

Attachment 8: Summary of Consultation Undertaken by CPHCL

Consultation with landowners

1. All landowners affected by the project have been consulted. The Project was not “new” to landowners. Prior consultation by MBIE and their contractors, plus years of media coverage, meant the most affected people were well-aware of the main features of the project.
2. A similar project had been thoroughly investigated by the Ministry of Business, Innovation and Employment (MBIE) during the period 2020 to 2023. At that time the project was known as the New Zealand Battery Project. The purpose of the Battery Project was to identify the best option (or options) for managing New Zealand’s dry-year risk in a highly renewable electricity system. While numerous options were considered at the first stage, the primary focus of investigations was or became pumped hydro at Lake Onslow.
3. Because the tunnel and most of the powerhouse are underground, the Applicant’s view was and is that the most significant environmental effects are at Lake Onslow
4. The Applicant knew this was unsettling for some and endeavoured to reach out to people respectfully. It chose to start consultation by engaging with those landowners (or directors of corporate entities) living near to the proposed Project and whose land could be inundated by the enlarged lake. It identified these local people via land records including through its surveyor.
5. Mr Ken Smales was engaged as representative of (now a director of) the Applicant to liaise with landowners, starting with those described in the previous paragraph. He has decades of experience liaising with landowners on large energy projects.
6. Approaches were made initially by Mr Smales by phone or email. That led to initial visits, which led to introductions to neighbouring farmers. Over the weeks that followed Mr Smales met personally with at least one family member, or their nominee, of the farmers directly affected by the proposed enlarged lake who live locally. He met with them in their homes, or elsewhere if requested. All those who requested follow up meetings were accommodated. Mr Smales has met with some affected parties three or more times.
7. Mr Smales carried and explained maps prepared by the Applicant’s surveyor Bonisch Consultants showing various possible lake levels to a maximum lake height of 800mRL, and another showing different tunnel options (refer Attachment 8AA: Additional Consultation Map: *Landowners – Comparison to 780mRL Lake level*). Attachment 8AA also includes a copy of the map showing various tunnel options to Lake Roxburgh dam, Dumbarton, Portuguese hill, Horseshoe Bend, Craig Hill and Craig Flat is provided (refer Attachment 8AA: *Additional Consultation Maps: Tunnel Options – Landowners*).
8. The Applicant was open about the fact that if most local landowners affected by the enlarged Lake were not supportive of the Project then, notwithstanding its view of the importance of the Project, the Applicant would not proceed further.

9. Landowners most affected by the Project were generally most knowledgeable and interested, including s 9(2)(a) [REDACTED] s 9(2)(a) [REDACTED] and s 9(2)(a) [REDACTED]
10. In respect of the lake-affected landowners who did not live in the area, Mr Smales made contact by phone and email with each of them, and has met those who were available. The one exception to that was the Trustee owner of a forestry block. A director of the Applicant, David Parker, contacted that entity.
11. The consultation process has not been rushed. Mr Smales has to date made five multi-day visits to the area.
12. While some wished the Project would go away or were ambivalent, the majority, both by land area and by number, were either supportive or not opposed. Many now want a clear outcome either way, after the years of investigation and dealing with the uncertainty of whether the Project will proceed or not. It became clear that local farmers wanted to know who was behind the consortium and whether it was going to advance an application. Accordingly, affected farmers were advised of the names of directors of the Applicant, and of its intention to proceed with an application to enter the fast-track process.
13. By then it was also apparent to the Applicant that those in support of the project included s 9(2)(a) [REDACTED] That made the decision to narrow down the tunnel options easier for the Applicant, and coincided with the preferred physical options with the highest vertical head to maximise electricity generation.
14. The narrowing of the lake and dam height options to 769mRL and 770mRL respectively was informed by the Applicant's understanding that many landowners just want clarity, and that a simpler application was likely to help achieve that.
15. Directors of the Applicant visited the three most affected local farm families. A shareholder of the Applicant's holding company also accompanied them because all three were vitally interested in the viability of financing the different stages of the Project, including the potential purchase of their land.
16. The Chairman of the Applicant made contact with media to confirm the Applicant's intentions, and made contact with the CE's and Mayor/Chair of the Central Otago District Council and the Otago Regional Council, the Minister and the Associate Minister of Energy. These were no-surprises calls.
17. The narrowed down tunnel options meant that all landowners directly affected by the tunnel had by then been consulted by Mr Smales.
18. The two landowners of smaller land blocks adjacent to the Clutha, Contact Energy Limited and s 9(2)(a) [REDACTED] were contacted by the Chair or another director of the Applicant.
19. In the instance of s 9(2)(a) [REDACTED] this was initially via the lawyer of the trustee company co-owner because at that stage we had no other contact details. Once contact was established through that route Mr Smales emailed and spoke with s 9(2)(a) [REDACTED] in Australia. A meeting was arranged. The date for that then changed, due to delays in s 9(2)(a) [REDACTED] travel to New Zealand, but will occur. This landowner has said that she was aware of the original scheme but had hoped it had gone away. She noted

she had been planning to build a retirement home there, and that this proposal would interfere with that.

