

Version
as at 8 July 2023



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

(LI 2021/56)

COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021:
revoked, on 8 July 2023, by Schedule 1 clause 1(1) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 29th day of March 2021

Present:

Her Excellency the Governor-General in Council

This order is made under section 27 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 on the advice and with the consent of the Executive Council and on the recommendation of the Minister for the Environment.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for the Environment.

Schedule	3
New Schedules 14 and 15 inserted	

Order

- 1 Title**

This order is the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021.
- 2 Commencement**

This order comes into force on 2 April 2021.
- 3 Principal order**

This order amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
- 4 New Schedules 14 and 15 inserted**

After Schedule 13, insert the Schedules 14 and 15 set out in the Schedule of this order.

Schedule New Schedules 14 and 15 inserted

cl 4

Schedule 14 Kapuni Green Hydrogen

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is Kapuni Green Hydrogen (the **project**).

2 Authorised person

The authorised persons for the project are—

- (a) Hiringa Energy Limited; and
- (b) Ballance Agri-Nutrients Limited.

3 Description of project

- (1) The scope of the project is to construct, install, and operate a renewable hydrogen hub.
- (2) The renewable hydrogen hub comprises—
 - (a) 4 wind turbines and associated infrastructure; and
 - (b) an electrolysis plant; and
 - (c) hydrogen production infrastructure; and
 - (d) hydrogen storage, loadout, and refuelling facilities; and
 - (e) underground electricity cables and associated buildings and structures.

4 Description of activities involved in project

The project involves works such as the following:

- (a) works to install and operate 4 wind turbines with a hub height of approximately 149 m, a rotor diameter of 162 m, and a total height of approximately 230 m;
- (b) works to construct and operate an electrolysis plant and hydrogen production infrastructure;
- (c) works to construct and operate hydrogen storage, loadout, and refuelling facilities;
- (d) works to install and operate underground electricity cables and to construct and operate associated buildings and structures to convey electricity:

- (e) earthworks associated with the works described in paragraphs (a) to (d):
- (f) works to construct access and other infrastructure required for the development, including culverts:
- (g) any other works that are—
 - (i) associated with the works described in paragraphs (a) to (f); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.

5 Approximate geographical location

- (1) The project's works will occur at—
 - (a) 271–359 Kokiri Road, Kapuni (the site for the wind turbines); and
 - (b) 309 Palmer Road, Kapuni (the site for the electrolysis plant, hydrogen production infrastructure, and hydrogen storage, loadout, and refuelling facilities).
- (2) The installation of underground electricity cables will occur on private land and road reserve located between the places described in subclause (1).

6 Further information to be submitted

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) a landscape and visual assessment, which must include—
 - (i) photomontages, 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, that show the scale of the proposed wind turbines in relation to views of Mount Taranaki; and
 - (ii) an assessment of the effects on sightlines of Mount Taranaki when viewed from sites of importance to Māori (as determined in consultation with Te Korowai o Ngāruahine Trust and Ngāruahine hapū (as listed in clause 7(a)); and
- (b) either—
 - (i) 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
 - (ii) if a cultural impact assessment is not provided, a statement of any reasons given by the Taranaki Māori Trust Board for not providing that assessment; and
- (c) an archaeological assessment; and

- (d) an ecological assessment, which must include an assessment of the effects of the project on indigenous vegetation, fauna, avifauna, aquatic ecology, and local water catchments; and
- (e) a traffic impact assessment, which must include an assessment of the effects of large vehicles transporting turbine sections to the project site; and
- (f) an acoustic assessment, which must include an assessment of construction noise, details of safeguards and contingencies in relation to noise and vibration effects, and the methods for monitoring and reporting; and
- (g) a shadow flicker assessment for the proposed wind turbines; and
- (h) information to address the matters listed in section 20.5.10 (assessment matters for significant hazardous facilities) of the South Taranaki District Plan (as in force at 22 January 2021), which must include a risk assessment report.

