

In Confidence

Office of the Minister for the Environment

Chair, Cabinet

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 (the Amendment Order).
2. The Amendment Order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 to include as projects referred to an expert consenting panel (panel):
 - 2.1 Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project (Schedule 14)
 - 2.2 Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu (Schedule 15)

Executive Summary

3. The COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA) is one of the Government's actions to support New Zealand's economic recovery from COVID-19. The FTCA enables any person to apply to the Minister for the Environment (the Minister) to access the fast-track process for their project. If the Minister accepts an application, it is referred by Order in Council allowing an applicant to lodge, via the Environmental Protection Authority (EPA), a resource consent application or notice of requirement for a designation with a panel for consideration.
4. This paper seeks authorisation to fast-track two projects by referring them to a panel. The projects are from:
 - 4.1 Hiringa Energy Limited and Ballance Agri-Nutrients Limited
 - 4.2 Minister of Health and Ministry of Health
5. I have considered the reports prepared under section 17 of the FTCA, whether these projects help achieve the purpose of the FTCA, and I sought written comments from relevant Ministers, Minister for Economic and Regional Development, Minister for Māori Development, Minister of Energy and Resources, Minister for Rural Communities, Minister for Trade and Export Growth, local authorities, Te Korowai o Ngāruahine Trust, Ngāti Tū, Ngāti Manuhakai, Transpower NZ Ltd, Powerco Ltd, Nova Energy Ltd and Waka Kotahi New Zealand Transport Agency. I have also requested and considered further information from the applicants.

6. I have accepted Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project for referral as it has the potential to:
- 6.1 generate employment by the creation of an average of 40 Full-Time Equivalent (FTE) jobs over an 18-month period covering engineering, design and construction
 - 6.2 provide infrastructure that will contribute to improving economic and employment outcomes
 - 6.3 assist to improve environmental outcomes for air quality by lowering the level of emissions generated from combustion of natural gas at the Ballance Kapuni Plant
 - 6.4 assist to improve environmental outcomes for air quality and assist New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (subject to a successful future transition to the use of the green hydrogen as a fuel in the transport sector).
7. I have accepted Minister of Health and Ministry of Health's, New Dunedin Hospital - Whakatuputupu Project for referral as it has the potential to:
- 7.1 have positive effects on the social and cultural well-being of current and future generations
 - 7.2 provide infrastructure to improve economic, employment and environmental outcomes, including the health and well-being of people and communities in the Otago-Southland region
 - 7.3 generate employment via up to 827 FTE construction and design jobs, indirect jobs and associated housing demand for new workers in the Otago and Southland region
 - 7.4 provide short-term and longer-term economic benefits for people and industries affected by COVID-19 including the construction workforce and those living and working in the region.
8. I consider that both projects will help to achieve the purpose of the FTCA and any adverse effects and mitigation measures can be considered and determined by a panel having regard to Part 2 of the Resource Management Act 1991 (RMA) and the purpose of the FTCA. Both projects will be able to progress faster using the processes provided by the FTCA than if consents were sought through standard RMA processes.
9. I now seek authorisation for submission of the Amendment Order to the Executive Council. The Amendment Order enables:
- 9.1 Hiringa Energy Limited and Ballance Agri-Nutrients Limited
 - 9.2 Minister of Health and Ministry of Health
- to apply via the EPA to a panel for the relevant approvals in accordance with the process in the FTCA.

Background

10. The FTCA enables any person to apply to the Minister to fast-track a resource consent application or notice of requirement for their project. If the Minister accepts a referral application, the associated project is referred by Order in Council allowing an applicant to

lodge a resource consent application or notice of requirement for a designation with a panel for consideration. A diagram of the fast-track process is provided in Appendix one.

11. As of 15 March 2021, I have received 38 applications for projects to be considered for referral to a panel through an Order in Council, of which:
 - 11.1 twelve applications have been referred and Orders in Council gazetted. A list of the applications is provided in Appendix two
 - 11.2 four applications have been approved for referral. The Kapuni Green Hydrogen Project and New Dunedin Hospital - Whakatuputupu applications are the subject of this cabinet paper. Summerset Retirement Village – Waikanae and Faringdon South West and South East Development are the subject of a subsequent cabinet paper
 - 11.3 ten applications have been declined for a range of reasons including that they do not meet the purpose of the FTCA and it would be more appropriate for them to go through the standard consenting process under the RMA
 - 11.4 three applications have been withdrawn
 - 11.5 nine applications are still being processed.
12. Three referred projects are now lodged with the EPA and are either under consideration by a panel or soon to be. The Projects are Kohimarama Comprehensive Care Retirement Village, The Vines Affordable Subdivision and Northbrook Wanaka Retirement Village. Invitations to comment have closed for the two listed projects (Queenstown Arterials and Waitohi Picton Ferry Precinct Redevelopment), currently under consideration by panels. An update on the specific projects that are listed under the FTCA is provided in a table in Appendix three.

