

# Referral application form to use for the fast-track process

Under the Fast-track Approvals Act 2024

## About this referral application

This referral application form has been approved by the Secretary for the Environment in accordance with the fast-track approvals process of the Fast-track Approvals Act 2024 (the Act). All referral applications under the Act must be submitted using this form.

We recommend you discuss your referral application and the information requirements with us before you lodge the referral application. Please contact the Fast-track support team on 0800 327 875 or email [info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)

**Please provide a general level of detail in your application; sufficient to inform the Minister's decision on the referral application.**

You must use this form to apply for referral applications and complete all relevant fields, even where you provide supporting attachments that are more detailed. Include attachment or appendix numbers in the relevant fields and list the attachments in section 5 of this form.

If the required information and relevant supporting material is not provided, the application will be returned to you as incomplete.

If your application is determined to be complete, and the Ministry for the Environment (MfE) considers that your project may be capable of satisfying the assessment criteria and does not appear to involve an ineligible activity, and you have paid all related fees, charges and/or levies, then we will provide it to the Minister for Infrastructure (the Minister).

Unless the Minister decides to decline the application before doing so, the Minister will invite comments on the application from relevant local authorities, Ministers, administering agencies, identified Māori groups, owners of Māori land in the project area and any other person the Minister decides is appropriate. The Minister may also request further information from you, the relevant local authorities, or relevant administering agencies before making a decision on the referral application.

If the Minister accepts your referral application, then you may lodge a substantive application with the EPA and the substantive application may be considered by a decision-making panel.

## Application fees and Cost recovery

Under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations), applicants lodging a referral application are required to pay a fee (deposit) of \$12,000 (plus GST), and a levy of \$6,700 (plus GST) to the Environmental Protection Authority (EPA). The fees are set in Schedule 1 of the Regulations. These fees must be paid before lodgement of your referral application. If the required amount is not paid the application will be returned as incomplete.

Please note the final costs payable at the referral stage may exceed the referral application fee (deposit) paid. More information about cost recovery under the Fast-track Approvals Act 2024 is available from [Fast-track approvals cost recovery process](#).

## Submitting your application

You will need to submit this form through our digital Fast-track portal. You will need to receive a link to register/access the portal.

If you need any help with the form, you can call or email us:

- 0800 327 875 (0800 FASTRK) (from within New Zealand)
- email: [info@fasttrack.govt.nz](mailto:info@fasttrack.govt.nz)

### How to send your completed form to us

Use the application portal – you will need to receive a link to register/access: [Fast-track website](#)

## Your personal information

The Ministry for the Environment (MfE) is collecting your personal information for the purpose of administering your referral application under the Fast-track Approvals Act 2024. We will only use the information for the purposes of contacting you in relation to this application.

MfE may provide your application, or details from your application to other agencies or local authorities for the purpose of administering your referral application. If your application is accepted as complete and progresses through the referral process, the Minister may consult with other agencies and groups on your application. This will require the Minister to share the details of your application with the EPA, the Panel Convener, and those groups.

We will store your personal information securely. You have the right to access the personal information we hold about you and to ask for it to be corrected if it is wrong. If you would like to access your personal information, or have it corrected, please contact us at [referrals@fasttrack.govt.nz](mailto:referrals@fasttrack.govt.nz)

## Official information

All information you provide with this application is subject to the Official Information Act 1982 and may be released in accordance with that Act.

## Publishing your application

We intend to publish your referral application on the Fast-track Approvals website. Any personal contact details in application documents will not be made publicly available. Please provide a copy of the application with all personal contact details redacted.

MfE may also redact certain information from publication in accordance with the Official Information Act 1992. If you think your application contains information which should be withheld, please clearly identify it and provide an explanation as to why it should be withheld.

## Section 1: Applicant details

*A person or persons may apply to use the fast-track process for a project. Where there is more than one person, the referral application must be lodged jointly by all of the persons who are proposed to be authorised persons for the project.*

*If the referral application is accepted and referred by the Minister, the person or persons who lodged the referral application will be specified as the person who is, or the persons who are, authorised to lodge a substantive application for the project.*

### 1.1 Applicant(s) – repeat for all applicants

1.1.1 Organisation name:

1.1.2 NZBN (optional) s 9(2)(b)(ii)

1.1.3 Contact name:

1.1.4 Phone: s 9(2)(a)

1.1.5 Email s 9(2)(a) address:

1.1.6 Postal address (if preferred method of contact):

### 1.2 Agent acting on behalf of applicant (if applicable)

1.2.1 Organisation name:

1.2.2 Contact name:

1.2.3 Phone: s 9(2)(a)

1.2.4 Email s 9(2)(a) address:

1.2.5 Postal address (if preferred method of contact):

### **1.3 Finance – Agent acting on behalf of applicant (if applicable)**

**1.3.1 Organisation name:**

**1.3.2 Contact name:**

**1.3.3 Phone:**

**1.3.4 Email address:**

**1.3.5 Postal address (if preferred method of contact):**

*If you are making this application on behalf of the applicant, please attach evidence that you are authorised to make this application.*

**1.3.6** Please direct all correspondence relating to this application (including correspondence from MfE) to:

☐ Applicant(s)

*If selecting Applicant and there is more than 1 person who lodged the referral application, please identify 1 person to receive all correspondence on behalf of all applicants.*

☐ Agent for applicant

#### **1.4.1 Compliance and enforcement history – repeat for all applicants**

**1.4.1** Have there been any compliance or enforcement actions taken against the applicant (or if the referral application is lodged by more than one person, any of those persons) under a specified Act definition for either 'compliance' or 'enforcement'?

☐ Yes – see below ☐ No – proceed next

**1.4.2** If you answered yes above, please provide a summary of the relevant legislation and provisions, and any compliance or enforcement actions, and the outcome of those actions taken under the specified Act against the applicant or applicants, if the referral is being lodged jointly.

Contact has been a major operator of large power stations since 1996. Contact has an extensive portfolio of electricity generation assets and has a proven track record of environmental compliance in relation to Contact's operation of these sites.

Contact has a strong commitment to the environment and robust processes to ensure compliance with the resource consents it holds. Contact has 11 generation sites located throughout New Zealand. Contact holds approximately 120 resource consents associated with the construction, operation and maintenance of these generation sites. These consents are comprised of 3,500 conditions. Contact has reliable and regularly reviewed and audited systems in place to ensure adherence to these

conditions. This includes a regular environmental monitoring programme, effective site management and consultation with key stakeholders.

Since the formation of Contact in 1996 there are only three instances where compliance and/or enforcement actions have been taken against Contact by a local authority under the Resource Management Act 1991 ("RMA"). All of these have been remedied by Contact.

1. Contact has extensive environmental offset and restoration conditions associated with its Ohaaki Geothermal Power Station, including in relation to wetland areas. In April 2021 it received an abatement notice from Waikato Regional Council in relation to aerial (helicopter) boom spraying of pest plants and weeds in the Torepatutahi Wetland during February 2020. The spraying was conducted in accordance with Contact's consents and permitted activity guidelines, however, it also resulted in kill of non-target species. The abatement notice directed Contact to be more selective in conducting pest control methods. Contact has undertaken a full review of the ecological restoration programme in communication with mana whenua and stakeholders and prepared an Annual Work Plan to inform interested parties and guide activities in and around the wetland.

2. In February 2019, a geothermal reinjection well on Contact's Wairākei geothermal steamfield over-pressurised, causing geothermal water to be discharged into a nearby soakage pond not intended to store such volumes. Consequently, the pond gave way, causing soil and geothermal water to flow into the nearby Waipuerawera Stream. Contact was prosecuted and participated in an ā kanohi restorative justice process with the affected hapū of Ngāti Tūwharetoa, culminating in a comprehensive cultural impact assessment, formal apology and full suite of long-term mitigations agreed with tangata whenua and the Court. An important outcome was the development of a much stronger and deeper understanding by Contact of Ngāti Tūwharetoa and their relationship to the whenua and awa, and their role as kaitiaki and mana whenua. This has now been appropriately addressed, and no further issues have occurred.

3. In July 2022, Otago Regional Council ("ORC") issued Contact with an abatement notice directing it to submit to ORC a revised Landscape and Visual Amenity Plan ("LVAMP") for the Kawarau Arm of Lake Dunstan. The LVAMP manages the landscape and visual amenity effects associated with the on-going operation of the Clyde Dam as they occur in the Kawarau Arm (near Cromwell). The condition requires Contact to reassess the LVAMP every five years. The draft of the 2019 to 2024 reassessment was forwarded to the ORC and Central Otago District Council for consultation and mistakenly approved. A further draft of the reassessed LVAMP was submitted in June 2022, however, ORC considered that the new LVAMP did not appropriately cover key matters such as plant pest management and driftwood accumulation and requested further assessment. Contact worked proactively with the Councils and key stakeholders to prepare a new LVAMP. This was submitted to ORC for approval, and subsequently the abatement notice was uplifted in March 2023.

Given the extent of Contact's electricity generation assets, Contact has a strong track record of environmental compliance associated with the construction, operation and maintenance of these facilities. Contact will ensure it continues to implement best

practice management and compliance to adhere to its consent conditions and have the appropriate strategies in place to do so.

## Section 2: Referral application summary

### 2.1 Project name

*This is the name by which the project will be known publicly. For example - avoid using street addresses, place names, company names.*

### 2.2 Project description and location

#### 2.2.1 Provide a description of the project and the activities it involves

*The project description helps us with inviting comments from relevant parties on the application, and publishing information about the application.*

##### Summary

The Project's objective is to deliver greater operational and management flexibility of the water storage in Lake Hāwea to respond to, and enable, greater decarbonisation of the electricity system and to increase New Zealand's security of electricity supply.

Contact is seeking that the Project be referred under the Fast-track Approvals Act 2024 ("FTAA") to enable it to seek and obtain new consents, as well as consequential changes to its existing consent conditions, to achieve the Project's objectives. More specifically, the new consents seek to enable the normal minimum operating level of Lake Hāwea to be lowered to 336 metres above sea level ("masl"). In addition, Contact is seeking to enable the minimum level of Lake Hāwea to be lowered to 333 masl at 4% Electricity Risk Curve ("ERC") (the Alert Level) and 330 masl at 8% ERC during low storage contingency events, as defined by the system operator (being Transpower), to be used solely during emergency or crisis situations regarding electricity supply. These proposed operating levels are summarised in Table 1 below.

New Zealand's electricity system is rapidly evolving with the reduction in gas supply and the transition towards increasing and diversifying its supply of renewable electricity to contribute towards achieving New Zealand's decarbonisation goals. As the development of intermittent renewable electricity generation activities (such as wind and solar) increases, and thermal generation is phased out, the role of hydroelectricity generation combined with sizable storage is becoming increasingly important, in that storage enables hydro assets to operate flexibly and play the role of balancing supply and demand in real time. The Project is therefore of national significance and will contribute to ensuring New Zealand's electricity supply system is fit for purpose.

##### Project Description

Contact is seeking to be referred under the FTAA to obtain new approvals for the Project, which will contribute to achieving New Zealand's decarbonisation goals and increasing the security of New Zealand's electricity supply. Collectively, the Project will enable Contact to have a larger ability to adjust its generation capacity to the

most critical times and meet New Zealand's needs, using hydro generation to backfill the space left by the retirement of thermal generation, as well as the increase in intermittent (and less predictable) renewable electricity generation systems (e.g. wind and solar). The Project will also increase critical energy storage levels to manage dry year risks.

The proposed consents sought to achieve the Project's objectives are described, more specifically below:

☐ New consent to dam Lake Hāwea to enable the minimum normal operating level of the lake to be lowered to 336 masl.

This will provide Contact with an additional 2m of hydro storage that can be immediately accessed as needed to increase the potential of electricity that can be generated from the CHS, and therefore, increase the flexibility of the operation of the CHS. This will also result in a 23% increase in the electricity storage from Lake Hāwea (from 300GWh to 370GWh), which is sufficient electricity to power 10,000 homes for one year (or an additional 40,000 households through a dry winter). This amount of electricity saves approximately 68,000tCO<sub>2</sub>e compared to coal fired generation.

Access to an additional 2m will be utilised during winter and spring to provide supply for the CHS during dry years. It is therefore expected that the additional storage will not be accessed every year, it will only be needed in dry years. In such years, additional utilisation of water from Lake Hāwea during the winter months would be offset by lower releases later in the year (from September). Further, there will be fewer forced releases through the off-peak period in December and January, during high flow events, thus, reducing unnecessary spill, increasing the efficiency of the utilisation of this hydro resource.

☐ New consent to lower the allowable lake level during defined contingent storage events to permit lowering Lake Hāwea to:

- o 333 masl at 4% ERC (the Alert Level); and
- o 330 masl at 8% ERC.

