p>
<p>Referring the project to the fast-track approvals process [section 22(1)(b)]</p>	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant states that referring the project to the fast-track approvals process would enable it to be progressed in a more timely and cost-effective manner than under normal processes. They note the project requires multiple approvals under several specified Acts. Under the RMA, the project requires several resource consents from both ORC and CODC and may include at least one prohibited activity that could not be consented without a private plan change. The applicant also notes that as a private company, it cannot seek a designation under the RMA.</p> <p>The applicant expects that consenting under normal processes would take more than five years, excluding potential appeals to higher courts, and would likely involve public notification, opposition, and litigation. They consider a plan change to be too time- and cost-prohibitive to pursue. Additional approvals under other legislation, such as for land exchange and concessions, would add further complexity and uncertainty. In contrast, the applicant views the fast-track approvals process as more efficient and timelier, even compared to alternative RMA pathways such as call-in or direct referral to the Environment Court.</p> <p>The applicant also highlights that extended consenting timeframes would delay construction and risk misalignment with national energy needs, such as the anticipated retirement of Huntly Power Station. They state that the project is nationally significant, have engaged consultants and stakeholders, and are preparing to lodge a substantive application promptly if fast-track referral is approved. They consider the fast-track approvals process would reduce costs, provide certainty for affected landowners, and enable the project to proceed within a timeframe that supports New Zealand's renewable energy objectives.</p> <p>DOC considers that there may be time and cost benefits for the applicant in terms of consideration being combined with RMA approvals (rather than being advanced by separate processes) and given the different decision-making framework under the fast-track approvals process.</p> <p>Overall, we agree with the applicant's assessment that 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, in line with section 22(1)(b)(i) of the Act.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant states that referring the project to the fast-track approvals process is unlikely to materially affect its efficient operation. They consider themselves well-prepared to progress the project promptly and professionally, supported by sufficient subject matter expertise and financial resources. The applicant notes they are debt-free and intend to fund all stages of the project through shareholder funds without external borrowing, with additional</p>

	<p>capital available if required. The applicant further indicates they have reviewed other fast-track applications and relevant judicial decisions and are informed by previous feasibility work funded by the Government. They believe they are adequately resourced and motivated to provide complete consenting information and documentation, and to undertake further consultation initiatives before lodging any substantive application.</p> <p>While the project is likely to involve technical and environmental complexities, projects of this scale and nature are consistent with the types of nationally significant infrastructure the fast-track approvals process was established to consider. Overall, we agree with the applicant's reasoning for this criterion and consider that referring the project to the fast-track approvals process is unlikely to affect the efficient operation of the fast-track approvals process, <u>in line with section 22(1)(b)(iii) of the Act.</u></p>
<p>Reasons to decline</p>	
<p>The Minister <u>must</u> decline [section 21(3)]</p>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria) [s21(3)(a)]</i> As detailed above, we consider that the project is an infrastructure project that would have significant regional and national benefits in line with the criteria for accepting a referral application under section 22(1)(a) of the Act. If you agree, there is no reason to decline the application under this subsection.</p> <p><i>The Minister is satisfied the project involves an ineligible activity [s21(3)(b)]</i> As detailed above, we consider you can be satisfied that the project does not involve an ineligible activity. If you agree, there is no reason to decline the application under this subsection.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section [s21(3)(c)]</i> As detailed above, we consider you have adequate information to inform your decision on the referral application. If you agree, there is no reason to decline the application under this subsection.</p> <p>To conclude, <u>we have not identified any reason that you must decline the application under section 21(3).</u></p>
<p>The Minister <u>may</u> decline [section 21(4) and 21(5)(a-h)]</p>	<p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i></p> <p><i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> No specific inconsistencies have been identified within the Section 18 Treaty settlements report. The applicant states they will work closely with Te Rūnanga o Ngāi Tahu / mana whenua to ensure the requirements and obligations of the Ngāi Tahu Claims Settlement Act are addressed in the substantive application.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The section 18 report has not identified any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts. DOC considers the conservation approvals identified can be appropriately dealt with through the fast-track approvals process. We have not identified any matters that would make it more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.</p> <p><i>The project may have significant adverse effects on the environment</i> The applicant acknowledges that the project would create the potential for significant, unavoidable and in some cases irreversible adverse effects. The applicant states the scale of the project – including the inundation of approximately 7,100 hectares of land, hydrological modification of catchments, the creation of a new large dam structure and the installation of extensive lower reservoir infrastructure – will change natural, cultural, ecological and social environments. The applicant identifies that while mitigation, offsetting, and compensation options exist for some adverse effects, some potential effects – including on wetlands, threatened species, landscape values, and cultural values – may not be fully mitigated.</p> <p>The applicant's assessment and comments from invited parties identify several potentially significant adverse environmental effects, including:</p> <ul style="list-style-type: none"> – the loss of freshwater values – cultural and mana whenua effects resulting from the loss of ecological values – the permanent loss of conservation values, including the total loss of approximately 1,300 hectares of wetland ecosystems; the loss of aquatic habitats; the loss and fragmentation of habitats for a range of nationally threatened and at-risk species; and the loss of trout spawning habitat – the modification or destruction of recorded archaeological sites – landscape and natural character effects – effects on other water users, including existing hydro generation on the Clutha river system – natural hazards, erosion, and geotechnical risks – the loss of naturally uncommon ecosystems. <p>While we agree that the scale and nature of the project is likely to give rise to several potentially significant adverse environmental effects – some of which may not be fully mitigated – we consider that the project strongly aligns with the section 22 referral criteria and would deliver significant regional and national benefits. The project would be New Zealand's largest hydro development if constructed as proposed and would deliver several significant benefits in this regard. We consider an expert panel is best placed to consider the adverse environmental effects of the project with the benefit of a full application (including a full assessment of environmental effects), relevant expert input, and further input from commenters. An expert panel has the ability to seek technical advice and impose conditions as deemed appropriate or decline the application if the effects outweigh the benefits.</p> <p>As such, we do not consider you should decline the application on this basis.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> DOC has not identified any issues with the applicant's compliance history. There is no information to suggest the applicant has been subject to any compliance or enforcement actions under a specified Act that relates to any of the proposed approvals.</p>