20. Directors of the Applicant then met to consider whether we could exclude this property now. The Applicant concluded this would be imprudent at this stage, but will seek to progress options for the lower reservoir and its connection to the Clutha which include options elsewhere. The Applicant will continue discussions with this landowner. In the meantime, a very preliminary sketch was prepared for the Applicant by DamWatch Engineering to consider this further (refer Attachment 8AA: Additional Consultation Maps: *General Layout Plan*).
21. Updated consultation letters showing the narrowed options were sent to landowners by email on 31 October 2025. Each of those letters was accompanied by the maps with the single lake and dam level and the narrowed-down tunnel options and the Project description – the same maps and descriptions sent to administering agencies. In many instances, landowners included trustee companies. Copies of those letters, maps and Project description were couriered to the registered office of each of the trustee companies.
22. By this time administering agencies were also in the process of being consulted, as is detailed below.
23. Outreach continues with landowners. This has included follow up emails from Mr Smales, and another visit to the area to meet with those who wished to meet.
24. In terms of disclosing the individual views of affected parties, some people wish to remain private about their personal views, while some will openly express support. The Applicant has taken the view that unless an affected party has given written permission; it is not for the Applicant to disclose views privately expressed to it. Attached to this document (*Attachment 8B*) are letters of support for the project on behalf of two of the three farming families most affected by the project, being the owners of s 9(2)(a) [REDACTED] and s 9(2)(a) [REDACTED].
25. The Applicant has been in discussions with some parties and their representatives, including the three most affected landowners, about the terms upon which they would be willing to sell some or all of their land to the Applicant, or be otherwise compensated for the Project effects on their farming operation. These discussions have not created binding legal commitments. This has been important to enable openness between us, in part because a number of those affected carry the burden of their view of prior contact with the MBIE contractors and personnel. Implicit in prior dealings was the spectre of Public Works Act compulsory acquisition of their land. The Applicant has been express that it holds no such power. Our discussions have been clear that we need to acquire the land for the Project by contract.
26. It is our experience that those most affected have been remarkable in their appreciation of the possible importance of the Project. In addition to the certainty they understandably want for themselves, they emphasise the importance of good outcomes for their community and country.

28. Local landowners affected by the Lake and tunnel want these community aspects locked in via commitments to good communication processes, appropriate consent conditions for the project (including the proposed Community Trust and environmental offsets/compensation), and their own positions protected via direct negotiations with the Applicant for their land. They know this cannot be achieved without a substantive consent.
29. The Applicant and landowners understand that these issues are interlinked and will need to be largely resolved between grant of access to the fast-track process (should that be achieved) and the filing of the substantive application.
30. From the point of view of the entry into fast-track, the reality for land issues for large and complex nationally significant proposals will often be similar. Land ownership cannot be resolved before the decision on access to the fast-track process.
31. If control of land was introduced as a precondition to accessing fast-track, then the fast-track process will become limited in practice to, first, public projects where compulsory acquisition processes apply and to, second, smaller private sector projects where land arrangements are less complex. The Applicant believes that such a limitation would undermine the efficacy of fast-track and discourage private sector pursuit of complex and ambitious projects this country needs. Such a limitation would also (and, in the view of the Applicant, wrongly) enable, advantage, and encourage public sector projects with ready access to Public Works Act powers of compulsory acquisition.
32. There is a healthy tension in this project. The Applicant will have to be more than fair to landowners. The landowners know the Applicant will have to be generous to them relative to the Public Works Act but also know good community wide outcomes are important too. This has been the basis of discussions with affected landowners. Based on the many interactions the Applicant has already had, it is confident it will get the land agreements needed on terms that the landowners believe are fair.
33. There are a number of fishing huts at Lake Onslow. None are habitations. None have an interest in the land. The Applicant has consulted with the Otago Fish & Game Council. The Applicant has no objection to fishing huts being relocated if the lake is raised but is not applying in this process to do so. That is likely to be up to future surrounding lake owners outside of this process.
34. s 9(2)(a) [REDACTED] and s 9(2)(a) [REDACTED] both have interests in the existing hydro and irrigation scheme of the Teviot River. The Applicant will protect this scheme.
35. Copies of the formal letters dated 31 October 2025 sent to landowners, including affected holders of Forestry Rights, to Pioneer Generation Limited Partnership and Teviot Irrigation Company Limited are attached.