This will immediately enable Contact to increase power generation during electricity emergency events, and therefore, improve system security. The contingent storage will only be accessible, when these events are determined by Transpower, as the system operator. Contact cannot access the contingent storage at any other times. Contingent storage is referred to as the 'fuel of last resort', before a public campaign asks consumers to conserve power, and/or rolling outages cut supply to households and businesses. Therefore, it will only be accessed in these extreme circumstances. Since the granting of its existing CHS consents in 2007, Contact has not accessed the contingent storage in Lake Hāwea, in fact contingent storage at Lake Hāwea has not been accessed in more than 40 years.

This will increase Lake Hāwea's available contingent electricity storage by up to 280% (from 70GWh to 200GWh). This is sufficient electricity to power 28,500 homes for one year, or approximately 100,000 homes through a dry winter, and will save approximately 196,000tCO<sub>2</sub>e compared to coal fired generation.

Contact is seeking this consent in light of New Zealand's evolving electricity system, as discussed below, and to ensure New Zealand is prepared and able to respond to electricity emergency events. This includes having the appropriate management measures in place to manage the potential effects associated with lowering the lake, whilst ensuring New Zealand can keep the lights on. This will, therefore, immediately and significantly contribute to electricity security in New Zealand.

No physical work is required to implement the Project. Therefore, once consent is granted, the benefits of the Project can be realised immediately (although the contingency storage will only be used in very isolated and exceptional circumstances it provides significant additional resilience to the system).

Contact currently holds resource consents for damming Lake Hāwea, which allow for the operation of the CHS. These consents specify the minimum allowable lake level and provide for a smaller amount of contingency storage. Consequently, changes to the conditions of the existing resource consents are needed to ensure they align with the new consents and do not conflict with them. These changes are essential for implementing and delivering the Project because they will allow the new consents to be exercised under the specified conditions while ensuring compliance with Contact's existing consents. Therefore, these adjustments will be processed as variations simultaneously with the new operating and lake level limits consents that are being sought through the FTAA.

It is noted that whilst there are existing consents for the activities relating to this application, using the same natural resource, these are held by Contact, the authorised person for this Project, in accordance with section 30(1)(b) of the FTAA.

Detail on the Project rationale, including changes to New Zealand's electricity system and the role of hydro generation is provided in the sections below.

#### Project Rationale:

##### Electricity in New Zealand

Electricity is vital to the lives of all New Zealanders. Electricity in New Zealand is supplied by a range of generation types, with hydro generation being the largest contributor, providing 60.5% of New Zealand's electricity in 2023. The other significant generation types include geothermal, gas, wind and coal.

Supply and demand of electricity must be kept in a tight balance at all locations on the grid. If this is not achieved, it can lead to widespread blackouts. The varying power demand in New Zealand creates a need for flexible supply. Demand for electricity is not constant throughout the day or across seasons, peaking early in the mornings and in the evenings, particularly during winter. These changes in demand mean that the electricity system needs flexible supply sources that can be ramped up or down quickly to ensure that the grid remains balanced.

Some forms of electricity generation cannot be readily controlled, and therefore, are variable and uncertain, often referred to as 'intermittent generation'. Examples of these are wind and solar generation, whereby the power output from these sources will vary with the prevailing weather and solar conditions. Comparatively, hydro



power stations with sizeable storage reservoirs provide a source of flexible supply. These sources of electricity provide much of the short-term flexibility needed to counteract hourly, daily and seasonal variations in demand and intermittent supply. This is illustrated in Figure 1 included in Attachment 1 to this application, which shows the variation in hydro generation at a national level across a typical winter day in 2020. This shows hydro generation with storage provides flexibility to meet varying levels of demand. The primary storage lakes in New Zealand are Lakes Taupo, Tekapo, Pukaki, Hāwea, Te Anau and Manapouri. Thermal stations (running on diesel, gas and coal) also provide flexibility in New Zealand's electricity system, however as discussed below many of these stations are being retired or struggling to source adequate supplies of fuel.

#### Changes in the electricity market

The New Zealand Government has set out its climate change targets, including:

- The emissions reduction target established by the Climate Change Response Act 2002 of reducing New Zealand's greenhouse gas emissions (except biogenic methane) to net zero by 2050;
- The targets to double New Zealand's renewable generation capacity by 2050 as set out in the Electrify NZ policy; and
- The increased demand for renewable electricity generation as a result of decarbonising New Zealand's industries as set out in the Emissions Reduction Plan.

New Zealand's economy is undergoing rapid decarbonisation and electrification to assist with meeting these targets. Thermal plants are being retired throughout the country, for example the Otahuhu Power Station, Southdown Power Station and Te Rapa Power Station have been retired, and the Taranaki Combined Cycle is due to be retired soon. In addition, natural gas production and exploration is declining. Gas production has fallen from 250 petajoules in 2001, to 105 petajoules in 2024, and this decline is expected to continue in the future with production in 2025 currently tracking to be less than 100 petajoules.

New Zealand is fortunate to have a large supply of existing hydroelectricity and geothermal resources that currently contribute to approximately 80% of New Zealand's electricity supply. However, significant investment in renewable electricity generation infrastructure will be required to achieve the renewable electricity generation targets while growing, and decarbonising, our economy.

The Ministry of Business, Innovation and Employment prepared a set of Electricity Demand and Generation Scenarios in 2024 which predicted total electricity demand will grow between 35.3% and 82% by 2050. The commercial and industrial sectors are the main drivers of this growth, in particular the electrification of transport that is anticipated to occur from the late 2030s due to an increased uptake of electric vehicles.

Along with steady electricity demand growth, the Climate Change Commission predicts renewable electricity generation will provide for approximately 96% of the electricity market by 2030. Most of the new generation is expected to come from

intermittent resources, such as wind and solar. This transition is expected to change the New Zealand energy system from one that has primarily been 'energy constrained', to one that is primarily 'capacity constrained'. This means that there may be times where there is excess electricity generation, and other times where the electricity generation fleet is unable to meet peak demand, particularly if it coincides with periods of low wind and solar generation. It is therefore imperative that hydroelectricity generation with storage is available to ensure that New Zealand's electricity generation system is fit for purpose to provide security of supply in the future.

#### Flexibility of hydroelectricity generation

Hydro generation with storage is a valuable form of firming that can help balance the electricity system in the long term. Storage enables hydro generation to be flexible, which allows it to respond quickly to changes in demand of other intermittent renewable generation such as wind and solar. This is illustrated in Figure 2 included in Attachment 1. Hydro generation with storage can not only respond to daily changes in demand, but also to immediate fluctuations in demand, and therefore, contributes to overall system security. This is enabled through access to water storage and its controlled release when required. Therefore, water storage is a critical component of flexible hydro-electricity schemes.

Thermal generation also provides flexibility to electricity generation in New Zealand. However, as noted above, thermal generation will be phased down to meet New Zealand's decarbonisation goals (and gas supply). Therefore, there is an increasing need for flexibility from renewable electricity generation sources, which can only be provided from controlled storage hydro generation.

#### Role of the Clutha Hydro Scheme in New Zealand's electricity system

Contact owns and operates the CHS. The CHS is comprised of two power stations on the Clutha River / Mata-Au, one at Clyde and one at Roxburgh. Together, these two power stations have a generation capacity of 752 MW. The CHS generates approximately 12% of New Zealand's renewable electricity generation and about 10% of New Zealand's gross electricity demand. The CHS therefore contributes significantly to New Zealand's economic and social well-being.

The CHS is operated as one integrated / interdependent management unit from Clyde. The three primary structures associated with the CHS are the Hāwea Dam, the Clyde Dam and the Roxburgh Dam. These were all established prior to the enactment of the RMA. In 2001, Contact lodged resource consent applications to continue operating these three structures and the consents held by Contact from the Otago Regional Council permit the damming and discharge of water to operate the CHS. The consents were granted in 2007 for a 35-year term, expiring in 2042. The consents provide for the operation of the CHS within identified limits. This includes restrictions on the operating range of Lakes Hāwea, Dunstan and Roxburgh, as well as the minimum and maximum discharge from the associated dam structures.

The Hāwea Dam is designed to provide effective control of the level of Lake Hāwea over an operating range from 327.6 – 347.3 masl (currently authorised as 338m – 346 masl). The role of the dam is to control the level of Lake Hāwea, and therefore, provide storage for the Clyde and Roxburgh plants downstream. Lake Hāwea provides the only storage for the CHS. Water can be released for power generation, and other purposes such as to provide for recreational flows, irrigation or flood mitigation. There is no electricity generation plant at the Hāwea Dam, however, the present operating range of Lake Hāwea provides 300GWh of water storage.

Downstream of the Hāwea Dam is the Clyde Dam which provides control of the level of Lake Dunstan, which has an operating range of 1m (193.5 masl -194.5 masl). This effectively means the power station largely uses the “run of the river”, however, this flow is able to be supplemented using storage at Lake Hāwea. The Roxburgh Dam, downstream from the Clyde Dam, controls the level of Lake Roxburgh which has an operating range of 2.45m (130.15 masl – 132.6 masl). Again, while this provides some short-term storage it essentially operates as run-of-the river.

The CHS is an existing nationally and regionally significant physical resource and must be operated as an integrated part of New Zealand’s total electricity generation. The level of generation from the CHS can be controlled (i.e. raised or lowered within consented limits), primarily through the storage capacity of Lake Hāwea, to reflect the needs of the electricity system. Therefore, the CHS has flexibility which allows it to respond to intraday and seasonal changes in electricity demand.

#### Future operation of the Clutha Hydro Scheme

The CHS is expected to become an even more important contributor to the security of New Zealand’s electricity supply as the proportion of electricity generated by intermittent supply (wind and solar) increases. The existing consent conditions for the CHS were granted in an electricity market that has since changed significantly. The conditions were developed for an electricity market where firming was met by thermal plants (i.e. gas and coal). Therefore, there was less need for hydro assets to be flexible within the broader system. However, since issuing the CHS consents in 2007, New Zealand has decommissioned over 1000 MW of carbon emitting thermal baseload generation capacity and constructed over 1000 MW of renewable, but intermittent, generation capacity. As noted above, this change in the electricity market presents new challenges to the security of electricity supply in New Zealand. This challenge has been well signalled in both 2023 and 2024 by Transpower in their role as the system operator.

For the remaining term of the CHS consents (2042), even greater changes and challenges will occur in New Zealand’s electricity system, and a significant operating response will be required from New Zealand’s existing renewable forms of electricity generation, but in particular, its existing controlled storage hydro generation.

The CHS is an existing electricity generation facility that has fundamentally modified the natural character of the catchment and the development around it. These impacts are irreversible and extend well beyond the dam structures and their respective storage lakes. Therefore, every opportunity to improve the operational

efficiency and flexibility of the CHS needs to be considered to meet the electricity needs of New Zealand.

With more flexible storage approaches, Contact's existing hydro portfolio within the catchment could provide a significantly greater contribution towards firming the electricity system, increasing security of supply and aiding New Zealand to achieve decarbonisation. The objective of this Project is to deliver greater operation and management flexibility of the water storage in Lake Hāwea to respond to, and enable, greater decarbonisation of the electricity system and to increase New Zealand's security of electricity supply. To not do so will hinder both New Zealand's climate change goals and the security of its electricity system.

#### Lake Hāwea Operating Range

As noted above, the consented operating range of Lake Hāwea is the primary storage for the CHS (with very limited storage provided in each hydro lake). Currently, the 8m operating range of Lake Hāwea provides 300GWh of storage.

Prior to the commissioning of the Hāwea Dam in 1958, Lake Hāwea had an uncontrollable operating range, with a mean level of 327.7 masl and annual fluctuations were approximately 2m. The control structure was constructed to control the level of the lake within an operating range of 327.6 – 347.3 masl (19.4m). Between 1958 and 1980, the lake operated with a maximum level of 346.75 masl and an uncontrolled minimum level of 327.7 masl (an operating range of 19.05m). This resulted in an increase in the fluctuation of the level of Lake Hāwea, with extremely low levels occurring in 1965 (330m), 1976 (327m) and 1977 (330m) (refer to Figure 3 below). The time taken for the lake to refill after being drawn down depends on the level to which the lake is dropped, and to a lesser degree, the volume of inflow. Therefore, a consequence of the extremely low levels in the lake in 1976 and 1977 was that the maxima during the intervening year was only 336m, and the lake spent a prolonged period at low levels. In 1978 the lake was operated without a draw down in order to let it refill. This therefore had consequences for the generation of electricity from the CHS.

