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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	South Taranaki District Council (STDC)
Contact person (if follow-up is required)	Liam Dagg Group Manager Environmental Services, STDC s 9(2)(a) s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project
General comment – potential benefits	<p>The South Taranaki District Council sees the Kapuni Green Hydrogen Project as a significant advancement in renewable energy alternatives for the district and for New Zealand. We concur with the benefit statements in the project application.</p> <p>This project is a key step in achieving the aspirational goals of both the Taranaki 2050 Roadmap and Tapuae Roa Economic Development Strategy which have both been developed to ensure sustainable energy options are established in Taranaki, whilst transitioning the region into a low-emissions economy. Both the Roadmap and Economic Development Strategy discuss the potential for hydrogen production to occur in Taranaki and reduce the region's emissions.</p> <p>It is expected that the project will provide over 100 employment opportunities in South Taranaki, which will bring people with highly technical knowledge and skill sets to the district, helping to improve the local economy and improving career opportunities for our rangatahi. Promoting employment and supporting investment in our District will also help us to recover from the economic and social impacts of Covid-19. Furthermore, Ballance Kapuni is one of South Taranaki's larger employers and this project will sustain employment and promote growth and reinvestment of the company.</p>
General comment – significant issues	<p>We consider the project application provides a good overview of the issues. The two issues we consider most significant are: cumulative impacts in a high hazard area and visual impacts.</p> <p>The Proposed South Taranaki District Plan will become fully operative on 22 January 2021. This plan provides new details of petroleum flare alert areas and petroleum activity risk contours. The site for the four wind turbines are not impacted by these matters. However the proposed site of the electrolysis plant may require a review of risk contours and a revision of the concept plan for the Ballance-Agri nutrients Kapuni Plant within Chapter 8 of the operative plan.</p>

	<p>It is expected that the size/height of the four wind turbines will impact the visual amenity of the natural landscape, and acknowledge that the project application also recognises this as a significant issue.</p> <p>Noise from the wind turbines and the construction noise is also considered an issue. However, we think the distance of the turbines from existing households diminishes the significance of this. Further, the project application does state that regular noise monitoring will be undertaken to ensure compliance</p>
Is Fast-track appropriate?	<p>Yes. Council believes it is appropriate for the project to go through the fast-track consenting process. It achieves the purpose of the Act, by promoting employment and supporting investment to recover from the economic and social impacts of Covid-19. The project meets the criteria specified in section 18 of the Act to have it referred to a consenting panel. As explained in the application, the timeframe for the project to be processed under this Act aligns with manufacturing of the turbines, masts and hydrolysis equipment, allowing the production of green hydrogen to power Ballance to commence sooner.</p>
Environmental compliance history	<p>Hiringa Energy Limited and Ballance Agri-Nutrients Limited do not have any negative environmental regulatory compliance or enforcement history with STDC.</p>
Reports and assessments normally required	<p>Under a normal land-use consent process, the project would be considered a discretionary activity by the STDC District Plan. It would require an Assessment of Environmental Effects that is proportionate to its significant scale.</p> <p>Chapter 20 of the STDC district plan identifies general and specific information required for renewable energy/wind farm projects etc. Reports and assessments required include:</p> <ul style="list-style-type: none"> • Cultural Impact Assessment and archaeological assessment • Landscape and visual effects assessment • Ecological effects on indigenous vegetation, fauna, local catchments and how earthworks may disrupt natural landforms. • Traffic impact assessment report • Acoustic assessment report and provisions for safeguards and contingencies in relation to noise effects and effective reporting and monitoring methods of noise. • Risk assessment report for significant hazard facilities
Iwi and iwi authorities	<p>The South Taranaki District Council identifies Ngāruahine as the iwi authority for the project area.</p> <p>The project application does identify that consultation has been undertaken Ngāti Tu, Ngāti Manuhiakai and treaty settlement entity Te Korowai o Ngāruahine Trust.</p>
Relationship agreements under the RMA	<p>There are no formal relationship agreements, beyond recurring Iwi Liaison Committee and Huinga a Iwi meetings that provide an opportunity for discussions between parties on projects such as this. Council is committed to developing Mana Whakahono a Rohe agreements if formally initiated by any of the four Iwi Authorities that cover the district.</p> <p>There are statutory acknowledgements between the Crown and Ngāruahine that are relevant to the project site where the four turbines are to be constructed. These include the Kapuni Stream and tributaries as shown on OTS-023-37 and the Waiokura stream and tributaries as shown on OTS-023-53. There is an unnamed tributary from the Kapuni Stream that runs through the south east of the project site and unnamed tributaries from the Waiokura Stream running through the north west of the project site.</p>