Project for referral: Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project

13. Hiringa Energy Limited and Ballance Agri-Nutrients Limited have applied to use the fast-track consenting process for the Kapuni Green Hydrogen Project. This Project is to construct and operate a renewable hydrogen hub involving the generation of renewable electricity to provide baseload power to the Ballance Kapuni ammonia-urea plant, and to produce green hydrogen¹ from water via electrolysis at the plant. The resulting green hydrogen will be used as follows:
 - 13.1 Initially 100% by the Ballance Kapuni Plant by being combined with atmospheric nitrogen to produce green urea
 - 13.2 Transition over a 10-year period to approximately 90% usage as a fuel for the transport sector, as the hydrogen transport market develops.
14. The Project site for the wind turbines is located at 271 – 359 Kokiri Road, Kapuni, Taranaki, and the electrolysis plant and hydrogen production infrastructure are located at 309 Palmer Road, Kapuni, Taranaki. Two options proposed for underground electricity cable alignment are located between the two sites.


¹ 'Green hydrogen' is a term used to describe low carbon derived hydrogen. It is produced by splitting water molecules into the constituent elements of hydrogen and oxygen, using renewable electricity (in this case via wind generation) to power an electrolyser.

15. Under standard RMA processes this Project would require land use consent from South Taranaki District Council (STDC) and land use consent from Taranaki Regional Council (TRC).
16. To better understand the environmental effects, job creation potential and investment certainty of this Project, I sought further information from Hiringa Energy Limited and Ballance Agri-Nutrients Limited under section 22 of the FTCA.

Comments received

17. In accordance with section 21 of the FTCA, I sought written comments on this application from relevant Ministers and the local authorities, along with the Minister for Economic and Regional Development, Minister for Māori Development, Minister of Energy and Resources, Minister for Rural Communities, Minister for Trade and Export Growth, Te Korowai o Ngāruahine Trust, Ngāti Tū, Ngāti Manuhiakai, Transpower NZ Ltd, Powerco Ltd and Nova Energy Ltd. A summary of responses received is noted below.

s 9(2)(f)(ii), s 9(2)(g)(i)



23. South Taranaki District Council (STDC), in its capacity as a consent authority, was supportive of the Project being referred to a panel and acknowledged the benefits including assisting to transition to a low-emissions economy, increasing employment and positively contributing to the local economy. STDC highlighted a range of technical reports that should accompany consent applications to a panel and considered the most significant issues to be cumulative impacts in a high hazard area (the Ballance Kapuni site) and visual impacts. STDC noted that the Ballance Kapuni site may require a review of the petroleum activity risk contours and a revision of the concept plan for the Ballance Kapuni site contained in the South Taranaki District Plan. STDC also commented that a resource consent application for the Project would be publicly notified if it were made under standard RMA processes, however they considered that the FTCA provides an appropriate level of community input.
24. Comments were received from Taranaki Regional Council (TRC) which was supportive of the Project proceeding through the fast-track process, citing the regional and national benefits. Given the minor nature of the regional consent component TRC noted that the regional resource consent application could equally be processed under standard RMA processes as a non-notified consent.
25. Te Korowai o Ngāruahine Trust supported the Project in principle but noted the following:
 - 25.1 concerns regarding potential visual, noise and flicker effects on marae and kura within the rohe of Ngāruahine
 - 25.2 concern over the use of water from the Waingongoro River. Even if there is an existing consent, the river is under allocation pressure and the preference would be for water rights to be relinquished and an alternative water source to be used
 - 25.3 that the fast-track process may not provide for adequate consideration of the community where many have a connection to the maunga, and may also be affected by flicker from the turbines
 - 25.4 that all hapū of Ngāruahine should be involved in the process
 - 25.5 concerns about the potential breadth of impact of the proposal on the landscape, and the potential pushback from the community if the RMA process is not followed and community notification is not undertaken.
26. Transpower NZ Ltd supported the application for referral and was not aware of any reason for it to be declined. Transpower noted in particular that provided appropriate management occurs, including time to manage any thermal constraints, the Project would not be inconsistent with policy 10 (in particular) of the National Policy Statement on Electricity Transmission.
27. Powerco Ltd was neutral on whether the Project should be referred. Powerco Ltd noted that no formal agreement was in place for connection to their network and that there are technical design challenges that would need to be resolved.
28. Nova Energy Ltd did not comment on whether it supported or opposed referral but noted that it has ongoing involvement in Project conceptual/feasibility evaluation with the applicants and Transpower. Nova Energy Ltd noted that design and commercial evaluation is in progress and it wished to understand the risks to staff/people from an ammonia release to atmosphere