In September 1980, the National Water and Soil Conservation Authority ("NWASCA") fixed the permitted minimum and maximum levels of Lake Hāwea at 336m and 346 masl, respectively, subject to conditions with operation down to 330m in exceptional circumstances. Subsequently, there has been a reduction in the fluctuations of the lake level, with the lowest levels of the lake typically occurring during winter and early spring.

Contact operates the CHS using a relatively conservative approach. This means that Contact very rarely draws the lake down to the lowest minimum allowable level (currently 338m) or fills the lake to the highest operating level (currently 346m), as shown on Figure 3 included in Attachment 1. This is because drawing the lake down to the minimum operating level restricts Contact's ability to generate any more electricity from the CHS, as it is unable to draw the lake down any further and must wait for the lake levels to rise again. Contact is also obligated to ensure minimum flows from Lake Hāwea are always maintained, and as such, the Lake cannot be drawn down to its minimum level without the risk of breaching the minimum flow

requirements of Contact's consent conditions. And on the other hand, filling the lake to the highest-level leads to erosion issues that can occur at high lake levels under certain wind conditions.

In addition to the normal operating range, Contact's existing consent provides for the ability to access contingent storage from Lake Hāwea during defined electricity emergency events and draw the lake down to 336 masl. Currently, this is available when the ERC ("Electricity Risk Curve") reaches 4% chance of the system having insufficient electricity, meaning there is 4% chance New Zealand will run out of electricity. This is the Alert Level on the ERC. The ERC is calculated by the system operator, being Transpower. Therefore, Contact is not able to access this contingent storage on its own accord. Contingent storage is 'the fuel of last resort', used after all other fuels and voluntary demand reduction measures have been exhausted, to keep the lights on. Contact has not accessed the contingent storage since its consents were granted in 2007 (in fact contingent storage at Lake Hāwea has not been accessed in more than 40 years).

- 2.2.2** Provide a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application. *For example, site address(es), certificate of title(s), shape files*

Clutha River / Mata-Au:

The Clutha River / Mata-Au is fed by Lake Wānaka and Lake Hāwea, located in the Queenstown Lakes District in the Otago Region. Lake Wānaka is principally fed from the Matukituki and Makarora Rivers and has one outlet into the Clutha River / Mata-Au.

Lake Hāwea is a dammed waterbody, with lake levels managed within a normal operating range of 8m. The catchment of Lake Hāwea includes the Young Range, the Huxley Range and Mount Burke. The Hāwea Dam is located at the outlet of Lake Hāwea and flows into the Hāwea River. The Hāwea River joins the Clutha River / Mata-Au at Albert Town in Wānaka. From there it runs to a point just north of Lake Dunstan, where it is joined by the Lindis River, and subsequently flows into Lake Dunstan / Te Wairere.

Lake Dunstan / Te Wairere is a man-made lake that formed on the Clutha River / Mata-Au following the construction of the Clyde Dam, located approximately 1.5km upstream from Clyde. The Kawarau River, flows from Lake Whakatipu into Lake Dunstan, merging at Cromwell. Lake Dunstan passes through the Cromwell Gorge between Cromwell and the Clyde Dam.

Below the Clyde Dam, the Clutha River / Mata-Au flows into Lake Roxburgh where it is joined by the Manuherikia River at Alexander. Lake Roxburgh is another man-made lake that formed following the construction of the Roxburgh Dam. The Roxburgh Dam is located approximately 9km north of the town of Roxburgh.

Below the Roxburgh Dam, the riverbed flattens out and flows through Roxburgh, Beaumont, Tuapeka Mouth and Clydevale, before it reaches Balclutha, where it splits into the Koau and Mata-Au branches of the Clutha River / Mata-Au and subsequently flows into the Pacific Ocean.

The Clutha River / Mata-Au catchment is the largest in New Zealand, with an area of 20,582km<sup>2</sup>. The catchment experiences significant variation in climatic conditions, particularly seasonally. This effects the flow of water into the Clutha River / Mata-Au.

The CHS is located along the Clutha River / Mata-Au in the Otago Region and consists of the following three dams:

- Hāwea Dam, the most upstream dam, which dams the outlet of Lake Hāwea (the main storage for the CHS);
- Clyde Dam, which dams the Clutha River / Mata-Au at Clyde forming Lake Dunstan / Te Wairere; and
- Roxburgh Dam, which dams the Clutha River / Mata- Au just upstream of Roxburgh township, forming Lake Roxburgh.

Contact operates the three dams interdependently. There are power stations located at the Clyde and Roxburgh dams. An overview of the CHS is illustrated in Figure 4 included in Attachment 1.

#### Lake Hāwea:

Lake Hāwea is a large (143.6km<sup>2</sup>), deep (maximum depth 384m) glacial lake. The main section of Lake Hāwea runs approximately north-south and is on average 5km wide and 20km long. The Hunter Valley Arm extends a further 25km to the north-east, to meet the broad, braided riverbed of the Hunter River. Another smaller arm extends east-west approximately halfway up the lake, close to a feature commonly known as the “Neck”, which is a relatively narrow area of land separating Lake Hāwea from Lake Wānaka.

The surface of Lake Hāwea lies at an altitude of approximately 346 masl and is bounded on three sides by steep mountains. Approximately 50 streams discharge into Lake Hāwea, over half of which are tributaries of the Hunter River. The most notable water courses flowing into the lake are the Hunter River, Dingle Burn and Timaru River.

To the south of the lake is a terminal moraine formation which created the original lake. The town of Lake Hāwea is situated here. The Lake Hāwea Control Structure, which includes the Hāwea Dam, is situated at the south-western corner of the lake. The Hāwea Dam is 30m high, earth-filled and includes a concrete control structure with four radial gates to control the outflow.

The Hāwea River to the south discharges from the lake into an 18m deep, incised channel. It continues south for 12km before it reaches the Clutha River / Mata-Au below Albert Town.

The land holdings for the bed of Lake Hāwea are as follows (the Record of Titles are attached as Attachment 2):

- Lot 2 Deposited Plan 25173, owned by Contact Energy; and
- Section 1 SO 24526, owned by Her Majesty the Queen through the Commissioner of Crown Lands and over which Contact Energy has an operating easement in its favour.

## 2.3 Ineligible activity

*Your referral application must demonstrate that the project does not involve any ineligible activities as defined in Section 5 of the Act. Please consider each ineligible activity below and where relevant, provide the requested details.*

*When providing your response below, where possible, **provide details of any parties involved, the extent of their holding and the activity relevant to their area.***

*Where a project involves an activity that may be the subject of a determination under sections 23 or 24, and you are intending to seek a Ministerial determination for that activity under either section, you must still complete this section in full. Determinations under, and information required in respect of, sections 23 and 24 are covered further under 2.5 Ministerial determinations under sections 23 and 24.*

*If your application relates to certain mining activities below the surface of the land and meets the other relevant criteria under section 5(2) of the Act then an agreement under section 5(1)(a), (b), (j) or (k) may not be required. This should be identified under the relevant questions below, and you must provide the additional information required in respect of section 5(2) under 2.3 Ineligible activity.*

**2.3.1** Does the project include an activity that would occur on identified Māori land as defined in section 4 of the Act?

☐ Yes – see below ☐ No – proceed to next

a. If yes, please address the following:

- i. identify the land involved and the owner(s) of the land.
- ii. Confirm that the activity on the land has been agreed with the owners of the land and provide evidence of the written agreement; or
  - A. advise whether it is proposed to seek a determination under section 23 and provide the information under 2.5 Ministerial determinations under sections 23 and 24 below; or
  - B. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

**2.3.2** Does the project involve an activity that would occur in a customary marine title area?

☐ Yes – see below ☐ No – proceed next

a. Address the following:

- i. Identify the relevant customary marine title area, who the customary marine title group is;
- ii. Provide evidence that written agreement has been obtained from the customary marine title group and provide a copy of the same; **or**
  - A. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

**2.3.3** Does the project involve an activity that would occur in a protected customary rights area?

☐ Yes – see below ☐ No – proceed next

a. Address the following:

- i. Identify the protected customary rights area, the group who holds these rights and the nature of the protected customary right(s)
- ii. Explain your proposed activity and identify whether you consider that it would have a less than minor adverse effect on the exercise of the protected customary right(s), and briefly explain why; **or**
- iii. Advise whether you consider that your proposed activity would have a more than minor effect on the exercise of the protected customary right(s), and if so, confirm that the activity has been agreed to in writing by the protected customary rights group and provide a copy of that agreement.

**2.3.4** Does the project involve an activity that would occur on:  
Māori customary land; OR land set apart as a Māori reservation as defined in section 4 of Te Ture Whenua Māori Act 1993.

☐ Yes – see below ☐ No – proceed next

**2.3.5** Does the project involve an aquaculture activity or an activity that is incompatible with aquaculture activities that would occur within an aquaculture settlement area (under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004); or an area reserved under another Treaty settlement for the aquaculture activities of a particular group?

☐ Yes – see below ☐ No – proceed next

**2.3.6** Provide details of the aquaculture activity or the activity that is incompatible with aquaculture and the location.



**2.3.7** Provide details of the relevant aquaculture settlement area or Treaty settlement legislation reserving space for aquaculture and include details of the impacted parties or particular group.

**2.3.8** Provide details on whether or not the applicant is authorised to apply for a coastal permit within the aquaculture settlement area, or area reserved under another Treaty settlement for aquaculture activities, including a copy of any such authorisation.

**2.3.9** Does the project include an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991? ☐ Yes – see below ☐ No – proceed next

- a. Provide the following information:
- i. what is the activity that would require the access arrangement; and
  - ii. does the project include an activity that would occur on Crown owned land or internal waters and land of the common marine and coastal area described in Schedule 4 of that Act and provide details of the same.
  - iii. If so describe how the activity meets the criteria in section 61(1A)(a-e) of the Crown Minerals Act 1991; **or**
  - iv. Confirm and provide evidence that the project would not occur in an area for which a permit cannot be granted under that Act:

**2.3.10** Does the project include an activity that would be prevented under any of sections 165J, 165M, 165Q, 165ZC, or 165ZDB (regarding the management of occupation in common marine and coastal area) of the Resource Management Act 1991?

☐ Yes – see below ☐ No – proceed next

**2.3.11** Provide details about which section the project does not comply with and, if relevant, the provisions of the regional coastal plan that are applicable.

**2.3.12** Does the project include an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that would occur on land that is listed in Schedule 4 of this Act?

☐ Yes – see below ☐ No – proceed next

- a. Provide the following:
- i. identify the activity and which clause under Schedule 4 is applicable; and
  - ii. confirm whether you are seeking that the Minister make a determination under section 24, and if so, whether the determination sought relates to existing electricity infrastructure or new electricity lines and provide the

information under 2.5 Ministerial determinations under sections 23 and 24 below.

**2.3.13** Does the project involve an activity that would occur on a national reserve held under the Reserves Act 1977 and requires approval under that Act? ☐ Yes – see below ☐ No – proceed next

- a. Address the following:
- i. identify the activity and type of national reserve under the Reserves Act
  - ii. identify what approval(s) would be required under the Reserves Act.
  - iii. Confirm whether you are seeking that the Minister make a determination under section 24 and if so whether the determination sought relates to existing electricity infrastructure or new electricity lines.? If so, provide the information under 2.5 Ministerial determinations under sections 23 and 24 below

**2.3.14** Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is vested in someone other than the Crown or a local authority?

☐ Yes – see below ☐ No – proceed next

- a. Address the following:
- i. identify the activity, the reserve type under the Reserves Act, and the person in whom it is vested.
  - ii. provide evidence that written agreement has been obtained from the person in whom the reserve is vested and provide a copy of the same; or
  - iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below.

**2.3.15** Does the project involve an activity that would occur on a reserve held under the Reserves Act 1977 that is managed by someone other than the Department of Conservation or a local authority?

☐ Yes – see below ☐ No – proceed next

- a. Address the following:
- i. identify the activity, the reserve type under the Reserves Act, and the person or body who manages the reserve.
  - ii. Provide evidence that written agreement has been obtained from the person or body responsible for managing the reserve and provide a copy of the same; **or**
  - iii. advise whether it is proposed to rely on section 5(2) of the Act and provide the information under 2.3 Ineligible activity below; **or**

- iv. advise whether you consider the activity falls within the scope of section 5(5) of the Act, and provide the information under 2.3 Ineligible activity below.

**2.3.16** Does the project involve an activity that is:

- a. a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act?