	<p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> Although the project area includes public land, no comments received from invited parties have indicated that the project area includes land necessary for Treaty settlement purposes.</p> <p><i>The project includes an activity that is a prohibited activity under the RMA</i> The applicant has identified that the project may trigger two prohibited activities under the RMA. Both potential prohibited activities would be under the Regional Plan: Water for Otago 2025, specifically Rule 12.C.0.3 and 13.6.1.1. Rule 12.C.0.3 relates to discharges of sediment from disturbed land into lakes, rivers, Regionally Significant Wetlands, or connected drains without mitigation measures, while Rule 13.6.1.1 prohibits introducing certain pest plant material into the bed or water of these water bodies. The applicant has sought approval for these prohibited activities at the referral stage as a precaution, noting that further detailed investigations prior to any substantive application will determine their relevance to the project.</p> <p>For completeness, we note that prohibited activities also exist under the National Environmental Standards for Freshwater for the disturbance of natural inland wetlands, which the project is likely to involve. However, if the disturbance of a natural inland wetland is for the purpose of constructing specified infrastructure, the activity status is discretionary.</p> <p>We note that the prohibited activity status does not trigger any ineligibility criteria under section 5 of the Act. Although this is a potential reason you may decline a referral application, we note section 21(7) of the Act states that the presence of a prohibited activity does not prevent you from accepting a referral application.</p> <p>We consider any potential adverse effects on water bodies can be further assessed and managed at the substantive stage by an expert panel, who will have the ability to seek technical advice and impose conditions as deemed appropriate or decline the application if the effects outweigh the benefits. As noted above, the project strongly aligns with the section 22 referral criteria and would deliver significant regional and national benefits. On this basis, we consider the inclusion of a prohibited activity does not constitute a reason that you should consider declining this referral application.</p> <p><i>A substantive application for the project would have one or more competing applications.</i> ORC, CODC, nor DOC identified any competing applications for the project. We note the applicant, relevant local authorities, and the Environmental Protection Authority (EPA) are required to re-check this at the substantive application stage.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> ORC did not identify any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. CODC identified four resource consents granted to NIWA and MBIE for environmental monitoring and exploratory geotechnical/hydrological works for the NZ Battery project. NIWA holds two consents for weather monitoring with a 35-year consent term (RC 210185 & 210186) and MBIE holds two consents for geotechnical investigations (RC 210508 & 220110). We have reviewed these existing resource consents, and we consider the consents identified by CODC are not the kind referred to in section 30(3)(a) of the Act (being any existing resource consent to which section 124C(1)(c) of 165ZI of the RMA would apply). We note the applicant, relevant local authorities, and the EPA are required to re-check this at the substantive application stage. As such, we have not identified any reason to decline the application under this criterion.</p> <p><i>Any other matters</i> We have not identified any other matters or reasons to consider declining the referral application.</p> <p><i>Conclusion</i> We <u>do not</u> recommend you decline the application. We note you retain the discretion to decline a referral application under section 21(4) for any other reason, whether or not the project meets the criteria in section 22.</p>
<p>Specified matters for an accepted referral application</p>	
<p>The Minister may specify any of the matters under section 27(3)</p>	<p><i>As noted above, we recommend you accept the referral application. If you agree, you <u>may</u> specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.</i></p> <p><i>Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)</i> We recommend the project description and project details at the beginning of this table are copied into the notice of decisions letter. We have not identified any other specific restrictions that we consider would apply to the project.</p> <p><i>In relation to a substantive application for the project:</i></p> <p><i>A deadline for lodging the application, unless section 27(3)(c) applies</i> As the project involves a proposed land exchange approval, section 27(3)(c) applies. Under section 27(3)(c) the Minister may specify a deadline for lodging the land exchange application, information that must be submitted with the land exchange application, and the persons and groups from whom the Director-General of Conservation must invite comments in addition to those specified in section 35.</p> <p>The applicant states that the anticipated commencement date for construction is Quarter 1 of 2029, with completion expected in 2034. Given the large-scale and complex nature of the project, we recommend specifying the deadline to lodge the land exchange application as the date that is four years after the notice is given to the applicant. We have not identified any other information that must be submitted with the land exchange application nor any additional parties that the Director-General of Conservation must invite comments from, beyond what is already required under the Act.</p> <p><i>Information that must be submitted with the application</i> The Minister for the Environment recommends you specify information to submit with substantive application under section 27(3)(b)(ii). This includes comprehensive ecological assessments (covering seasonal surveys for fauna and vegetation, and wetland extent and hydrological connections), information on mitigation, offsetting, or compensation of unavoidable impacts (particularly for wetlands and threatened species), detailed project design information, and comprehensive natural hazard assessments (including slope stability, seismic risk, flood modelling, and erosion analysis).</p> <p>Other invited parties, while not referring to this section of the Act, have identified specific assessments that they consider should accompany the substantive application. These recommendations generally relate to technical assessments addressing potential environmental effects of the project.</p> <p>We note the Act already prescribes a range of information that must accompany a substantive application. This includes the matters set out in clauses 5–7 of Schedule 5 that specify the information required in a resource consent application including the matters to be covered in an assessment of environmental effects.</p>