at the Ballance plant, including if the ammonia risk profile will change as a result of the Project and what the cumulative risks may be to its adjacent facilities.

Decision

29. In making my decision I considered the application and further information received, comments received from relevant Ministers, STDC and TRC, Te Korowai o Ngāruahine Trust, Transpower NZ Ltd, Powerco Ltd and Nova Energy Ltd, and the eligibility criteria in section 18 of the FTCA². I also considered the report prepared under section 17 of the FTCA.

30. I have decided to accept Hiringa Energy Limited and Ballance Agri-Nutrients Limited's application for referral of the Kapuni Green Hydrogen Project to a panel. I consider the Project meets the eligibility criteria in section 18 of the FTCA and achieves the purpose of the FTCA by:

- 30.1 generating employment by the creation of an average of 40 FTE jobs over an 18-month period covering engineering, design and construction
- 30.2 providing infrastructure that will contribute to improving economic and employment outcomes
- 30.3 assisting to improve environmental outcomes for air quality by lowering the level of emissions generated from combustion of natural gas at the Ballance Kapuni Plant
- 30.4 assisting to improve environmental outcomes for air quality and assist New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (subject to a successful future transition to the use of the green hydrogen as a fuel in the transport sector)
- 30.5 being likely to progress faster than would otherwise be the case under the standard processes of the RMA.

31. To address site specific matters raised s 9(2)(f)(ii), s 9(2)(g)(i)

I have decided to direct the applicant to provide a panel³ a landscape and visual assessment, an additional cultural impact assessment and archaeological, ecological, traffic, acoustic, shadow flicker and significant hazardous facilities assessments in an application submitted to a panel. The full list of information I have decided to direct the applicant to provide to a panel is provided in Appendix four.

32. The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land and specific non-governmental organisations and other groups listed in the FTCA⁴. In addition to these requirements and to address site specific matters raised s 9(2)(f)(ii), s 9(2)(g)(i)

, I have decided to direct a panel to seek comment on any consent application before it from the six hapū of

² In accordance with section 24, Decision to accept application for referral, of the FTCA.

³ Section 24(2)(d) of the FTCA.

⁴ Clause 17(6) of Schedule 6, FTCA.

Ngāruahine, Ngāti Ruanui, the Taranaki Māori Trust Board, Transpower NZ Ltd, Powerco Limited and Nova Energy Limited⁵ (see Appendix four).

33. I consider there are no other reasons under section 24(2) of the FTCA to:

33.1 limit the scope of the Project by referring it only in part

33.2 refer the Project in stages

33.3 place any restrictions on the Project

33.4 impose specific timeframes for panel consideration.

Project for referral: Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu

34. The Minister of Health and Ministry of Health have applied to use the fast-track consenting process for the New Dunedin Hospital - Whakatuputupu project (the Project) located over parts of three city blocks at 280 and 336 Cumberland Street (Cadbury Block), 360 and 398 Cumberland Street and 168 Castle Street (Wilson's Block), 69 and 81 Castle Street and 31 Anzac Avenue (Bow Lane Block) and the road reserves of State Highway 1, St Andrew Street and Castle Street.

35. The Project is to construct and operate a hospital on land in central Dunedin, including on land formerly used for the Cadbury Factory. The Project will include the construction of inpatient and outpatient buildings, an ancillary services building, helipad/s, access, car parking and air bridges. Project activities include site preparation works including earthworks on potentially contaminated soils, building piling, construction of retaining walls, construction dewatering, stormwater treatment, construction of rain gardens and associated water takes and discharges.

36. The applicant holds resource consents granted by Dunedin City Council (DCC) to demolish heritage facades of the former Cadbury Factory. These consents include conditions requiring retention of the historic Dairy and Machine House building and preparing a heritage conservation plan and maintenance plan for this building and recording other buildings before demolition. The Project includes retention of the historic Dairy and Machine House building.