☐ Yes – please explain ☐ No – proceed next

- b. described in section 15B (Discharge of harmful substances from ships or offshore installations) of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it;

☐ Yes – please explain ☐ No – proceed next

- c. prohibited by section 15C (Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area) of the Resource Management Act 1991

☐ Yes – please explain ☐ No – proceed next

**2.3.17** Does the project involve a decommissioning-related activity as described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:

☐ Yes – please explain ☐ No – proceed next

**2.3.18** Does the project involve an activity undertaken for the purposes of an offshore renewable energy project?

☐ Yes – please explain ☐ No – proceed next

## **2.4 Exemptions from requirement to provide agreement**

### **2.4.1 Mining activities under section 5(2)**

*The agreement of the relevant groups referred to under 3.5 Persons affected is not required for certain mining activities under section 5(2). If you think this might apply to your application, answer the questions below.*

**2.4.1.2** Is your application for an activity that is prospecting, exploration, mining or mining operations of Crown-owned minerals undertaken below the surface of any land or area?

☐ Yes –see below ☐ No – proceed next

**2.4.1.3** Provide details of the activity and identify the owner and occupier of the land and any relevant details concerning the land or area (such as whether it is identified Māori land)

**2.4.1.4** Explain the extent, if any to which your activity may be likely to cause any damage to the surface of the land or any loss or damage to the owner or occupier of the land.

**2.4.1.5** Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of the use and enjoyment of the land by the owner or occupier of the land.

**2.4.1.6** Explain the extent, if any to which your activity will be likely to have any prejudicial effect in respect of any possible future use of the surface of the land, and if no such effects are anticipated, please explain why.

### **2.4.2 Activities on land proposed to be the subject of a land exchange**

*The agreement of relevant groups referred to in (subsection 5(1)(a) of the Act) is not required if section 5(5) applies. If you consider this section may be relevant to your application, complete the below.*

**2.4.2.1** Is the reserve on which the activity is to occur proposed to be the subject of a land exchange?

☐ Yes ☐ No

**2.4.2.2** Is the reserve a Crown-owned reserve?

☐ Yes ☐ No

**2.4.2.3** Are the person or persons responsible for managing the reserve in place because of a Treaty settlement?

☐ Yes ☐ No

**2.4.2.4** Provide any supporting details which may be relevant for your responses to the above questions.

## **2.5 Ministerial determinations under sections 23 and 24**

*Complete this section if you wish to seek a ministerial determination under section 23 or section 24 that your project is not an ineligible activity.*

### **2.5.1 Determination in relation to linear infrastructure on Māori land under section 23**

**2.5.1.1** Is your application seeking a determination under section 23 (linear infrastructure on certain identified Māori land)

☐ Yes – see below ☐ No – proceed next

Provide the following information:

**2.5.1.2** Confirmation that the activity is the construction of electricity lines or land transport infrastructure (and identify which it is)

**2.5.1.3** Confirmation that the above construction (or operation of) will be undertaken by a network utility operator that is a requiring authority, and that that same party is the applicant for the necessary approvals, providing details of the same.

**2.5.1.4** Confirmation that the activity would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land (and identify that land)

**2.5.1.5** Provide information on the rights and interests of Māori in that land

**2.5.1.6** Provide an assessment of the effects of the activity on those Māori rights and interests and on the relevant land.

**2.5.2 Determination in relation to existing electricity infrastructure under section 24(2)**

**2.5.2.1** Is your application seeking a Ministerial determination under section 24(2) (in relation to maintenance, upgrading, or continued operation of existing electricity infrastructure on certain Schedule 4 land or in a national reserve)

☐ Yes – see below ☐ No – proceed next

Provide the following information:

**2.5.2.2** Confirmation that the activity is the maintenance, upgrading, or continued operation of existing electricity infrastructure.

**2.5.2.3** Confirmation that the activity would occur on eligible land, as defined in section 24(3).

**2.5.2.4** Advise whether the activity would materially increase the scale or adverse effects of the existing electricity infrastructure and provide an explanation of the same.

**2.5.3 Determination in relation to new electricity lines under section 24(4)**

**2.5.3.1** Is your application seeking a determination under section 24 (the construction and operation of new electricity lines on eligible land (as defined in schedule 4 excluding land classified as a national park or listed in subsections 2, 4, 5(a), 7 or 8 of that schedule)?

☐ Yes – see below ☐ No – proceed next

Provide the following information:

**2.5.3.2** Is the activity the construction and operation of new electricity lines?  
(provide any necessary details)

Would the activity occur on eligible land (and identify which category of eligible land);

**2.5.3.3** Provide the requested information for each alternative site considered for the construction and operation of the new electricity lines:

**2.5.3.4** A description of the alternative site.

**2.5.3.5** A statement of the anticipated and known financial cost of undertaking the activity on the alternative site.

**2.5.3.6** A description of the anticipated and known adverse effects of undertaking the activity on the alternative site.

**2.5.3.7** A description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity on the alternative site.

**2.5.3.8** A description of any issues (including financial cost) that would make it impractical to undertake the activity on the alternative site.

**2.5.3.9** An assessment of whether it would be reasonable and practical to undertake the activity on the alternative site, considering the matters referred to above.

## **2.6 Appropriateness for fast-track approvals process**

*Here you must explain how the project meets the referral application criteria ([section 22](#)).*

*Please consider and respond where relevant, to each question.*

*If the project is planned to proceed in stages, you must explain how each stage meets the referral application criteria.*

*If a part of the project is proposed as an alternative project, you must explain how each stage meets the referral application criteria,*

**2.6.1** The criteria for accepting a referral application is that the project is an infrastructure or development project that would have significant regional or national benefits. Explain how this project satisfies the criteria:

The Project is an infrastructure project that will have significant regional and national benefits. As noted previously, given New Zealand's evolving electricity system and decarbonisation goals, as well as a drive to grow our economy, increasing the security of electricity supply from renewable sources is a matter of national importance. The

Project will provide an immediate significant contribution to increasing the security of the electricity supply in New Zealand, through increasing access to an existing hydro storage, being renewable electricity that is available on demand, and as such, it is able to fill the gaps when solar and wind generation are low (provide firming to intermittent renewables). In addition, the Project will immediately enable access to a greater amount of hydro storage during emergency electricity events, to ensure New Zealand is adequately equipped to “keep the lights on”.

In addition, the Project will immediately contribute to:

- Increasing power generation during dry periods;
- Reducing dry period volatility;
- Reducing unnecessary spill of water; and
- Increasing renewable electricity generation from existing assets.

Lowering the allowable operating level of Lake Hāwea to 336 masl will increase energy storage from 300GWh to 370 GWh (23% increase). This increase is enough to power 10,000 homes for one year. It will also save 69,000tCO<sub>2</sub>e compared to coal fired generation.

The reduction of the minimal allowable lake level when contingent storage is required from 336 masl to 333 masl or 330 masl (subject to specified triggers) will increase the power generation periods and system security during defined low storage contingency events defined by the system operator (Transpower). This reduction in lake level to 330 masl will increase the contingent storage from 70GWh to 200 GWh (280% increase), which is enough to power 28,500 homes for one year, or approximately 100,000 homes through a dry winter, and saves 196,000tCO<sub>2</sub>e compared to coal fired generation.

The Ministry of Business, Innovation and Employment (“MBIE”) has recently released a report on electricity demand and generation scenarios. Latest Government projections are that total electricity demand will grow by between 35.3 and 82 percent by 2050, driven by industry switching from fossil fuel use to electricity (such as for space and process heating) in the short-term, and the electrification of the transport fleet through increased uptake of electric vehicles, particularly from the late 2030s.

If contingency measures, such as that provided by this Project, are unable to be brought online in a timely way, large power outages (brown and black outs) and rapidly increasing costs to industry (including major exporters) and consumers are unlikely to be tolerable; rather, New Zealand would likely increase its reliance on imported coal and may move towards importing gas to provide the required electricity supply, which would have obvious consequences in terms of carbon emissions and cost.

The Project will therefore facilitate the immediate flexible generation of a nationally significant source of electricity, crucial for the operation of New Zealand. The Project is clearly an infrastructure project with significant and immediate national and regional benefits and is therefore strongly aligned with the purpose of the FTAA (being to facilitate the delivery of such projects).



**2.6.2** Explain how referring the project to the fast-track approvals process:

**2.6.2.1** Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and

In Contact's experience, the consenting of projects related to waterways and water storage triggers wide public interest (from around New Zealand and beyond) which can often be a lengthy and challenging process. A project such as this, would likely trigger public notification, attracting submissions from a range of parties, and it is highly likely that the Project would involve a hearing process and likely appeal to the Environment Court (and potential further appeals) which would add additional time and cost to the consenting process.

The FTAA process will therefore significantly reduce the consenting timeframe for the Project (by an estimated two years) and the cost of consenting under the RMA process by:

- Having more efficient timeframes – this is considered critical if the Project is to support "turbo charging" the development of renewable generation in New Zealand and providing security to our electricity system (which New Zealand urgently needs);
- No limited or full notification of the application; and
- No appeals to the Environment Court, with appeals under the FTAA being available to the High Court on points of law only and only one further right of appeal with leave.

Based on this, the Project will benefit (and so will New Zealand) considerably through the use of the FTAA, including reducing both the time and cost associated with processing.

**2.6.2.2** Is unlikely to materially affect the efficient operation of the fast-track approvals process

As this Project seeks to provide greater operational and management flexibility of the water storage in Lake Hāwea to respond to, and enable, greater decarbonisation of the electricity system and to increase New Zealand's security of electricity supply; it is nationally significant. The Project meets the eligibility criteria and will significantly benefit from the cost and process efficiencies of the FTAA process.

Contact has commissioned the technical assessments required to support the application under the Act. The effects of the Project are largely known. The initial technical work that has been completed to date (and attached to this application) indicate that the effects of the Project can be appropriately managed.

In addition to this, the application from Contact to through the FTAA process will be of a high standard and presented with professionalism and a high-level of experience. Further, there remains plenty of scope for the use of the FTAA

process with only a limited number of projects presently in the system (referral or substantive).

As such, the Project will not negatively affect the efficient operation of the FTAA process.

**2.6.2.3** Has the project been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list?

*For example – a sector plan that specifically identifies the project including details such as location.*

☐ Yes – see below ☐ No – proceed next

a. Identify the plan, strategy or list (or any other relevant document).

The New Zealand government has set clear emissions reduction targets to contribute to the international effort to combat the effects of climate change. The Project will increase the electricity supply from renewable sources and aid New Zealand to achieve decarbonisation. The Project therefore will contribute to New Zealand achieving its climate change targets that are set out in central government policies and plans, including assisting the New Zealand Government to meet:

- The emissions reduction target established by the Climate Change Response Act 2002 of reducing New Zealand's greenhouse gas emissions (except biogenic methane) to net zero by 2050; and

- The Government has set out clear actions to address New Zealand's infrastructure deficit and energy shortage through a series of changes to national direction under the RMA. This was signalled in the press release by Chris Bishop, the Minister for Infrastructure, which noted that 'the energy system is facing complex challenges right now. The security and reliability of our electricity supply depends on bringing new generation online...' The changes signalled include amendments to the National Policy Statement for Renewable Electricity to strengthen the policy guidance that renewable energy is vital to New Zealand's prosperity. These changes will contribute towards achieving the target of doubling New Zealand's renewable generation capacity as set out in the Electrify NZ policy.

**2.6.2.4** Will the project deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure?

☐ Yes – see below ☐ No – proceed next

a. Explain how the project will deliver this.

The CHS is recognised as existing nationally significant infrastructure in the Otago Regional Policy Statement. The Project is critical to the future efficient and flexible operation of the CHS and in maximising the contribution the CHS provides to New Zealand's electricity, noting that it currently generates approximately 10% of New Zealand's electricity. With the added security to the network provided by this Project, Contact will be able to deliver additional electricity during dry periods putting downward pressure on wholesale electricity prices when they are often the highest, and increasing firming for intermittent renewable energy projects.

Additionally, the Project utilises existing infrastructure, and therefore, its significant national and regional benefits can be delivered with immediate effect once consent is granted.

**2.6.2.5** Will the project increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020). If yes, explain how the project will achieve this.

The Project does not directly contribute to the supply of housing, and is not located within an urban environment. However, the Project provides significant security to the electricity network which is critical to meeting the housing needs and to achieving a well-functioning of urban environment.

**2.6.2.6** Will the project deliver significant economic benefits, and if so, how?

The Project will generate significant economic benefits including:

- A positive impact on wholesale electricity prices - in recent years, wholesale electricity prices have risen sharply, and the future market predicts they will get higher. This is largely due to a significant increase in the cost of fossil fuels. This Project, and its ability to immediately deliver its benefits, will mean that less coal and gas is burnt and will also contribute to bringing down wholesale electricity prices, particularly when they are highest in dry winter periods.
- Given the CHS is existing, no construction is required for the Project, however, this will provide increased cost savings to the end consumer faster as the Project can be realised immediately following the granting of the consent, compared to the costs and time associated with the development of new renewable electricity generation infrastructure.
- The increased electricity generation capacity that will result from the Project will lead to enhanced environmental outcomes through reducing the reliance on non-renewable electricity sources, and as such, will contribute to mitigating the effects of climate change which will have longer-term economic benefits through avoiding the associated environmental damage that is caused by climate change.
- The Project will increase winter peaking capacity (and therefore system security), offsetting the need for thermal generation in New Zealand.