While the project is complex and may require a range of technical assessments, we consider that the information requirements provided for in the Act, along with the expert panel's ability to request further information if required, are sufficient to support an effective assessment. Following a decision on the referral application, the applicant will also have access to the comments received from invited parties and can have regard to those matters when determining the scope of information and technical assessments to include with the substantive application. Careful consideration of those comments when preparing the application is likely to assist in supporting an efficient assessment process. The comments provide useful early input on matters that may require particular attention in the substantive application.

As such, we have not identified any additional information that should be required beyond what is already provided for under the Act. Notwithstanding this recommendation, you retain discretion to specify any information that must be submitted with the substantive application if you consider it appropriate to do so.

The persons or groups from whom a panel must invite comments in addition to those specified in section 53

If you decide to accept the referral application, we recommend you specify in the notice of decisions the following persons or groups be invited to comment on the substantive application, for the reasons outlined below:

- Transpower New Zealand Limited – as if approvals are granted, a future connection would be required to the Transpower National Grid, which may require changes including new assets
- Aukaha – identified as a Māori group with other relevant interests under section 18(2)(k), that is not specified in section 53
- Te Ao Mārama Incorporated – identified as a Māori group with other relevant interests under section 18(2)(k), that is not specified in section 53.

We note you retain discretion to decide not to specify that any of these parties be invited by the panel to comment at the substantive application stage. You may also specify that any other persons or groups of your choosing be invited to comment. You do not need to specify the parties already captured under section 53, as those parties must be invited to comment on a substantive application by the expert panel. This includes relevant local authorities, relevant iwi groups, relevant Treaty settlement entities, relevant administering agencies, the Minister for the Environment and other relevant portfolio Ministers, and the owners and occupiers of the land to which the substantive application relates, as well as the owners and occupiers of land adjacent to that land.