Consultation with the relevant local authorities

36. The relevant local authorities are the Otago Regional Council (“**ORC**”) and the Central Otago District Council (“**CODC**”). Consultation letters from counsel for the Applicant Alanya Limmer KC to the ORC and CODC are attached. The same schedule 1 description of the project and maps were attached to those letters.
37. In addition to the courtesy calls from the Applicant’s Chair Dr Keith Turner, to the CE of each council, a courtesy call by the directors and the CPH Chair was made to the Mayor of the CODC. And, following her appointment, by a director to the new chair of the ORC.
38. Day to day communication and continuing consultation on other issues as they arise will normally be with in house counsel (and director of the Applicant) John Hardie.

Consultation with any relevant iwi, hapu and Treaty settlement entities

39. Ngāi Tahu are Manawhenua of the Otago Region. Te Rūnanga o Ngāi Tahu (**TRoNT**) (the iwi authority) is made up of 18 papatipu rūnanga. These papatipu rūnanga were established as a result of the Te Rūnanga o Ngāi Tahu Act 1996, and hold the rights, interests and responsibilities to defined areas of land and waters within the Ngāi Tahu rohe. Aukaha (1997) Limited (“**Aukaha**”) prepared two cultural values reports for the NZ Battery project, as agent for Ngāi Tahu. The same schedule 1 project description and maps used with agencies and landowners were included.
40. As a result of this consultation the applicant received correspondence from TRoNT requesting a “process agreement” and offering to host a meeting. The Applicant is in the process of advancing both.
41. The Applicant will continue to engage with rūnanga and with TRoNT.

Consultation with the relevant administering agencies

42. The relevant administering agencies identified are:
 - a. Department of Conservation (including reference to a proposed land exchange)
 - b. Ministry for the Environment
 - c. Land Information New Zealand (also consulted separately as a landowner of the underlying interests in two pastoral leases)
 - d. Otago Fish and Game Council
 - e. Transpower
 - f. Electricity Authority
 - g. Heritage New Zealand
 - h. New Zealand Transport Agency
43. Copies of the consultation letters are attached. The same Project description and maps were attached to each letter. The chair of CPH has followed up these letters with “Teams” meetings with most of the above agencies (excluding OF&G, Heritage NZ, and NZTA).

Consultation with s 9(2)(a) and DoC in relation to approval sought for land exchange

44. s 9(2)(a) is the holder of a freehold interest in the land which is proposed to be exchanged with the Crown in exchange for the margin of the land described in the s.11(1)(e) letter to the Department of Conservation referred to above.
45. Consultation with s 9(2)(a) via the letter to that company (and via the same letter emailed to its directors) as landowner included express reference to this issue at paragraphs 16 to 20 as follows:

“Proposed land exchange with the Crown

The maps that form part of schedule 1 show that a small part of the Crown land administered by the Department of Conservation is proposed to be inundated by the raised Lake Onslow.

That piece of Crown land administered by the Department of Conservation land lies adjacent to your land in Title 575971. Your land in Title 575971, which is also listed at paragraph 12(c) above, comprises a fee-simple estate of 1511.09ha more or less being Sections 1,6-7,10,15-16,19,21,23 and 40 Survey Office Plan 22593; and Pt Section 1 Block X and Pt Section 3 Block XV Long Valley Survey District; and Lot 3 Deposited Plan 451594.

You are aware from our discussions to date with you that the Applicant wishes to acquire your land which is affected by the project, including the land in Title 575971. The maps in Schedule 1 also show that part of the land in Title 575971 is not inundated by the raised Lake Onslow.

If approval is granted to use the Fast-track process, then the Applicant will be proposing that the part of the land in Title 575971 which is not inundated or otherwise needed for the Project be exchanged with the Crown in return for the land referred to at paragraph 16 which is proposed to be inundated.

This is being described here because section 11(1)(f) of the FTAA provides that if the substantive application is to propose approval for a land exchange with the Crown under section 42(4)(f), then the holder of interests in that land to be exchanged must be consulted in this part of the process.”

46. Subsequent contact between Ken Smales and the directors of s 9(2)(a) continues that process.

Attachments:

- Copy of initial letters sent to Government & Administering Agencies
- Copy of initial letter sent to Agent for Ngai Tahu representatives
- Copy of initial letters sent to Landowners
- Copy of letters of support from s 9(2)(a) & s 9(2)(a)
- Maps (Attachment 8AA)