Cumulatively, the changes will allow Contact to have a larger ability to adjust its generation capacity to the most critical times for New Zealand's needs, helping to use hydro generation to backfill the space left by the retirement of thermal generation, which will in turn generate benefits to the economy.

- The Project will increase the availability of flexible renewable electricity generation, and therefore, enable the development of more intermittent (and less predictable) renewable generation systems such as solar and wind. The Project will support "turbo charging" the development of renewable generation in New Zealand. New Zealand homes and businesses expect consistent electricity supply, so intermittent generation must be complemented with flexible generation to fill in the gaps when it is not windy or sunny. As noted in Transpower's Winter 2024 outlook paper "more flexible supply and demand-side resources are needed in the market to meet the energy and capacity challenge for a reliable and efficient electricity system that supports increased electrification and decarbonisation of the economy". This is also addressed in the 2025 Transpower SOSFIP Review Issues Paper which notes that controlled hydro storage levels have fallen rapidly in 2025 to date due to record low inflows, very low wind generation and limited thermal response.

**2.6.2.7** Will the project support primary industries, including aquaculture, and if so, how?

The commercial viability of New Zealand's primary industries is underpinned by having an affordable, reliable and efficient supply of electricity. The ability of the Project to have a positive impact on wholesale electricity prices, support growth in generation and to provide security to the network supports our primary industries. Primary industries are also decarbonising with many key factories and facilities now using electricity or their generation requirements.

**2.6.2.8** Will the project support development of natural resources, including minerals and petroleum, and if so, how?

The CHS utilises a natural resource (water) to generate electricity. The Project will enable the use of this natural resource in a more efficient and reliable way to meet the electricity needs of New Zealanders. As with the primary sector the extractive sector relies on electricity for its processing and day to day operations. Without affordable, reliable and efficient supply of electricity the potential of the resources sector will not be unlocked.

**2.6.2.9** Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and if so, how?

The Project will significantly support climate change mitigation and the reduction of greenhouse gas emissions. The Project will result in an increase in the potential electricity generation capacity of the CHS, thus increasing the supply of renewable electricity to the National Grid. The Project will also contribute to increasing electricity security in New Zealand and result in a

more efficient use of the existing hydro scheme which will lead to a reduction in the reliance on thermal electricity sources.

Lowering the normal operating level of Lake Hāwea to 336 masl will result in a 23% increase in the electricity storage form Lake Hāwea (from 300GWh to 370GWh), which is sufficient electricity to power 10,000 homes for one year. This amount of electricity saves approximately 68,000tCO<sub>2</sub>e compared to coal fired generation.

In addition, the lowering of the contingent storage levels to 330 masl will increase Lake Hāwea's contingent electricity storage by up to 280% (from 70GWh to 200GWh). This is sufficient electricity to power 28,500 homes for one year (or ~100,000 homes through a dry winter) and will save approximately 196,000tCO<sub>2</sub>e compared to coal fired generation.

As noted above, given the CHS is existing infrastructure, the Project's benefits can be realised immediately, thus, reducing reliance on non-renewable electricity generation sources faster than would otherwise occur from the development of new renewable electricity generation activities.

**2.6.2.10** Will the project support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards, and if so, how?

The Project will contribute to strengthening New Zealand's resilience as it will contribute to increasing the supply of electricity to the region and the National Grid, increasing the resilience of the electricity network. This will be critical in the recovery from events caused by natural hazards. By enabling a larger operating range in Lake Hāwea, the Project will also improve the ability of the lake to manage flooding risks caused by high inflows.

**2.6.2.11** Will the project address significant environmental issues, and if so, how?

Climate change is a significant environmental issue. The Project will contribute to reducing New Zealand's reliance on non-renewable electricity generation sources, and thus, contribute to reducing greenhouse gas emissions in New Zealand and assist in New Zealand's climate change mitigation.

**2.6.2.12** Is the project consistent with local or regional planning documents, including spatial strategies, and if so, how?

The Project seeks resource consents pursuant to the Otago Regional Council planning instruments. The Otago Regional Policy Statements (operative and proposed) and the Regional Plan: Water for Otago ("Regional Water Plan") all recognise the value and importance of renewable electricity generation at a local, regional and national level. A brief assessment of the Project against the relevant planning documents is provided below.

Operative Otago Regional Policy Statement 2019 (Operative RPS):

Of most relevance to the Project, the Operative RPS recognises that renewable electricity generation activities that supply electricity to the National Grid are nationally and regionally significant infrastructure. This therefore includes the CHS. The relevant policy direction seeks to provide for renewable electricity generation activities, including promoting the efficient use of existing structures or facilities. This policy direction supports the Project which seek to enhance the efficiency of the existing CHS to provide for New Zealand's electricity needs. Further, the Project will assist in reducing the effects of climate change through assisting with New Zealand's decarbonisation, contributing to a more reliable and secure electricity system.

The CHS is existing, and thus, the existing environment is highly modified as a result. The Operative RPS seeks to maintain or enhance aquatic ecosystem health and indigenous biodiversity, and as far as practicable, the amenity and landscape values of rivers and lakes. The technical assessments that are being prepared for the Project will ensure these effects are appropriately addressed and the potential effects and mitigation measures are briefly discussed in the technical reports attached to this application.

The management of effects of the Project will be directed by the outcomes sought in the Operative RPS. This includes avoiding, remedying or mitigating adverse effects of the Project, and where residual adverse effects remain, Contact will offset and compensate for these effects. The Operative RPS provides for offsetting and compensation for indigenous biological diversity when residual adverse effects cannot be avoided, remedied or mitigated, to achieve a no net loss, and preferably, a net gain in indigenous biological diversity.

In addition, the Operative RPS seeks to ensure Kāi Tahu values, interests and customary resources are recognised and provided for. Contact recognises the relationship Kāi Tahu have with the Clutha River / Mata-Au as well as Lakes Hāwea, Dunstan and Roxburgh. Contact will continue to engage with Kāi Tahu on the Project to ensure effects of the Project on cultural values are appropriately addressed and provided for.

#### Proposed Otago Regional Policy Statement 2021 (Proposed RPS):

The Proposed Otago Regional Policy Statement 2021 provides explicit policy direction that supports the implementation of the CHS and promotes the advancement of renewable electricity generation within the Otago Region. Furthermore, LF-VM-O2 articulates the vision for the Clutha Mata-au Freshwater Management Unit, which encompasses the CHS, and directs that:

‘the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and

protected, and potential further development is provided for within this modified catchment.'

The Project is consistent with the policy direction of the Proposed RPS as it will:

- Provide effective, efficient, safe and resilient nationally significant infrastructure;
- Ensure the health and wellbeing of Otago's communities and economy is supported by renewable energy generation within the region that is safe, secure and resilient;
- Maintain and improve the security and installed capacity of renewable electricity supply in Otago;
- Support the overall reduction in New Zealand's greenhouse gas emissions and achieving the national target for emissions reduction;
- Result in an increase in the generation capacity of renewable electricity generation activities in Otago, and contribute to meeting New Zealand's national target for renewable electricity generation; and
- Provide for the operation, maintenance and upgrade of the existing CHS, including the maintenance of generation output and protection of operational capacity.

In terms of the management of effects, policy EIT-EN-P6 directs that the management of adverse effects associated with electricity generation activities shall have regard to the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or significant residual adverse effects are offset or compensated for. Contact will apply this approach to the management of effects associated with this Project and this will be informed by the technical assessments that are being undertaken.

Further, as noted above, Contact recognise the relationship Kāi Tahu has with the water bodies that form part of the CHS and is committed to ensuring the effects of the Project on these values are appropriately addressed. Contact will continue to consult with Kāi Tahu Papatipu Rūnaka on the Project and is committed to achieving a collaborative approach with Kāi Tahu Papatipu Rūnaka to address the effects of the Project on cultural values.

The above policy direction provides specific provision for the ongoing operation and upgrading of the CHS, including its resilience and the security of its generation capacity. The Project is therefore consistent with the Proposed RPS.

Regional Plan: Water for Otago - Updated 2022:

The Regional Water Plan seeks to maintain and enhance natural and human use values of lakes and rivers, enhance spiritual and cultural beliefs, protect the natural character and maintain amenity values. The Plan also seeks to limit operating levels of any controlled lake, where appropriate, to avoid or mitigate adverse effects on natural and human values, the natural character of the lake, amenity values, lake margin stability and the needs of the community. In doing this however, there is a requirement to provide for sustainable use and development of Otago's waterbodies. It is considered the Project is a sustainable use of Lake Hāwea as the CHS is existing and the Project will ensure it is being used in the most efficient way which will benefit New Zealand by providing resilience to the electricity network. Contact is undertaking engagement with relevant parties, including the Hāwea community, and commissioning technical assessments to support the assessment of effects to ensure the effects associated with the Project are appropriately addressed. As such, it is considered the Project is consistent with the Regional Water Plan.

Queenstown Lakes District Plan (Operative 2008):

The CHS is provided for by the Operative Queenstown Lakes District Plan 2008 ("the District Plan") as being within the "Hydro Generation Zone." The Plan seeks to provide for the efficient operation, maintenance, refurbishment and enhancement of established hydro generation facilities where environmental effects can be mitigated and where mitigation cannot be provided financial contributions are required. Contact is commissioning technical assessments to determine the level of effect the Project will have and is committed to working to manage or mitigate these effects. Whilst no consents for the Project are required under the District Plan, the Project is consistent with the District Plan.

Other Queenstown Lakes District Council Strategies and Plans:

The Queenstown Lakes District Council ("QLDC") has a number of strategic planning documents that outline the vision for the district. This includes the Strategic Action Plan, one goal of which is that the energy system in the District is resilient, renewable and responsive. In addition, the QLDC has prepared a draft Climate and Biodiversity Plan for 2025-2028, that is currently being consulted on with the community, and QLDC noted during consultation that this is relevant to this Project. In particular, the draft Plan notes a focus on strengthening preparedness and response to environmental risks, and progressing toward zero carbon communities, as well as the importance of enhancing energy security, ensuring equitable access to affordable, sustainable energy for generations to come.



The Project is consistent with the direction provided in these strategic planning documents, noting that it will contribute to increasing the security of electricity supply in the District, as well as the decarbonation goals. The increase in access to the water stored in Lake Hāwea will enable Contact to increase its renewable electricity generation capacity from this hydro resource, and this will subsequently benefit the electricity system, including wholesale electricity prices, making electricity more affordable for the end consumer.

## Section 3: Project details

*Remember: at this stage only a general level of detail is required, enough to inform eligibility to use the fast-track approvals process.*

For construction activities, please state the anticipated commencement and completion dates.

No construction works are required to facilitate the Project, the CHS is existing nationally significant infrastructure. The flows will be controlled by the existing infrastructure.

### 3.1 Approvals required

*Applications must specify all of the proposed approvals sought but only need to provide a general level of detail about each proposed approval, sufficient to inform the Minister's decision on the referral application.*

*For each proposed approval an applicant must be eligible to apply for any corresponding approval under a specified Act. For example, if an approval is for a notice of requirement under the RMA, the applicant for that approval would need to be a requiring authority.*

*Applications for approvals under a specified Act, as required by in [section 13\(4\)\(y\)](#), are covered below in 3.8 Specific proposed approvals.*

#### 3.1.1 Outline the approvals sought under the Resource Management Act 1991.

Due to the existing consents held by Contact to operate the CHS, the Project will involve seeking approvals for both new resource consents to provide for the proposed activities, as well as changes (variations) to the conditions of the existing resource consent held by Contact to dam Lake Hāwea. These changes are material to the implementation and delivery of the Project as they will ensure the new consents can be exercised under the specified conditions, whilst ensuring compliance with Contact's existing consents. The changes made to these conditions will solely be to ensure the existing consents provide for the activities associated with the new consents when they apply. It is proposed that the new consents authorised as part of this Project are exercised in conjunction with the existing consents held by Contact to operate the CHS. This means that during the circumstances that apply to the new consents sought, the new consents will apply to the operation of the CHS, and in all other circumstances, the existing consents will apply.

Contact is therefore seeking the following approvals for the Project under section 42 of the FTAA:

- Resource consents that would otherwise be applied for under the RMA (section 42(4)(a) of the Act);
- and

- Change or cancellation of resource consent conditions that would otherwise be applied for under the RMA (section 42(4)(b) of the Act).

The proposed activities are described in more detail below.