37. Under standard RMA processes the Project would require land use consent from DCC and water take and discharge permits and potentially other construction related consents from Otago Regional Council (ORC).

38. Referral of the Project would authorise the Ministry of Health to lodge applications for resource consents for the Project and the Minister of Health, who is a requiring authority, to lodge a notice of requirement for a designation for the hospital's ancillary services building located on the Bow Lane Block. A designation is sought to provide for long-term hospital use for this part of the site only. The applicant considers the zoning under the Dunedin District Plan (2nd Generation District Plan) is supportive of long-term hospital use for the remainder of the site.

39. To better understand the environmental effects, scope, job creation potential and investment certainty of this Project, I sought further information from the Minister of Health and Ministry of Health under section 22 of the FTCA.

⁵ Section 24(2)(e) and Clause 17(7) of Schedule 6, FTCA.

Comments received

40. In accordance with section 21 of the FTCA, I sought written comments on this application from relevant Ministers, the local authorities and Waka Kotahi New Zealand Transport Agency. A summary of responses received is noted below.

s 9(2)(f)(ii), s 9(2)(g)(i)



46. DCC, in its capacity as a consent authority, was supportive of using the fast-track consent process for the Project, including the notice of requirement. DCC advised that the new hospital would be a significant asset contributing to the health and well-being of the people of Dunedin and the wider community within the Southern District Health Board area. The construction phase provides a significant economic contribution to the recovery of the city from the impact of COVID-19. DCC raised the impacts of the Project on the road network and co-ordination with other major construction projects, but noted they are issues that are being discussed at a city partnership level. DCC advised that key reports and assessments likely to be required for application to a panel include assessment of relevant objectives and policies, construction noise assessment, urban design assessment and transport assessment.
47. ORC supported use of the fast-track consent process given the overall scale and significance of the Project. ORC advised that regional consents would be required for a range of earthworks including contamination remediation, building piling, retaining walls and on-site stormwater treatment and rain gardens. ORC noted that regional consents may also be required for the construction of bores, discharge of stormwater, disturbance of contaminated sites, outdoor storage of bulk products, crushing and screening of bulk materials, and discharge to air from construction activities. ORC noted that many of these activities, if appropriately managed, are permitted by rules in the Council's Regional Plans.
48. Waka Kotahi did not object to the Project being considered under the FTCA. Waka Kotahi considered itself a key stakeholder to the Project and noted an interest in assessing the final applications to a panel, to advise on any potential adverse effects of the Project including the demolition, construction and operation phases.

Decision

49. In making my decision I considered the application and further information received, comments received from relevant Ministers, DCC, ORC and Waka Kotahi and the eligibility criteria in section 18 of the FTCA. I also considered the report prepared under section 17 of the FTCA, which did not identify any considerations that would preclude this application being referred to a panel.
50. I have decided to accept the Minister of Health and Ministry of Health's application for referral of the New Dunedin Hospital - Whakatuputupu project to a panel. I consider the Project meets the eligibility criteria in section 18 of the FTCA and will help to achieve the purpose of the FTCA by:
 - 50.1 having positive effects on the social and cultural well-being of current and future generations
 - 50.2 providing infrastructure to improve economic, employment and environmental outcomes, including the health and well-being of people and communities in the Otago-Southland region
 - 50.3 generating employment via up to 827 FTE construction and design jobs, indirect jobs and associated housing demand for new workers in the Otago and Southland region

- 50.4 providing short-term and longer-term economic benefits for people and industries affected by COVID-19 including the construction workforce and those living and working in the region
- 50.5 being likely to progress faster than would otherwise be the case under the standard processes of the RMA.
51. I have decided to direct the applicant to provide assessments for transportation, urban, landscape and shading, construction noise and flood hazard to a panel to address matters raised s 9(2)(f)(ii), s 9(2)(g)(i). The full list of information I have decided to direct the applicant to provide to a panel is provided in Appendix five.
52. The FTCA requires that a panel invite comments from the relevant local authorities, relevant iwi authorities, Treaty settlement entities, specific Ministers, owners and occupiers of adjacent land, specific non-governmental organisations and other groups listed in the FTCA. In addition to these requirements, I have directed a panel to seek comment from:
- 52.1 Ngāi Tahu Papatipu Rūnanga: Te Rūnanga o Ōtākou and Kati Huirapa ki Puketeraki, through their representative agent Aukaha Limited, as the Section 17 report recommends that the two rūnanga should be asked to comment
- 52.2 Waka Kotahi New Zealand Transport Agency⁶ to address comments they raised on the referred application in relation to the whole Project.
53. I consider there are no other reasons under section 24(2) of the FTCA to:
- 53.1 limit the scope of the Project by referring it only in part
- 53.2 refer the Project in stages
- 53.3 place any restrictions on the Project
- 53.4 impose specific timeframes for panel consideration.