<p>Insert responses to other specific requests in the Minister's letter (if applicable)</p>	<ol style="list-style-type: none"> 1. Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the Act? <p>No, STDC believes the project should be consented under the Covid-19 (Fast-track Consenting) Act 2020. The fast-tracking legislation provides a holistic and integrated framework for the project to be considered. By comparison, the district plan does not provide a clear pathway for consenting of a project with this scale and complexity, with this due mainly to the multiple land parcels and zones it covers, and the number of district plan chapters that have to be considered in both quantifying and assessing the effects. This project would be publicly notified if it came to Council as a resource consent, with this due mainly to the visual impact of the wind turbines and the breadth of the potential affected party catchment. We consider the fast-track consenting legislation provides an appropriate level of community input.</p> 2. Details of any relevant existing consents, and any variations/new consents that you consider may be required to undertake the project (that are not already addressed in the application). <p>Ballance Agri-Nutrients currently has one land-use consent with STDC; the relocation of 2 buildings on the property in 2008, which was granted. The application addresses the appropriate activities that do not meet the rules of the STDC District Plan and details the consents that are required for the project.</p> <p>Section 8.7 of the District Plan provides the concept plan and site-specific performance standards for the Ballance Agri-Nutrients Kapuni site.</p> 3. Details of the 'High Pressure Gas and Liquid Petroleum Pipeline', shown as extending through Part Lot 1 DP 13121 in the Proposed South Taranaki District Plan maps, including the relevant utility provider/s and the status of the notation on the planning maps, i.e. is the notation for information purposes only or are there specific plan rules associated with the notation. <p>The high-pressure gas and liquid petroleum pipeline is not a STDC asset. It is also not listed in the schedule of designations in the District Plan. The notation of the pipeline on the map is for information purposes and to identify it as an existing asset that enjoys permitted activity status under Section 14.1.1(d) for operation and maintenance purposes. The pipeline is not mentioned or linked to any specific reverse sensitivity rules in the rural zone or network utilities chapters.</p> 4. A list of reports and assessments that are normally required by the Council for the project in this area. <p>Refer to section that covers this above. The Council would rely on the provisions of Chapter 20 of the district plan in determining the information requirements for this project if it came to council as a resource consent.</p> 5. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your district? <p>Hiringa Energy Limited and Ballance Agri-Nutrients Limited have no environmental regulatory compliance history with STDC</p>
<p>Other considerations</p>	<p>The project requires a deed of easement with STDC for each option of running power lines from the wind turbines to the Ballance Kapuni plant. Option one requires an easement agreement for the cable to run across Kokiri Road, whilst option two requires an easement agreement for the cable to run across Kokiri Road and Skeet Road.</p>

During the construction phase, dry grass is the highest fire risk and the primary sources of ignition are cigarettes, cutting and welding. This should be addressed in a comprehensive construction management plan, which we anticipate will be a standard condition of any consenting pathway.

The project gives STDC an opportunity to potentially use this renewable energy source to transition their own assets to carbon-zero energy sources, particularly the Kapuni water treatment plant, which is in close proximity to the proposed location for this project. Transitioning Council's high emission producing facilities to a renewable energy source will also help STDC to achieve our own targets of being carbon-neutral by 2035. This project is completely aligned with the climate change and environmental sustainability goals and targets in STDC's Environment and Sustainability Strategy, which has been adopted by council for consultation as part of the upcoming long term plan process. The application also mentions that there is a possibility of supplying renewable energy to other local heavy industries, which will also help to drive the transition to a low-emissions future in Taranaki.