#### Otago Regional Council

Approval is required for a new resource consent under the Regional Water Plan for the damming of water within Lake Hāwea to permit lowering the minimum operating level of Lake Hāwea to 336 masl and to permit lowering the minimum level of Lake Hāwea when contingent storage is required to 333 masl (at 4% ERC) and to 330 masl (at 8% ERC). Consent for these activities is required under Rule 12.3.4.1 of the Regional Water Plan for the damming of water as a discretionary activity.

In addition, approval is also required to change the consent conditions of the existing consent held by Contact to dam Lake Hāwea (Condition 9 of consent 2001.383) to provide for the exercise of the new consents for the Project.

It is noted that Contact holds existing resource consents for the discharge of water from Lake Hāwea and the take of water associated with the operation of the CHS. These activities are not relevant to this application and the Project.

- |               |                                                                                                                       |     |
|---------------|-----------------------------------------------------------------------------------------------------------------------|-----|
| <b>3.1.2</b>  | Outline the approvals sought under the Conservation Act 1987                                                          | n/a |
| <b>3.1.3</b>  | Outline the approvals sought under the Reserves Act 1977                                                              | n/a |
| <b>3.1.4</b>  | Outline the approvals sought under the Wildlife Act 1953                                                              | n/a |
| <b>3.1.5</b>  | Outline the approvals sought under the National Parks Act 1980                                                        | n/a |
| <b>3.1.6</b>  | Outline the approvals sought under the Heritage New Zealand Pouhere Taonga Act 2014                                   | n/a |
| <b>3.1.7</b>  | Outline the approvals sought under the Freshwater Fisheries Regulations 1983                                          | n/a |
| <b>3.1.8</b>  | Outline the approvals sought under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 | n/a |
| <b>3.1.9</b>  | Outline the approvals sought under the Crown Minerals Act 1991                                                        | n/a |
| <b>3.1.10</b> | Outline the approvals sought under the Public Works Act 1981                                                          | n/a |

**3.1.11** *Only applicable if more than one applicant:* Provide a statement of which approvals are proposed to be held by which applicant.

n/a

**3.1.12** Where there are any particular eligibility requirements to apply for an above approval; identify what they are, who the relevant applicant is, and confirm that the relevant applicant meets those requirements (including providing any necessary supporting information or documentation to evidence this).

n/a

**3.1.13** Are there any other types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) and you consider are needed to authorise the project (including any that may be needed by someone other than you as the applicant(s)). Provide details on whether these have been obtained.

No.

## **3.2 Project stages**

**3.2.1** If the project is planned to proceed in stages, provide:

1. A statement of whether the project is planned to proceed in stages, including:
  - a. an outline of the nature, scale and timing of the stages; and
  - b. a statement of whether you intend to lodge a separate substantive application for each of the stages.
    - i. If a substantive application is intended to be lodged for each stage, address the questions under the section (Appropriateness for fast-track approvals process) for each stage of the project

The CHS is existing nationally significant infrastructure. The Project, once approved, can immediately deliver its benefits. The Project requires operational and management changes only, no new infrastructure is required. For management purposes, staging of use of the added flexibility may occur to ensure its efficient and effective implementation. The critical matter though is that the Project will enable Contact to manage the hydro resource in a responsive manner from day one. This means that its nationally significant benefits are immediately available, including to support the growth of solar and wind generation and enable economic growth for New Zealand.

In regard to the contingency storage, the new lake levels unlocked by the Project will only occur if, and when, Transpower notify Contact that the ERC has reached 4% or 8% indicating that the electricity system is under stress and the risk of an energy shortage is material. As such no staging will be required.

## **3.3 Alternative project**

**3.3.1** If the project is proposed as an alternative project, provide:

1. A statement of whether a part of the project is proposed as an alternative project in itself; and
  - a. Describe that part of the project; and
  - b. Explain how that part of the project proposed as an alternative project meets the referral assessment criteria in section 22 of the Act.

The Project is not proposed as an alternative project.

### **3.4 Adverse effects**

#### **3.4.1 Describe any anticipated and known adverse effects of the project on the environment.**

##### **Cultural Effects:**

The Project is located within the tribal rohe of Kāi Tahu and the Clutha River/Mata-au, Lake Hāwea, Lake Dunstan and Lake Roxburgh are statutory acknowledgement areas. Contact acknowledges the relationship between Kāi Tahu Papatipu Rūnaka and these waterbodies and is committed to continuing to engage with Aukaha and Te Ao Marama Inc. (on behalf of Kāi Tahu Papatipu Rūnaka) in regard to the Project to ensure effects of the Project on cultural values are appropriately addressed. Contact has commenced engagement with Kāi Tahu Papatipu Rūnaka in relation to this Project (as discussed further below) and Contact will continue to engage with Kāi Tahu Papatipu Rūnaka throughout the preparation of the substantive application.

##### **Landscape and Natural Character**

Contact has engaged Isthmus to identify the effects the Project may have on landscape and visual amenity values. This assessment was desktop based, and Isthmus will undertake a complete assessment to be submitted with the substantive application. This is included as Attachment 3 to this application.

Isthmus identified lowering the normal operating range of Lake Hāwea will have the following landscape and natural character effects:

- Increased width and depth of gravel beaches around the edge of Lake Hāwea;
- Wider beach and further distance to the water for beach users;
- Shallower beaches and potential boat access issues at the Neck and Kidds Bush Reserve Camping area;
- Less horizontal land would be exposed;
- Increase in dust generation during windy conditions; and
- Longer periods of lake refilling.

In addition, in a broad sense, Isthmus considers the natural character of the Lake will largely be maintained with the reduced operating level, noting that the wider beaches and increase in lake margins are natural elements in the wider context of the Lake and surrounding mountains. Although these may be changes to the appearance of particular areas, they do not significantly alter the natural character of the Lake in the wider context.

For the change in contingent storage levels, the effects identified above would also be applicable, however, the width of exposed gravel beach would be broader, and therefore, the associated effects would also increase. The maximum alert reduction of 6m (at 8% ERC) is expected to have considerable amenity and visual effects, particularly on the Hāwea community, from the potential increase in dust generation (during windy conditions) and prolonged reduction in lake level. However, this needs to be considered in light of the frequency of such events, noting that the 4% ERC (let alone the 8% ERC) has not been triggered since the existing consents have been in place (2007). Therefore, the occurrence of such effects is anticipated to be very infrequent and will only occur when the potential adverse effects of loss of electricity on social, cultural, economic and environmental well-being are at the highest.

The existing conditions of the consents held by Contact to operate the CHS require Contact to prepare and implement a Foreshore Landscape Management Plan for the Hāwea foreshore. This manages the effects of the CHS (including the fluctuations of water levels) on the landscape values of the foreshore area in front of the Lake Hāwea township. It is expected that the Foreshore Landscape Management Plan will continue to be used, and updated as required, to monitor and manage the effects of the new consents sought in this application.

Potential mitigation options will be investigated further as part of the substantive application. As the primary effect of the Project will be on visual amenity and boat ramp access, conversations will be undertaken with the community to inform the proposed mitigation measures. This may include improving access to the Lake, enhancing public amenities in the area, and if required, specific mitigation to properties within the Lake Hāwea township.

### Ecology Effects

Contact has engaged Greg Ryder Consulting ("Ryder") to undertake an ecological assessment of Lake Hāwea and determine the potential effects the reduction in lake level will have on ecology. This is included as Attachment 4 to this application.

Baseline assessment was undertaken that determined, although it is subjected to large and frequent (annual) fluctuations in its lake level), Lake Hāwea is considered to be in good to excellent ecological health and a standout relative to most other lakes in New Zealand. Water quality is very good and the well-recognised salmonid fisheries are in good condition and valued by the angling fraternity. Native fisheries of the Lake are not diverse, but there is no indication that they are declining, and it is likely the tuna fishery will gradually increase as a result of efforts by Contact to restock the Lake to address the adverse effects of the downstream hydro dams on upstream recruitment.

Ryder has considered the following potential effects of the Project on ecology:

- Avifauna – Birds are highly mobile fauna and any potential effects will be temporary. The existing bird community has adapted to the lake environment and lake level fluctuations over time;
- Shoreline vegetation – The lake margin is a highly modified environment and there is unlikely to be ecological change to the existing environment;

-Water quality – Ryder considers there is no reason to suggest that water quality of the lake will materially alter as a result of the Project;

- The benthic environment – The length of time for which the littoral zone is exposed will have an influence on the degree of impact on the littoral habitat. Recovery of the macrophyte community due to low lake levels could take anywhere between several months to 1-2 years, depending on refilling of the Lake and wave action. The reported depth range of the bryophyte community in Lake Hāwea (326 -311 masl) is below the bottom range of the emergency contingency storage proposed (330 masl), and therefore, is unlikely to be affected by the proposed changes. Further, there is no reason to suggest that the proposed activities will increase the presence of invasive aquatic plants. The current operating regime has been highly effective in excluding *Lagarosiphon* from becoming established in the Lake, as has occurred in Lake Wānaka. In addition, in regard to the recovery of benthic invertebrate communities following the lowering of the lake level, Ryder considers some taxa will recover on a time scale of weeks, while others may take months to reach previous abundance and composition; and

- Native fish and salmonids – Fish are mobile and able to move as water levels reduce and are therefore unlikely to get stranded. Ryder considers the native fish and salmonid populations are adaptable and any effects will be temporary. Fish will be able to recover from any potential effects associated with the lowering of the lake level. It is noted that the current lake level regime has maintained a healthy and abundant sport fishery, and Ryder considers the proposed changes are unlikely to substantially change this situation.

The extent and scale of the severity of the effects of the proposed activities on ecology are being further investigated and this will inform the mitigation measures that Contact will develop to appropriately manage the ecological effects of the Project.

#### Hydrology Effects:

Further assessment of the potential hydrology effects will be undertaken as part of a substantive application. Groundwater supplies water for domestic/drinking water consumption and agriculture activities in the Hāwea basin. The Otago Regional Council provided Contact with a report on groundwater in the Hāwea basin, which found a connection between lake and groundwater levels, with the lake being identified as a main source of recharge to the aquifer. The model suggests that lowering the level of the lake may have effects on groundwater availability in the area. Contact notes the uncertainty around the modelling identified in the report provided and intends to engage an independent expert to complete further modelling on the interaction between lake levels and groundwater in the Hāwea basin to increase understanding on this potential effect. The findings of this work, and any proposed management measures, will be addressed in the substantive application.

#### Recreational Effects:

There are a number of recreational users of the waterbodies that form part of the CHS. This includes the lakes, which are used for swimming, boating and fishing activities, particularly in the summer. Contact acknowledges the recreational value of Lake Hāwea and is committed to

ensuring any effects of the Project on recreational values are appropriately addressed. This will include engaging with the community and recreational users of the CHS to ensure that any concerns raised are carefully considered and addressed. Contact will ensure that access to the lake is maintained at all times. This may involve constructing a temporary access to the lake when contingent storage is required.

#### Dust Effects:

It is anticipated the Project may result in an increase in the generation of dust. Decreasing the normal minimum operating level of Lake Hāwea by 2m and the contingency level by up to 6m will increase the area of the lakebed that is exposed when the lake is lowered. This will potentially increase the dust that becomes airborne from wind erosion (depending on wind conditions). For the substantive application Contact will engage a specialist to complete a dust effects assessment to recommend management measures to minimise the potential effects of the proposed changes on dust. It is anticipated that there will be sufficient mitigations to manage dust effects to an appropriate level through the preparation and implementation of a Dust Management Plan.

#### Geotechnical Effects:

Lowering of the lake levels has the potential to result in geotechnical effects. Consultation with the QLDC identified the potential for slumping/subsidence near State Highway 6 (western side of the lake) when the lake levels are dropped to very low levels. It was noted that this occurred during the very low lake levels experienced in the 1970s. Whilst the proposed activities do not involve lowering the levels of the lake to the levels that occurred in the 1970s, Contact intends to commission a geotechnical assessment to identify any potential effects associated with the lowering of the lake. Details of the findings of this assessment, and any recommended management measures, will be outlined in the substantive application.

#### Conclusion:

Contact has commissioned a number of detailed technical assessments to address the above effects which are currently being undertaken and will further inform the substantive application. These will also outline the appropriate management measures to avoid, remedy and mitigate, and where required, offset and compensate for, any potential adverse effects associated with the Project.

**3.4.2** Provide a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991, and identify the relevant prohibited activity provision.

No activities involved in the Project are prohibited activities under the RMA.

### **3.5 Persons affected**

**3.5.1** Provide a list of the persons, groups and/or entities who you consider are likely to be affected by the project.