Timing and 28-day rule

54. Cabinet has agreed to waive the 28-day rule for Orders in Council relating to projects to be referred to a panel⁷. Therefore, the No 3, 2021 Amendment Order will come into force the day after publication in the New Zealand Gazette. This will enable applications for resource consents and notices of requirement for a designation to be lodged with the EPA, for consideration by a panel, the day after the Amendment Order is gazetted, for:
- 54.1 Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project
- 54.2 Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu

Compliance

55. The Amendment Order complies with:

⁶ In accordance with Clause 17(6) of Schedule 6, FTCA, Waka Kotahi is required to be invited to comment on any referred application as they are a requiring authority with a designation on the Project site and adjoining. This may limit the extent of their comments.

⁷ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

- 55.1 the principles of the Treaty of Waitangi
- 55.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
- 55.3 the principles and guidelines set out in the Privacy Act 1993
- 55.4 relevant international standards and obligations
- 55.5 the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 56. I do not consider that there are grounds for the Regulations Review Committee to draw this Order in Council to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel Office

- 57. The Amendment Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission.

Impact Analysis

Regulatory Impact Assessment

- 58. The Regulatory Impact Assessment (RIA) requirements for this proposal have been waived. Cabinet has agreed that a RIA is not required for Orders in Council relating to projects to be referred to a panel⁸.

Climate Implications of Policy Assessment

- 59. The Climate Implications of Policy Assessment (CIPA) team at the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to these projects.
- 60. The decision to refer the Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project and Minister of Health and Ministry of Health's, New Dunedin Hospital - Whakatuputupu project to a panel will not have direct emissions impacts. Likely emissions implications and intended emissions reductions of the projects have been considered at a high-level during the formal application process and are also expected to be considered by the panels in their assessment of any adverse effects arising from the projects.

Publicity

- 61. The Amendment Order will be available on the New Zealand Legislation website following its notification in the New Zealand Gazette.
- 62. As required under section 25 of the FTCA, my decision to refer the projects to a panel for consideration, the reasons for these decisions, and the report obtained under section 17 will be made available to the public on the Ministry for the Environment's website.

Proactive Release

⁸ ENV-20-MIN-0033 and CAB-20-MIN-0353 refer.

63. I intend to proactively release this paper on the Ministry for the Environment's website subject to redaction as appropriate under the Official Information Act 1982.

Consultation

64. I have considered the matters raised by the relevant Ministers, local authorities, and Minister for Economic and Regional Development, Minister for Māori Development, Minister of Energy and Resources, Minister for Rural Communities, Minister for Trade and Export Growth, Te Korowai o Ngāruahine Trust, Transpower NZ Ltd, Powerco Ltd, Nova Energy Ltd and Waka Kotahi New Zealand Transport Agency (other persons invited to comment) and am satisfied that the projects meet the purpose of the FTCA. Any specific issues raised can be addressed by the panels in their substantive decision-making role.
65. The Ministry for the Environment sought comment on this paper from the Department of Conservation, Ministry for Housing and Urban Development, Ministry for Culture and Heritage, Te Puni Kōkiri, Ministry of Education, Department of Corrections, Land Information New Zealand, Treasury, Ministry of Transport, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, Department of Prime Minister and Cabinet, Ministry of Health, Ministry of Defence, Department of Internal Affairs and The Ministry for Māori Crown Relations - Te Arawhiti.