Whether the substantive application would have any competing applications

N/A – DOC and the relevant local authorities did not identify any competing applications.

Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)

N/A – As noted above, ORC did not identify any existing resource consents of this kind, and we consider the consents identified by CODC are not applicable under this section.

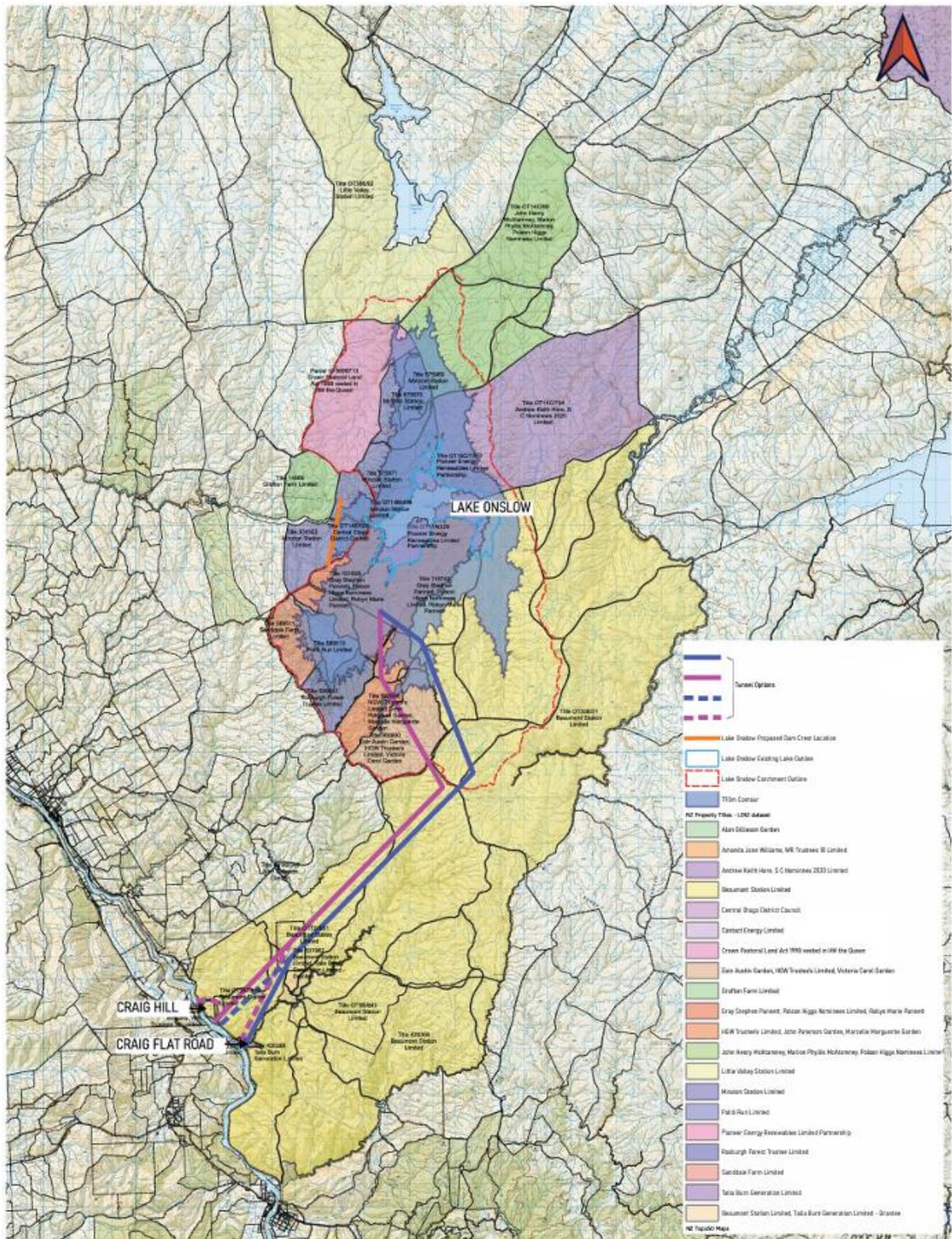
Conclusion

We recommend you specify under section 27(3)(c)(i) a deadline of four years for the applicant to lodge a land exchange application. We also recommend under section 27(3)(b)(iii) that you specify Transpower, Aukaha, and Te Ao Mārama Incorporated as the persons or groups from whom a panel must invite comments from in addition to those specified in section 53. This is reflected in our recommendations above. We have not identified any other specified matters for the accepted referral application; however, we note you retain discretion to specify any or all of the matters under section 27(3).

Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area (if applicable)
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority, or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.

Appendix 8: Indicative project area



CLUTHA PUMPED HYDRO PROJECT AREA* (SHOWING TUNNEL OPTIONS AND LANDOWNERS*)

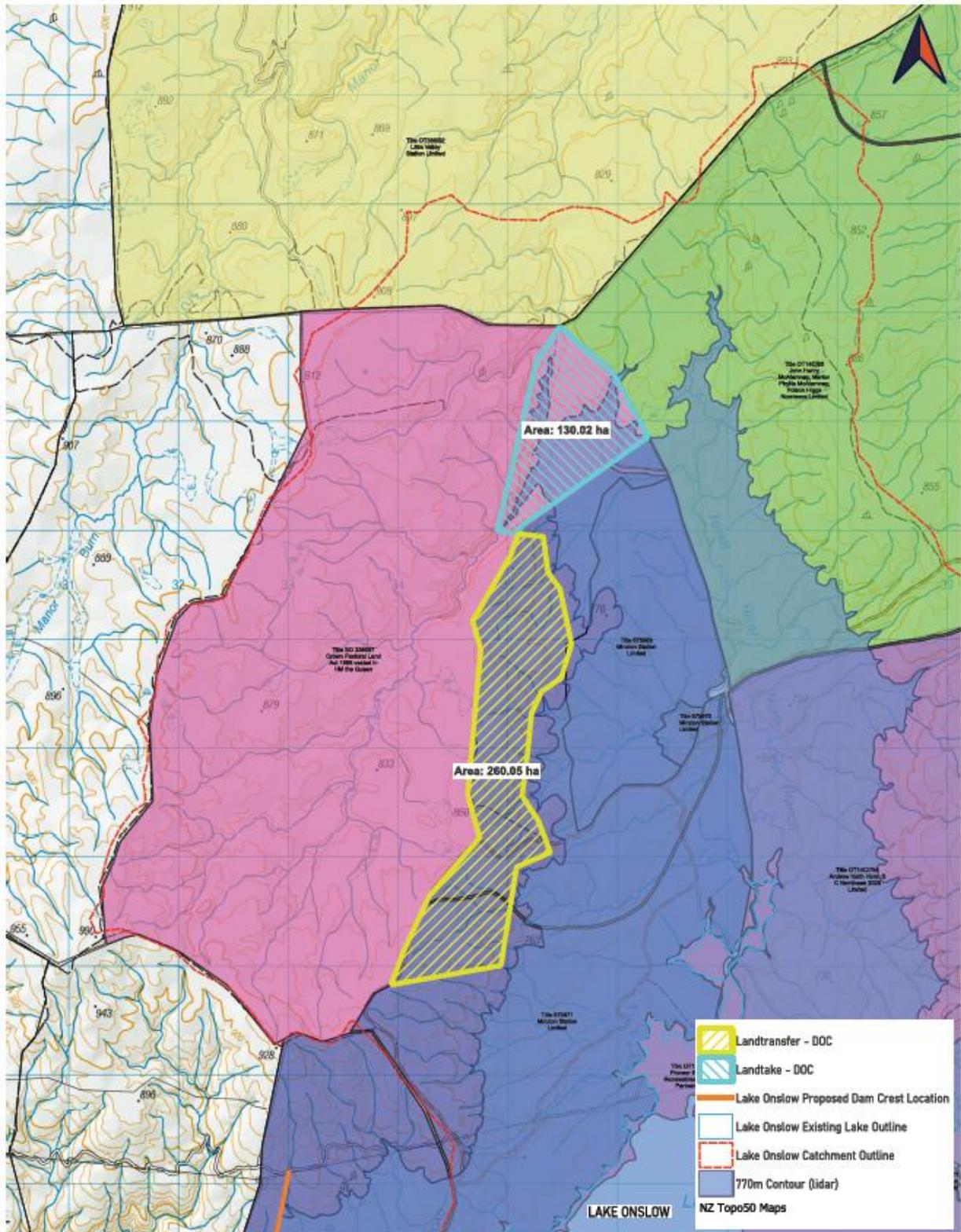
* The project area includes unutilised land (and waterbodies) within and adjoining the identified titles, owned or administered by LINZ, DOC and GDC (respectively) for all roading (including the millrace/trail) and other reserves, including marginal strips and river, lake or stream beds, that are within, between or adjacent to the certificates of title located within or adjoining the mapped area or listed in attachment B3.