*The list should include, as relevant, local authorities, relevant Māori groups (as set out at section 13(4)(j)(ii)-(vii) of the Fast-track Approvals Act 2024), persons with a registered interest in land that may need to be acquired under the Public Works Act 198; and if the project includes a land exchange, the holder of an interest in the land that is to be exchanged by the Crown (see Consultation requirements for referral application).*

Contact considers the following persons, groups and entities are likely to be affected by the Project:

- Otago Regional Council;
- Queenstown Lakes District Council; and
- Te Rūnanga o Ngāi Tahu, including Aukaha and Te Ao Marama Inc (who acts on behalf of Kāi Tahu Papatipu Rūnaka on resource management and environmental matters).

**3.5.2** Provide a summary of any consultation undertaken with the above persons and/or groups who you consider are likely to be affected by the project, and any other groups required to be consulted with under section 11 of the Act, **and** how the consultation has informed the project.

Contact is committed to engaging meaningfully with the above parties in relation to the Project. As a result of the feedback received to date, Contact has increased the scope of technical investigations to be undertaken as a part of the substantive application for this Project, including more detailed hydrology investigations (especially with respect to the correlation between lake levels and groundwater levels), the potential for geotechnical issues along the western side of the Lake, and to undertake visualisations of culturally important sites that will be identified by Te Rūnanga o Ngāi Tahu.

Contact has undertaken consultation in accordance with section 11 of the FTAA and is committed to continuing to engage with these parties throughout the FTAA consenting process and build on the existing relationships Contact has established with these parties. The below outlines this 'mandatory' FTAA consultation and how this has informed the Project.

Te Rūnanga o Ngāi Tahu (as the relevant iwi authorities and Treaty settlement entity):

Contact is currently consulting with Te Rūnanga o Ngāi Tahu on the Project and have an agreement to continue consulting throughout the application process. A Project introduction was presented to Te Rūnanga o Ngāi Tahu on April 17, with a follow up more detailed presentation and question and answer session on April 22. Feedback has included a request for visualisation of selected sights at different lake levels and a peer review process for technical reports developed as a part of the substantive application. Contact provided Te Rūnanga o Ngāi Tahu with a copy of the draft referral application and ecology report. Te Rūnanga o Ngāi Tahu has subsequently provided Contact with a letter outlining the consultation that has been undertaken and the intention for further ongoing consultation to occur in relation to the substantive application (Attachment 5).

Otago Regional Council (as a relevant local authority for the Otago Region):



A pre-application meeting was held with the Otago Regional Council (“ORC”) on May 12 2025, where the Project was described including potential effects. ORC was furnished with a copy of the presentation and a copy of the commissioner’s decision of the current CHS consents, as well as information regarding contingent storage and electricity risk curves. ORC provided a response to the meeting with contributions from 18 staff members which highlighted likely effects to be investigated including hydrology. Contact subsequently provided ORC with a draft of the referral application and ecology report for further comment. ORC provided further comments to Contact, which included comments from the Science, Resource Consents, Strategy and Compliance Teams. Contact appreciates the comments received and these have helped identify the technical assessments that Contact will commission for the substantive application to ensure the potential effects that have been identified are fully addressed, as well as the relevant regional policy direction.

Queenstown Lakes District Council (as a relevant local authority for the Queenstown Lakes District):

Contact has consulted with the Queenstown Lakes District Council (“QLDC”), outlining the Project and its intention to submit a referral application to seek eligibility under the FTAA. A pre-application meeting was held with the QLDC on June 4 2025, where the Project was described including potential effects. QLDC highlighted the potential for geotechnical issues at very low lake levels based on issues experienced in 1976 and 1977 when the lake level was dropped to 327masl (well below what is proposed by the Project). In addition, QLDC noted the consistency of the Project with its strategic planning documents (the Climate and Biodiversity Plan (2025-2028) in particular), and these have been addressed in this application. Contact subsequently provided QLDC with a draft of the referral application and ecology report for further comment. QLDC have provided Contact with further information on the capacity of the Scott’s Beach borefield to address in the substantive application, as well as identifying potential effects associated with the boat ramp, jetty and swimming platform at Lake Hāwea. Contact intends on having contingency plans in place to ensure access to these structures is maintained

Ministry for the Environment (as the administering authority for the RMA):

Contact has consulted with the Ministry for the Environment, outlining the Project and its intention to submit a referral application to seek eligibility under the FTAA. Contact received a letter from the Ministry for the Environment which helpfully confirmed the relevant national policy statements and national environmental standards that Contact will carefully revisit and consider in its substantive application.

**3.5.3** List any Treaty settlements that apply to the project area and provide a summary of the relevant principles and provisions in those settlements.

There is one relevant treaty settlement that applies to the geographical location of the Project, being the Ngāi Tahu Claims Settlement Act 1998. This Act reflects the

deed of settlement in which the Crown acknowledged that Ngāi Tahu suffered grave injustices which significantly impaired Ngāi Tahu's economic, social and cultural development and which recorded the matters required to give effect to a settlement of all of Ngāi Tahu's historical claims.

The Ngāi Tahu settlement includes:

- An apology from the Crown;
- Redress in respect of Aoraki/Mount Cook;
- Cultural redress;
- Commercial/economic redress; and
- Non-tribal redress.

The Crown apology recognised Ngāi Tahu as "the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui."

#### Taonga Species

In the Treaty settlement the Crown acknowledges the cultural, spiritual, historic and/or traditional association of Ngāi Tahu with each of the taonga species, and taonga fish species. Some of the species identified within Lake Hāwea are taonga fish species under the settlement. Contact will work closely with Te Rūnanga o Ngāi Tahu to ensure any effects on taonga fish species are appropriately addressed.

#### Recognition of Mana

Ngāi Tahu's mana is recognised in the Treaty settlement through statutory acknowledgements, deeds of recognition, Tōpuni and place names.

A statutory acknowledgement is an acknowledgement by the Crown of Te Rūnanga o Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with a site or area. Statutory acknowledgements recognise the mana of Ngāi Tahu over a range of sites and areas in the takiwā and have implications for processes under the RMA and the Heritage New Zealand Pouhere Taonga Act.

Of relevance to the Project, the Clutha River / Mata-Au, of which the CHS is located on, is a statutory acknowledgment area (Schedule 40). In addition, Lake Hāwea (Schedule 30), Te Wairere / Lake Dunstan (Schedule 61) and Kā Moana Haehae / Lake Roxburgh (Schedule 22) are statutory acknowledgement areas.

- 3.5.4** If relevant, detail any principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 that would be invoked by the project and identify which aspects of the application trigger or otherwise invoke these requirements.

Not relevant to the Project.

- 3.5.5** Will the project be located on land returned under a Treaty settlement?

☐ Yes – see below ☐ No – proceed next

**3.5.6** Provide evidence of written agreement by the owners of the land returned.

The Project will not be located on land returned under a Treaty settlement.

**3.5.7** Describe any processes already undertaken under the Public Works Act 1981 in relation to the project:

No processes have been undertaken under the Public Works Act 1981 in relation to the Project.

**3.5.8** Provide information identifying any parcels of Māori land, marae, or identified wāhi tapu within the project area:

Contact acknowledge Kā Papatipu Rūnaka relationship with the landscape and the enshrined concept of kaitiakitaka. With this, Kā Papatipu Rūnaka's connection to landscape is not bound only to discrete 'Wāhi Tapu', but to the landscape in its entirety as 'Wahi Tupuna'. This is articulated in Chapter 39 of the Queenstown Lakes District Plan.

There are no parcels of Māori land, marae or other identified wāhi tapu within the Project Site.

### **3.6 Legal interests**

**3.6.1** Provide a description of any legal interests you or any others applying, have in the land on which the project will occur, including a statement of how that affects your ability to undertake the work.

Contact has all the legal interests (either freehold land it owns or in the form of easements over land subject to its operations) required to undertake the activities for the Project immediately. Therefore, there are no land and/or legal interests that would impede its ability to implement the Project immediately.

### **3.7 Other matters**

**3.7.1** Have any activities included in the project, or any that are substantially the same as those involved in the project, previously been the subject of an application or a decision under a specified Act?

Please note the term 'application' includes a notice of requirement and any other means by which a decision may be sought under a specified Act.

☐ Yes – see below ☐ No – proceed next

**3.7.2** If an application has been made, provide details of the application.

**3.7.3** If a decision has been made, also provide the outcome of the decision and the reasons for it.

**3.7.4** Provide a description of whether and how the project would be affected by climate change and natural hazards:

The Project will significantly support climate change mitigation and the reduction of greenhouse gas emissions. The Project will support the delivery of other renewable electricity projects. The Project will also result in an increase in the potential electricity generation capacity of the CHS, thus, increasing the supply of renewable electricity to the National Grid. This will result in a more efficient use of the existing hydro scheme and will lead to a reduction in the reliance on thermal electricity sources. Given the CHS is existing infrastructure, the Project can be realised immediately, thus, reducing reliance on non-renewable electricity generation sources faster than would otherwise occur from the development of new renewable electricity generation activities. This is consistent with the national policy direction and the Electrify NZ policy.

*Provide the additional details requested below as relevant to your application.*

### **3.8 Specific proposed approvals**

#### **3.8.1 Approvals under the Resource Management Act 1991**

##### **3.8.1.1 Resource consents**

If your application is seeking a consent for an activity that would otherwise be applied for under the Resource Management Act 1991, including an activity that is prohibited under the Act, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.

National Policy Statement for Renewable Electricity Generation ("NPS-REG"):

The sole objective of the NPS-REG is:

'To recognise the national significance of renewable electricity generation by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generation from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.'

In accordance with the above objective, Policy A of the NPS-REG seeks to ensure that decision-makers recognise and provide for the national significance of renewable electricity generation activities, including by maintaining or increasing electricity generation capacity and the security of electricity supply at local, regional and national levels. Further, Policy C1 of the NPS-REG addresses the reality that renewable resources must be utilised where they are found. The policy recognises the inevitable

'environmental trade-offs' that must be incurred when achieving the national renewable electricity targets.

The Project is supported by the policy direction of the NPS-REG given it will result in an increase in the security of electricity supply in New Zealand. New Zealand's electricity system is evolving with the increase in intermittent renewable electricity generation (i.e. wind and solar) and the retirement of thermal generation, in order to meet New Zealand's decarbonisation goals. As such, the role of hydroelectricity generation in the electricity market is becoming increasingly important, in that New Zealand's hydro assets can operate flexibly to play the role of balancing supply and demand in real time, which intermittent sources cannot do. The CHS is existing nationally significant infrastructure and provides 10% of New Zealand's electricity. The Project will increase the security of electricity supply by enabling Contact to access additional water storage during times when electricity needs to be generated to meet the needs of New Zealanders and keep the lights on.

No construction is required for the Project, and therefore, the Project's benefits can be realised immediately following the granting of this consent.

The Project is consistent with, and supported by, the NPS-REG.

National Policy Statement for Freshwater Management ("NPS FW"):

The NPS-FM sets out the objectives and policies that direct local authorities to manage water in an integrated and sustainable way, while providing for economic growth within set water quantity and quality limits.

Central to the NPS-FM is the concept of Te Mana o te Wai, which is defined as:

'a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.'

The objective of the NPS-FM is:

'...to ensure that natural and physical resources are managed in a way that prioritises:

- a) first, the health and well-being of water bodies and freshwater ecosystems
- b) second, the health needs of people (such as drinking water)
- c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.'

In addition, the following policies are relevant to the Project:

Policy 1: Freshwater is managed in a way that gives effects to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

In considering the Project against the above provisions, the following is noted:

- The Project will ensure appropriate controls are in place to maintain the health and wellbeing of the waterbodies;
- Electricity is a fundamental requirement for modern homes and communities and Contact, as an entity that generates electricity for distribution through a network, is defined as a 'lifeline utility' under Part B of Schedule 1 of the Civil Defence Emergency Management Act 2002, and as such, the Project will contribute to the health needs of people;
- The Project is seeking to increase the security of electricity supply to provide for the electricity needs of New Zealand. This will enable people and communities to provide for their social, economic and cultural wellbeing, now and in the future;

- Contact has engaged with mana whenua in relation to the Project and understands that maintaining the quality of freshwater bodies and habitats is important to preserving the cultural values associated with these environments. Contact will continue engagement with mana whenua throughout the Fast-track process to ensure cultural values are addressed in an appropriate and meaningful way;
- Contact will apply the effects management hierarchy to the management of effects associated with the Project on the values of the affected waterbodies. Where adverse effects cannot be practicably avoided, Contact will ensure these effects are minimised, remedied and/or appropriately offset and compensated to the extent that is practicable and in accordance with the advice from technical experts. That approach is available and consistent with the NPS-FM as the CHS is 'specified infrastructure' for the purposes of clause 3.21 and 3.24 of the NPS-FM;
- Contact has engaged a number of technical experts to undertake effects assessments for the Project, including on freshwater ecology, landscape and amenity values and hydrology, and this will inform the effects management measures that Contact will implement to address actual and potential environmental effects that arise from the proposed condition changes; and
- The CHS is already in existence, and the natural characteristics of the catchment area have undergone significant modification. Consequently, it is appropriate to enhance its operational efficiency in consideration of this existing altered condition, particularly when evaluated against alternative greenfield dam or storage options.