Released under the provisions of the Official Information Act 1982

Recommendations

I recommend that Cabinet:

1. **note** that I have decided under section 24 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to accept the applications for referral of the following projects to a panel:
 - 1.1 Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project
 - 1.2 Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu
2. **note** that Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the FTCA by:
 - 2.1 generating employment by the creation of an average of 40 FTE jobs over an 18-month period covering engineering, design and construction
 - 2.2 providing infrastructure that will contribute to improving economic and employment outcomes
 - 2.3 assisting to improve environmental outcomes for air quality by lowering the level of emissions generated from combustion of natural gas at the Ballance Kapuni Plant
 - 2.4 assisting to improve environmental outcomes for air quality and assist New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (subject to a successful future transition to the use of the green hydrogen as a fuel in the transport sector)
 - 2.5 being likely to progress faster than would otherwise be the case under the standard processes of the RMA
3. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 directs Hiringa Energy Limited and Ballance Agri-Nutrients Limited to provide to an expert consenting panel cultural, landscape and visual, archaeological, ecological, traffic, acoustic, shadow flicker and significant hazardous facilities assessments as detailed in Appendix four
4. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 directs an expert consenting panel appointed to consider Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project to seek comments from six hapū of Ngāruahine, Ngāti Ruanui, the Taranaki Māori Trust Board, Transpower New Zealand Limited, Powerco Limited and Nova Energy Limited (see Appendix four)
5. **note** that the Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu meets the eligibility criteria in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020, and is considered to help achieve the purpose of the FTCA by:
 - 5.1 having positive effects on the social and cultural well-being of current and future generations

- 5.2 providing infrastructure to improve economic, employment and environmental outcomes, including the health and well-being of people and communities in the Otago-Southland region
 - 5.3 generating employment via up to 827 FTE construction and design jobs, indirect jobs and associated housing demand for new workers in the region
 - 5.4 providing short-term and longer-term economic benefits for people and industries affected by COVID-19 including the construction workforce and those living and working in the region
 - 5.5 being likely to progress faster than would otherwise be the case under the standard processes of the RMA
6. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 directs the Minister of Health and Ministry of Health to provide to an expert consenting panel transportation, urban, landscape and shading, construction noise and flood hazard assessments as detailed in Appendix five
 7. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 directs an expert consenting panel appointed to the Minister of Health and Ministry of Health's, New Dunedin Hospital – Whakatuputupu to seek comments from two Ngāi Tahu rūnanga via Aukaha Limited and Waka Kotahi New Zealand Transport Agency (see Appendix five)
 8. **authorise** the submission to the Executive Council of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021
 9. **note** that on 27 July 2020, Cabinet agreed [CAB-20-MIN-0353 refers] to waive the 28-day rule so that Orders in Council made under the COVID-19 Recovery (Fast-track Consenting) Act 2020 can come into force as soon as they are notified in the New Zealand Gazette
 10. **note** that the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 will come into force the day after publication in the New Zealand Gazette.