REVISION 1 - 24/11/2025

0 1 2 km
SCALE 1: 50,000 at A1



Appendix 9: Indicative area of proposed land exchange



CLUTHA PUMPED HYDRO CONSORTIUM

CONCEPT LAND TRANSFER - DOC

REVISION A - 10/11/2035 [DRAFT]



SCALE 1: 15,000 at A1



Appendix 10: Excerpts from the deed of recognition for Mata-au/Clutha River

ATTACHMENT 12.88A DEED OF RECOGNITION FOR MATA-AU (CLUTHA RIVER), OTAGO (Clause 12.3)

THIS DEED IS MADE ON

BETWEEN:

- (1) TE RŪNANGA O NGĀI TAHU (“Te Rūnanga”)
- (2) HER MAJESTY THE QUEEN in right of New Zealand acting by the Commissioner of Crown Lands (the “Crown”)

BACKGROUND

- A On [] Te Rūnanga and the Crown entered into a Deed of Settlement (the “Deed of Settlement”) recording the matters required to give effect to a settlement of all of the historical claims of Ngāi Tahu Whanui.
- B Pursuant to section [] of the Settlement Legislation (clause 12.3 of the Deed of Settlement), Te Rūnanga and the Crown agreed to enter into Deeds of Recognition acknowledging, on the terms identified below, Te Rūnanga’ statement of the cultural, spiritual, historic and/or traditional association on which the mana and tangata whenua status of Ngāi Tahu in relation to specific areas is based.

ACCORDINGLY, the parties acknowledge and agree as follows:

1 Specific Area of Mata-au

The area which is the subject of this Deed is the bed of the River known as Mata-au (Clutha River), (the “Area”) the location of which is shown on Allocation Plan MD 122 (SO Plan 24727). The Area is administered by both the Commissioner of Crown Lands and the Department of Conservation.

2 Cultural, Spiritual, Historic and/or Traditional Associations of Ngāi Tahu to Mata-au

- 2.1 Pursuant to section [] of the Settlement Legislation (clause 12.2.2 of the Deed of Settlement), the Crown acknowledges Te Rūnanga’s statement of Ngāi Tahu’s cultural, spiritual, historic and/or traditional association to Mata-au as set out below.
- 2.2 The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links

between the cosmological world of the Gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

- 2.3 On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāi Tu Ahuriri. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.
- 2.4 The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (or landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continue to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.
- 2.5 The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually the unions between the families of Te Hautapunui o Tū and Ngāti Mamoe made the boundaries meaningless. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.
- 2.6 Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.
- 2.7 Urupā and battlegrounds are peppered all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation

between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

- 2.8 The mauri of Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

3 Role of Te Rūnanga

- 3.1 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following management and administration activities currently being undertaken by the Crown in relation to those parts of the river bed within the Area that are administered by the Commissioner of Crown Lands:

(a) the consideration of any application to the Crown for any rights for use or occupation (including any renewals) in relation to the Area, including the terms and conditions of rights of use or occupation.

- 3.2 By reason of the Crown's acknowledgement of the association described in clause 2, Te Rūnanga must be consulted and particular regard had to its views relating to the association described in clause 2 concerning the following matters concerning the management and administration of the land within the Area if at any time the Crown at its discretion, undertakes these activities:

(a) the preparation of any plans, strategies or programmes for the protection and management of the area (including the involvement of Te Rūnanga in such plans, strategies or programmes);

(b) any survey to identify the number and type of uses which are appropriate in relation to the Area; and

(c) any programme to eradicate noxious flora or fauna from the Area.

- 3.3 In order to enable Te Rūnanga to fulfil its role under clause 3.1 and 3.2, the Crown will:

(a) inform Te Rūnanga of any applications to the Crown for rights of use or occupation (including any renewals) in relation to the Area (but retains the right to withhold commercially sensitive information); and

(b) provide Te Rūnanga with relevant information to enable Te Rūnanga to consider and advise its views to the Crown on any matter on which it is consulted.