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Taranaki Regional Council
Contact person (if follow-up is required)	Fred McLay
	Director- Resource Management
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project (Project)
General comment – potential benefits	The potential benefits are significant for the region and nation.
General comment – significant issues	The Council's regulatory role in the project would be to process an application for a culvert consent. This is a very minor part of the overall project with minimal environmental effects. We could provide our standard consent conditions for the activity. The STDC has the majority of the regulation for the project and the environmental effects to consider under their District Plan.
Is Fast-track appropriate?	'Yes' for integrated resource management, but equally the consent could be processed non notified by the Council.
Environmental compliance history	Huringa Energy Ltd is a new company but does have senior staff from the oil and gas sector who have demonstrated high levels of consent compliance and community engagement. Ballance Agri-Nutrients Ltd is an established company and is well known to the Council. They have a good compliance history and high levels of community engagement.
Reports and assessments normally required	A culvert application is routine and the central environmental issue is fish passage.
Iwi and iwi authorities	Ngaruahine Iwi- contact Bart Jansma s 9(2)(a)
Relationship agreements under the RMA	N/a
Insert responses to other specific requests in the Minister's letter (if applicable)	N/a
Other considerations	

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Sara Clarke
Manager, Fast-Track Consenting Team
Ministry for the Environment

Via email: fasttrackconsenting@mfe.govt.nz

Rāmere, 15 Kohitātea, 2021

COVID-19 Recovery (Fast-Track Consenting) Act 2020 – Kapuni Green Hydrogen Project

Tēnā koe Sara,

1. On behalf of Te Korowai o Ngāruahine Trust (Te Korowai) thank you for sending to us the application from Hiringa Energy Limited and Ballance Agri-Nutrients Limited to refer the above project to an expert consenting panel for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. Te Korowai's interest in this application stems from Ngāruahine iwi having a special cultural, spiritual, historical and traditional association with the whenua and awa within which and near to where the activities take place. Te Korowai, as the post-settlement governance entity for Ngāruahine has a responsibility to ensure that the interests of Ngāruahine are safe-guarded. This includes considering the extent to which the proposed activities may impact (potential or actual) on the environmental, cultural and spiritual interests of Ngāruahine within its rohe (tribal area); and those areas under statutory acknowledgement and/or Deed of Recognition (Ngāruahine Claims Settlement Act 2016); and the potential or actual risks to the physical, psychological, cultural and spiritual wellness of Ngāruahine (Te Korowai o Ngāruahine Trust Deed). Therefore, Te Korowai makes submissions and provides comments to any relevant resource consent applications within its



rohe. This does not prevent the affected Ngāruahine hapū submitting on their behalf, nor should it be in any way viewed as affecting the mana motuhake of the hapū.

3. We have provided our response below, using the template you included in earlier correspondence.
4. In short, Te Korowai support the proposal in principle, but have reservations about the impact of the scheme, not just on tangata whenua, but on everyone who lives in the surrounding South Taranaki area.
5. By allowing the proposal to be assessed through the fast track process has the potential to disenfranchise the local community, which is something that should be avoided.
6. We trust that these comments are helpful. Should you require any further information or clarification about these comments, please contact me at s 9(2)(a)

Bart Jansma

Poutātari Kaupapa Taiao

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for iwi authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Please use a separate form for each application.