In addition, of relevance to the Project is clause 3.31 of the NPS-FM (Large hydro-electric generation schemes) which specifically recognises the 'Big 5' hydro schemes in New Zealand and includes the CHS. Clause 3.31(2) states that when implementing any part of the NPS-FM as it applies to a Freshwater Management Unit ("FMU") or part of a FMU affected by a Scheme, a regional council must have regard to the Scheme's national importance in respect of greenhouse gas emission targets, maintaining security of electricity supply and generation capacity, storage, and operational flexibility. The site is located in the Clutha Mata-au FMU, as identified in the Proposed RPS, and as discussed further below, the Project is consistent with and supported by the policy direction in the Proposed RPS, which provides for and recognises the national significance of the ongoing operation, maintenance and upgrading of the CHS, including that its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and protected, and potential further development is provided for within this modified catchment.

For the reasons detailed above, the Project is consistent with the NPS-FM.

National Policy Statement for Indigenous Biodiversity ("NPS-IB"):

The proposed changes to the contingency and emergency levels of Lake Hāwea will facilitate the security and efficiency of a renewable electricity generation asset and activity, as such the NPS-IB does not apply to any parts of this activity, and the proposal does not need to be assessed against the provisions of the NPS-IB.

National Policy Statement for Highly Productive Land ("NPS-HPL"):

The land subject to the Project is not Highly Productive Land as such the National Policy Statement for Highly Productive Land is not applicable.

National Environmental Standards for Freshwater ("NES-FW"):

The NES-FW regulates activities that pose risks to the health of freshwater and freshwater ecosystems. There are no relevant rules within the NES-FW applicable to the proposal.

National Environmental Standards for Electricity Transmission Activities ("NES-ETA"):

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 only apply to existing high voltage electricity transmission lines. Therefore, these standards do not apply to the proposed activity.'

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES-CS"):

The NES-CS outlines the standards relating to the disturbance of soil at sites that are potentially contaminated as such do not apply to the proposal.

National Environmental Standards for Air Quality ("NES-AQ"):

The NES-AQ came into effect on 1 June 2011 and contains standards which set a guaranteed minimum level of health protection for people living in New Zealand, particularly in relation to discharges within urban airsheds. No resource consent for the Project is required under these Regulations, however, Contact will ensure that the management of dust associated with the proposal is appropriately managed.



- Information on whether, to the best of your knowledge, there are any existing resource consents relevant to the project site to which RMA section 124C(1)(c) (existing consent would need to expire to enable the approval to be exercised) or RMA section 165Z1 (space already occupied by the holder of an aquaculture permit) would apply if the approval were to be applied for as a resource consent under that Act

#### **3.8.1.2** *Resource consents where the project includes standard freshwater fisheries activities*

If your application is seeking a resource consent and your project includes a standard freshwater fisheries activity, provide the information requested below:

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.
- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

#### **3.8.1.3** *Designations*

If your application is seeking a designation or an alteration to an existing designation for which a notice of requirement would otherwise be lodged under the Resource Management Act 1991, provide the information below:

- An assessment of the project against any relevant national policy statement, any relevant national environmental standards, or, if relevant, the New Zealand Coastal Policy Statement.

#### **3.8.1.4** *Designations where the project includes a standard freshwater fisheries activity*

If your application is seeking a designation or an alteration to an existing designation and your project includes a standard freshwater fisheries activity, provide the information requested below:

- If an in-stream structure is proposed (including formal notification of any dam or diversion structure), provide a description of the extent to which this may impede fish passage.
- Indicate whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

#### **3.8.1.5** *Change or cancelation of conditions*

If your application is seeking a change or cancellation of resource consent condition that would otherwise be applied for under the Resource Management Act 1991, provide:

- Information about whether the change or cancellation of the condition is material to the implementation or delivery of the project.

Contact currently holds resource consents for damming Lake Hāwea, which allow for the operation of the CHS. These consents specify the minimum allowable lake level and provide for a smaller amount of contingency storage. Consequently, changes to the conditions of the existing resource consents are needed to ensure they align with the new consents and do not conflict with them. These changes are essential for implementing and delivering the Project because they will allow the new consents to be exercised under the specified conditions while ensuring compliance with Contact's existing consents. Therefore, these adjustments will be processed as variations simultaneously with the new operating and lake level limits consents that are being sought through the FTAA.

#### **3.8.1.6 Certificates of compliance**

If your application is seeking a certificate of compliance that would otherwise be applied for under the Resource Management Act 1991, provide:

information that demonstrates the activity that the certificate of compliance is intended to cover can be done lawfully in the location without a resource consent.

### **3.8.2 Approvals relating to Conservation Act 1987, Reserves Act 1977, Wildlife Act 1953, and National Parks Act 1980**

#### **3.8.2.1 Concessions**

For applications seeking a concession that include a lease, answer the following:

- Will the lease be for a term (including any renewals that will, or is likely to, be more than 50 years)?  
☐ Yes – see below ☐ No – proceed next
- Will the granting of the lease trigger a right of first refusal or a right of offer or return?  
☐ Yes – see below ☐ No – proceed next
- If you answered yes to both a. and b. above, provide evidence that the applicant has written agreement from the holder(s) of the right of first refusal or right of offer or return to waive that right for the purposes of the proposed lease.

#### **3.8.2.2 Land exchanges**

For applications seeking an approval for a land exchange involving conservation land, provide the details below:

- A description of both land areas proposed for exchange (for example, maps showing areas and location, addresses and legal descriptions where possible)

- The financial value of the land proposed to be acquired by the Crown
- A brief description of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate.
- If the land exchange would trigger a right of first refusal or a right of offer or return, provide evidence that the applicant has written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purpose of the land exchange
- Provide sufficient detail in respect of both land areas to confirm that no part of any land to be exchanged by the Crown is land listed in Schedule 4 or a reserve declared to be a national reserve under section 13 of the Reserves Act 1977.

### **3.8.3 Approvals relating to complex Freshwater Fisheries activities**

If your application is seeking an approval or 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 provide the information requested below:

- Whether an in-stream structure is proposed (including formal notification of any dam or diversion structure), and a description of the extent to which this may impede fish passage.
- Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.

### **3.8.4 Approvals relating to Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

If your application is seeking a marine consent that would otherwise be applied for under the Exclusive Economic Zone and Continental Shelf Act 2012, provide the information requested below:

- Any information relating to whether the Minister for Conservation is an affected person.
- If the applicant or the proposed holder of the marine consent has already applied for a consent under the EEZ Act in relation to the project, provide:
  - Details of any application made;
  - An explanation of any decisions made on that application; and
  - Any information that Minister may consider under section 22(6) (comparison of activity against current or likely use of the area).

- Additional information (in a summary form) about compliance or enforcement action taken against the applicant or the person who is identified in the application as the proposed holder of the marine consent by the EPA under the EEZ Act.

### **3.8.5 Approvals relating to Crown Minerals Act 1991**

#### ***3.8.5.1 Access arrangements***

For an approval for an access arrangement that would otherwise be applied for under section 61 or 61B of the Crown Minerals Act 1991, provide:

- Information that confirms the applicant or the person identified in the application as the proposed holder of the access arrangement complies with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act) including;
  - Evidence that the applicant or person has provided each owner and occupier of the relevant land a notice in writing of their intention to obtain an access arrangement; and
  - Evidence that the notice complies with the requirements in section 59(2) of the Crown Minerals Act, and any matters required by regulations. =

#### ***3.8.5.2 Mining permits***

For an approval for a mining permit that would otherwise be applied for under section 23A of the Crown Minerals Act 1991, provide the information requested below:

- A copy of the relevant exploration permit or existing privilege to be exchanged for a mining permit that entitles the holder to mine a Crown-owned mineral.
- The name and contact details of the proposed permit participants and the proposed permit operator.
- A proposed work programme for the proposed permit, which may comprise committed work, committed or contingent work, or both.
- Evidence of the technical or financial capability of the proposed permit holder to comply with and give proper effect to the work programme.
- Information about the proposed permit holder's history of compliance with mining or similar permits and their conditions.
- The proposed date on which the substantive application is intended to be lodged (if your referral application is accepted) in accordance with section 42(11).

- If the authorised person proposes to provide information under section 37 (to the relevant chief executive), the date on which the person intends to provide that information.
- The proposed duration of the permit.

### **3.8.5.3 Mining permits for petroleum**

If the proposed approvals include a mining permit for petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.
- The resources and reserves relating to the project, estimated in accordance with the Petroleum Resources Management System.
- A high-level overview of the following:
  - the proposed field development plan;
  - the proposed date for the commencement of petroleum production;
  - the economic model for the project;
  - the proposed duration of the proposed mining permit and;
  - decommissioning plans.

### **3.8.5.4 Mining permits for minerals other than petroleum**

If the proposed approvals include a mining permit for minerals other than petroleum, provide:

- A map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be the same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates.
- For minerals other than gold or silver, a report or statement confirming the ownership of the minerals targeted
- Information on whether the application will be for a Tier 1 or Tier 2 permit.
- An estimate of the mineral resources and reserves relating to the project, including a summary on acquisition of the data and the data underpinning the estimate (such as information on sample locations, grade, and geology). For a Tier 1 permit application the resources and reserves relating to the project are to be estimated in accordance with a recognised reporting code such as JORC or NI 43-101.
- An indicative mine plan.

- A high-level overview of the following:
  - the proposed mining method;
  - the proposed date for the commencement of mining and estimated annual production;
  - the economic model for the project;
  - the status of or anticipated timing for completing any pre-feasibility or feasibility studies;
  - the proposed methods for processing mined material and handling and treating waste and; ○ anticipated plans for mine closure and rehabilitation.

## Section 4: Authorisation

To the best of my knowledge, the information contained in this application is true and correct.

- ☐ I confirm that I am authorised to make this application.
- ☐ I have provided a copy of the application with all contact details redacted.
- ☐ I understand that all actual and reasonable costs incurred in relation to this application by MfE, EPA and other central and local government agencies will be recovered from me in accordance with section 104 of the Act, and the Fast-track Approvals Cost Recovery Regulations 2025.

**Signature:**

**Date:**

**Name:**

## Section 5: Attachments

List any documents submitted with the application.

- *Remember: include a copy of your application with all contact details redacted.*

| Attachment number | Document name | Author | Document version |
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track Approvals Referral Application Form

| Attachment number | Document name | Author | Document version |
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track Approvals Referral Application Form

## Referral application checklist

Use this checklist to confirm you have completed all sections of the referral application form.

|                                                                                       |                          |
|---------------------------------------------------------------------------------------|--------------------------|
| <b>Section 1: Applicant details</b>                                                   | <input type="checkbox"/> |
| 1.2 & 1.3 Agent's evidence of authority to represent the applicant(s) - if applicable | <input type="checkbox"/> |
| 1.4 Compliance and enforcement history                                                | <input type="checkbox"/> |
| <b>Section 2: Referral application summary</b>                                        | <input type="checkbox"/> |
| 2.1 Project name                                                                      | <input type="checkbox"/> |

|                                                         |                          |
|---------------------------------------------------------|--------------------------|
| 2.2 Project description and location                    | <input type="checkbox"/> |
| 2.3 Ineligible activity                                 | <input type="checkbox"/> |
| 2.4 Exemptions from requirement to provide agreement    | <input type="checkbox"/> |
| 2.5 Ministerial determinations under sections 23 and 24 | <input type="checkbox"/> |
| 2.6 Appropriateness for fast-track approvals process    | <input type="checkbox"/> |
| <b>Section 3: Project details</b>                       | <input type="checkbox"/> |
| 3.1 Approvals required                                  | <input type="checkbox"/> |
| 3.2 Project stages                                      | <input type="checkbox"/> |
| 3.3 Alternative project                                 | <input type="checkbox"/> |
| 3.4 Adverse effects                                     | <input type="checkbox"/> |
| 3.5 Persons affected                                    | <input type="checkbox"/> |
| 3.6 Legal interest                                      | <input type="checkbox"/> |
| 3.7 Other matters                                       | <input type="checkbox"/> |
| 3.8 Specific proposed approvals                         | <input type="checkbox"/> |
| <b>Section 4: Authorisation</b>                         | <input type="checkbox"/> |
| <b>Section 5: Attachments</b>                           | <input type="checkbox"/> |

track Approvals Referral Application Form