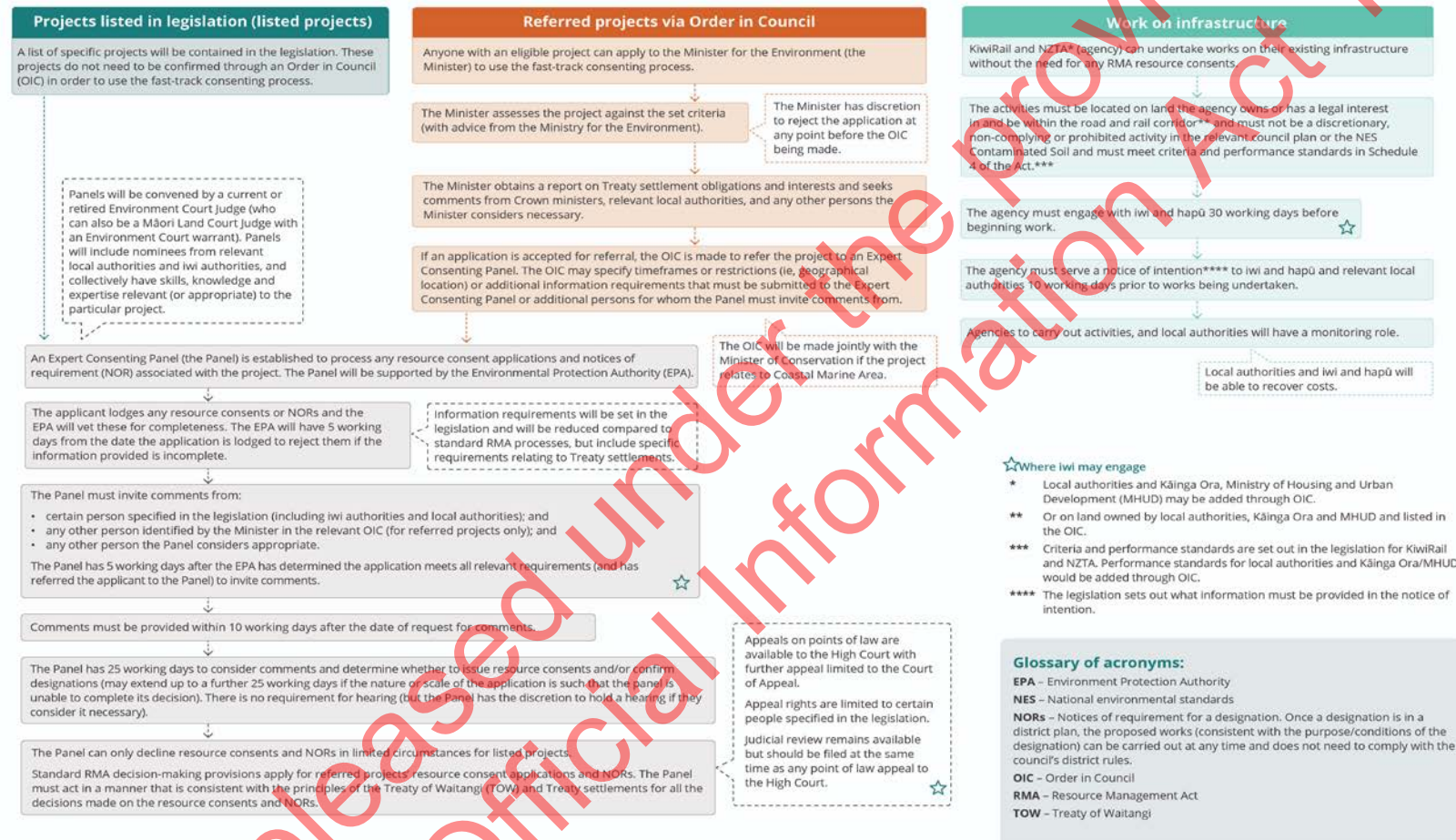
Authorised for lodgement

Hon David Parker
Minister for the Environment

Appendix one – Diagram of how the Fast-track consenting process works

Fast-track consenting process

This diagram shows the processes to be followed for projects to be fast tracked under the COVID-19 Recovery (Fast-track Consenting) Act 2020.



Appendix two – List of referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 and Orders in Council gazetted

- Transpower New Zealand Limited's Clutha Upper Waitaki Lines Project (CUWLP) - Works and Workers' Village
- Winton Property Limited's Northbrook Wanaka Retirement Village
- Ryman Healthcare Limited's Kohimarama Comprehensive Care Retirement Village
- Primeproperty Group Limited's Molesworth Street Office Development
- Jason and Angela Mudgway's The Vines Affordable Subdivision
- Pudong Housing Development Company Limited's, Foodstuffs North Island Limited's, and Silk Road Management Limited's Dominion Road Mixed-use Development
- Ambury Properties Limited's Ohinewai Foam Factory
- Kāinga Ora-Homes and Communities' and Porirua City Council's Eastern Porirua Regeneration Project - Infrastructure Works
- Silverlight Studios Limited's Silverlight Studios
- Otago Viticulture and Oenology Limited's (trading as Brennan Wines) Brennan winery, restaurant, education, and event complex
- CPM 2019 Limited's Nola Estate
- Wooing Tree Property Development LP's Wooing Tree Estate

Appendix three – Table of the status of listed projects

Status of projects listed under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Listed Project	Status (provided by the EPA, 18 March 2021)
Matawii Water Storage Reservoir Kaikohe	Consents have been approved.
Papakāinga Development – Rāpaki, Christchurch	Consents have been approved.
Te Ara Tupua – Ngā Ūranga to Pito-one shared path	Consents have been approved.
Waitohi Picton Ferry Precinct Redevelopment	Consents lodged on 22 December 2020. Invitations to comment closed 25 February 2021. Decision anticipated April 2021 unless extended by the panel prior.
Queenstown Arterials Project	Consents lodged on 17 December 2020. Invitations to comment closed 26 February 2021. Decision anticipated April 2021 unless extended by the panel prior.
Papakura to Drury South State Highway 1 improvements	Lodgement anticipated in April 2021.
Northern Pathway – Westhaven to Akoranga shared path	Lodgement anticipated in 2021.
Papakura to Pukekōhe rail electrification	First consents lodged on 10 March 2021 and accepted as complete by the EPA. Panel nominations have been sought from Auckland Council and iwi authorities on 17 March 2021 and awaiting a response. Once the panel is set up, invitations to comment will be sent.
Papakāinga Development - Kaitiaia	Lodgement anticipated in 2021.
Papakāinga Development – Waitara, Taranaki	Lodgement anticipated in 2021.
Te Pā Tāhuna Residential Development	Developer considering consenting routes which includes fast track consenting.
Unitec Residential Development	Developer considering consenting routes which includes fast track consenting.
Papakāinga Development - Point Chevalier, Auckland	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Papakāinga development – Whaingaroa, Raglan	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Papakāinga Development - Chatham Islands	Project was consented through the RMA with the option of fast tracking providing certainty if the project's consents weren't granted.
Wellington Metro Upgrade Programme	Not proceeding under fast-track at this stage.
Britomart Station eastern end upgrade	Not proceeding under fast-track at this stage.