Iwi authority providing comment	Te Korowai o Ngāruahine Trust
Contact person (if follow-up is required)	Bart Jansma
	s 9(2)(a)
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project
General comment	<p>Te Korowai supports the project in principle, as it represents an opportunity to transition away from our reliance on fossil fuels. However, we are very cautious, as there are potential impacts on the entire Ngāruahine rohe. It is also imperative that the applicant understands that any comments made by Te Korowai relate to the proposal as it currently stands. Should the proposal be granted consents, the subsequent investment cannot be used to justify future expansion. The current proposal must be able to stand alone, and not rely on future expansion to be viable.</p>
Comments on any eligibility criteria in s18 of the Act	No specific comment on this section
Comments on s19 – will the proposal achieve the purposes of the Act?	<p>Our comments are primarily relevant to section 19e and 19f.</p> <p>The proposed location of the turbines is very close to Te Aroha marae. Te Korowai are concerned about the potential for these turbines to interfere with the visual connection between the marae and Taranaki Maunga. It is unclear whether the impact of these turbines on the landscape from the perspective of Te Aroha marae has been adequately described. The same can be said about the potential impact of noise from the turbines.</p> <p>We also have concerns about the potential for flicker caused by the turbines at certain times of the year and day. This has the potential to impact all marae and kura within the rohe of Ngāruahine and needs thorough assessment. The impact is likely to be worse early and late in the day. Dawn is a significant time for tangata whenua, with (for example) karakia often timed to coincide with the rising of the sun.</p> <p>The use of water from the Waingongoro River has not been discussed with those who have mana whenua over this stream. This includes Ōkahu Inuāwai and Kanihi Umutahi hapū. We were concerned to read in the application that there is apparently an abundant water supply. The Waingongoro River is under allocation pressure, and Te Korowai prefer for the use of water from</p>

	<p>this catchment to be reduced. This is also discussed in the Regional Freshwater Plan for Taranaki, which identifies the Waingongoro River as a catchment in which the Council will strictly limit the taking, use, damming and diversion of water above the existing level of use. Therefore, where a resource consent allows for more water to be taken than is required, we would prefer for that allocation to be relinquished, rather than used for an alternative purpose. This is a topic that appears to have been missed by the applicant while considering iwi engagement.</p>
<p>Comments on potential reasons for declining an application under s23(5)</p>	<p>Te Korowai are concerned that allowing this application to be processed through the fast track process may circumvent adequate consideration on others living in South Taranaki. The proposal has the potential to impact on others living within the vicinity of the site, (not just tangata whenua). The impact on the landscape is potentially significant, due to the size of the turbines, and the connection people have with Taranaki Maunga. An unobstructed view of the Maunga is an important way to maintain this connection. There is also the potential impact of flicker caused by the turbines at certain times of the year/day. Noise may also be an issue.</p>
<p>Are there any particular groups who might be affected by, or have an interest in, the proposed project?</p>	<p>All hapū of Ngāruahine should be considered potentially affected by this proposal. Although Te Korowai is the post settlement governance entity for Ngāruahine, it is important that the voices of the hapū are also given an opportunity to be heard.</p> <p>It is expected that a cultural impact assessment will be required, and this will likely be compiled by hapū.</p>
<p>Are there any other considerations or matters on which you wish to comment?</p>	<p>Although we have not expressed an opinion on whether it is appropriate for this proposal to be processed under the fast track legislation, we have concerns about the potential breadth of impact on the landscape of the proposal, and the potential pushback from the community if the RMA process is not followed and community notification is not undertaken.</p>

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Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for persons requested by the Minister for the Environment to provide comments on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Organisation providing comment	Transpower New Zealand Limited
Contact person (if follow-up is required)	Jo Mooar
	Senior Corporate Counsel
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project (Project)
General comment	<p>Transpower has been identified as an “other person” for the purpose of section 21(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Act). Thank you for the opportunity to provide comments about the Project, and its potential impact on National Grid assets.</p> <p>Transpower supports the application as it “contribut[es] to New Zealand’s efforts to mitigate climate change and transition more quickly to a low emissions economy (in terms of reducing New Zealand’s net emissions of greenhouse gases)” (section 19(d)(vii) of the Act).</p> <p>Transpower is not aware of any reason for the application being declined. However, we consider that some potential impacts on the Grid may need to be managed. We expand on these issues below.</p> <p>The Project will indirectly connect to the Grid, and provide “excess power during peak electricity production” (application, page 3). The Ministry’s December 2020 consultation letter identifies two connection options:</p> <ul style="list-style-type: none">• via the 33kV PowerCo distribution network, which would connect to the Grid at Hawera;• via the 110kV Nova Energy Limited Kapuni distribution line, which connects to the Grid between Stratford and Opunake. <p>Transpower has had preliminary discussions with the applicant about the connection options. The applicant recently provided a copy of a Mitton ElectroNet report, entitled <i>Kapuni Windfarm Connection Options Feasibility Study Report</i>, 3 July 2020. This report identifies thermal constraints associated with the connection options that will need to be managed. It sets out various methods to address these constraints.</p> <p>No significant construction is required to Grid assets for either option. However, work is yet to be undertaken to co-ordinate any connection between the applicant, Nova/PowerCo and Transpower. Transpower will continue to be available for discussions.</p>

	<p>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 (section 23(5)c) of the Act).</p> <p>We do not consider these outstanding issues are a reason to decline the application for the Project to be referred to an expert panel.</p>
Other considerations	See above
[Insert specific requests for comment]	N/A

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Organisation providing comment	Powerco Limited
Contact person (if follow-up is required)	Gary Scholfield
	PO Box 13 075, Tauranga 3141
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project - Application number: PJ-0000722
General comment	<ol style="list-style-type: none">1. These comments are made by Powerco Limited (Powerco) on the request from Hiringa Energy Limited and Ballance Agri-Nutrients Limited to refer the Kapuni Green Hydrogen Project to an expert consenting panel for fast-track consenting under the Covid-19 Recovery (Fast-track consenting) Act 2020.2. Powerco is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 440,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. These consumers are served through Powerco assets including over 30,000 kilometres of electricity lines and over 6,200 kilometres of gas pipelines.3. Powerco is neutral as to whether or not the project is referred to an expert consenting panel.4. However, Powerco wishes to record that formal agreement has not yet been reached for connection to our network (if this is to occur). While a connection to the Powerco network is technically feasible, there are technical and practical design challenges associated with this connection that need to be resolved, as well as commercial considerations that need to be agreed. There may be a significant customer contribution required to allow connection to the Powerco network.5. These technical and commercial requirements can be finalised and refined once more information is submitted to Powerco.

	6. Powerco would be pleased to discuss any of the matters raised above. If you have any queries or require additional information please contact Gary Scholfield on s 9(2)(a) or via email s 9(2)(a).
Other considerations	Click or tap here to provide any information you consider relevant to the Minister's decision on whether to refer the project to an expert consenting panel.
[Insert specific requests for comment]	Click or tap here to insert responses to any specific matters the Minister is seeking your views on.

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Organisation providing comment	Nova Energy Limited
Contact person (if follow-up is required)	Charles Teichert
	GM Commercial and Strategy
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Kapuni Green Hydrogen Project
General comment	No comment
Other considerations	Health and safety consideration given other existing industrial activities adjacent to the Hiringa/Balance JV project.
[Insert specific requests for comment]	<p>1) 110Kv Line arrangements</p> <p>Nova confirms it has an ongoing involvement in conceptual / feasibility evaluation with Hiringa and Ballance (and Transpower) regarding the potential connection of project assets to Nova's privately owned 110kV Kapuni transmission line that is in turn connected to the national grid.</p> <p>The Nova 110kV connection remains subject to further detailed technical, operational and commercial evaluation (in progress), including the extent of detrimental project impacts that will result from the Electricity Authority's proposed changes to Transmission Pricing Methodology which we believe are detrimental to innovation and investment projects such as being undertaken by Hiringa.</p> <p>2) Local environmental and health and safety considerations</p> <p>Nova Energy owns and operates cogeneration and associated assets adjacent to the project activities proposed by Hiringa and Balance. Nova's cogeneration assets supply steam and electricity to Fonterra's Lactose plant near Kapuni and to the Kapuni Gas Treatment Plant that processes natural gas originating from the Kapuni gas production facilities also in the vicinity that are owned and operated by Todd Energy Limited, an affiliate of Nova Energy's.</p> <p>A key risk for our people working in this area is from a Ballance ammonia release to atmosphere. We would like to understand if the ammonia risk profile will change, and what additional, potentially cumulative, risks there may be from the proposed new hydrogen electrolysis plant and storage that may be located adjoining Palmer Rd and adjacent to our cogeneration facilities.</p>

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