Appendix four – Additional requirements: Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project application

Hiringa Energy Limited and Ballance Agri-Nutrients Limited are directed to provide to an expert consenting panel:

1. a landscape and visual assessment which must include, but shall not be limited to, the following:
 - a. photo montages (taken from a range of public vantage points and from a range of private properties beyond those immediately adjacent to the proposed wind turbine site), showing the scale of the proposed wind turbines in relation to views of Mount Taranaki
 - b. assessment of the effects on sightlines of Mount Taranaki when viewed from sites of importance to Māori. The sites of importance to Māori shall be determined in consultation with Te Korowai o Ngāruahine Trust and Ngāruahine hapū
2. a cultural impact assessment prepared by or on behalf of the Taranaki Māori Trust Board as the collective representative of Ngā Iwi o Taranaki, or a statement of any reasons for not providing that assessment
3. an archaeological assessment
4. an ecological assessment which must include, but may not be limited to, consideration of the effects on indigenous vegetation, fauna, avifauna, aquatic ecology and local catchments
5. a traffic impact assessment which must include assessment of the effects of large-scale vehicles transporting turbine sections
6. an acoustic assessment which must include, but shall not be limited to, construction noise, details of safeguards and contingencies in relation to noise and vibration effects, and monitoring and reporting methods
7. a shadow flicker assessment
8. information to address the matters listed in Section 20.5.10 Significant Hazardous Facilities of the South Taranaki District Plan (Operative 22 January 2021), including a risk assessment report.

An expert consenting panel appointed to consider Hiringa Energy Limited and Ballance Agri-Nutrients Limited's, Kapuni Green Hydrogen Project must seek comments from the following additional persons/organisations:

1. the six hapū of Ngāruahine:
 - a. Ngāti Tū
 - b. Ngāti Manuhiakai
 - c. Kanihi – Umutahi
 - d. Ngāti Haua
 - e. Ngāti Tamaahuroa me Tītahi
 - f. Ōkahu - Inuāwai

2. Ngāti Ruanui
3. Taranaki Māori Trust Board
4. Transpower New Zealand Limited
5. Powerco Limited
6. Nova Energy Limited

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the Official Information Act 1982

Appendix five – Additional requirements: Minister of Health and Ministry of Health's, New Dunedin Hospital - Whakatuputupu Project application

Minister of Health and Ministry of Health are directed to provide to an expert consenting panel:

1. an integrated transport assessment, including modelling and analysis addressing effects and mitigation measures within the Project site and adjoining road network, over all phases of the Project, including construction and operation
2. urban design, landscape and shading assessment(s), including analysis addressing effects and mitigation measures within the Project site, the public/private interfaces and pedestrian areas (streetscapes and public reserves)
3. a construction noise assessment, including analysis addressing effects and mitigation measures
4. a flood hazard assessment including modelling and analysis of the effects and mitigation of floodwater within the project site and displaced because of the Project, with particular consideration on how:
 - a. the climate change scenario used for modelling aligns with the Ministry for the Environment's 'Coastal Hazards and Climate Change Guidance', December 2017, ME 1341
 - b. the hospital would operate during flood events or flooding of the surrounding streets.

An expert consenting panel appointed to consider Minister of Health and Ministry of Health's, New Dunedin Hospital - Whakatuputupu Project must seek comments from the following additional persons/organisations:

1. Ngāi Tahu Papatipu Rūnanga: Te Rūnanga o Ōtākou and Kati Huirapa ki Puketeraki, through their representative agent Aukaha Limited
2. Waka Kotahi New Zealand Transport Agency