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application relating to the project from the following persons and groups in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) the 6 hapū of Ngāruahine, being Ngāti Tū, Ngāti Manuhiakai, Kanihi-Umutahi, Ngāti Haua, Ngāti Tamaahuroa me Tītahi, and Ōkahu-Inuāwai; and
- (b) Te Rūnanga o Ngāti Ruanui Trust; and
- (c) Taranaki Māori Trust Board; and
- (d) Transpower New Zealand Limited; and
- (e) Powerco Limited; and
- (f) Nova Energy Limited.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

Having considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) and the Act's purpose, and having sought and considered written comments from the relevant Ministers (including those invited to comment), the relevant local authorities, Te Korowai o Ngāruahine Trust, Transpower New Zealand Limited, Powerco Limited, and Nova Energy Limited, and having sought written comments from the groups Ngāti Tū and Ngāti Manuhiakai, the

Minister for the Environment has accepted this application for referral for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project offers the opportunity to create an average of 40 full-time-equivalent jobs, over an 18-month period, in engineering, design, and construction; and
- the project provides infrastructure that will contribute to improving economic and employment outcomes; and
- the project is likely to help 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 green hydrogen as a fuel in the transport sector); and
- the project will progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects arising from the activities occurring in the project, and potential mitigation measures, can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Schedule 15

New Dunedin Hospital—Whakatuputupu

cl 5

Project referred to expert consenting panel

1 Name of project

The name of the project is the New Dunedin Hospital—Whakatuputupu (the project).

2 Authorised person

The authorised persons for the project are—

- (a) the Minister of Health; and
- (b) the Ministry of Health.

3 Description of project

- (1) The scope of the project is to construct and operate a hospital.
- (2) The hospital will include—
 - (a) an inpatient building (approximately 58 m high and with a floor area of approximately 72,500 m²) for the provision of acute specialist services, emergency intervention, diagnostic services, acute and elective surgery, medical and surgical inpatient care, paediatric and maternal inpatient care, and related clinical and non-clinical support services; and
 - (b) up to 2 helipads; and
 - (c) an outpatient building (approximately 26 m high and with a floor area of approximately 12,970 m²) that comprises consultation and treatment spaces, day surgery facilities, and facilities for procedure and diagnostic services; and
 - (d) an ancillary services building; and
 - (e) a single-level air bridge and a 3-level air bridge to connect the inpatient building with the outpatient building; and
 - (f) a single-level air bridge to connect the ancillary services building with the inpatient building.

4 Description of activities involved in project

- (1) The project involves works such as the following:
 - (a) works to construct buildings and retaining walls;
 - (b) earthworks (including site preparation, the disturbance of potentially contaminated soils, and bulk earthworks) and associated discharges:

- (c) works to demolish existing buildings and infrastructure and to prepare the site:
 - (d) dewatering and discharge of the water onto land or into freshwater:
 - (e) works to construct and upgrade three waters services:
 - (f) works to construct rain gardens and stormwater treatment facilities:
 - (g) works to clear vegetation:
 - (h) landscaping, including plantings:
 - (i) works to construct roading, walkways, air bridges, and other transport infrastructure required for the development, including parking:
 - (j) any other works that are—
 - (i) associated with the works described in paragraphs (a) to (i); and
 - (ii) within the scope of the project as described in clause 3 of this schedule.
- (2) In this clause, **three waters services** has the meaning given in section 9 of the Urban Development Act 2020.

5 Approximate geographical location

- (1) The project's works will occur at the following sites:
- (a) 280, 336, 360, and 398 Cumberland Street, Dunedin:
 - (b) 69, 81, and 168 Castle Street, Dunedin:
 - (c) 31 Anzac Avenue, Dunedin.
- (2) Works to construct air bridges will occur above St Andrew Street and Castle Street, Dunedin.

6 Further information to be submitted

The following information must be submitted to the panel with any consent application relating to the project (in addition to the information required by clause 9 of Schedule 6 of the Act):

- (a) an integrated transport assessment, including modelling and analysis of effects and mitigation measures within the project site and adjoining road network and over all phases of the project, including construction and operation; and
- (b) urban design, landscape, and shading assessments, including analysis of effects and mitigation measures within the project site, at the public/private interfaces, and in pedestrian areas (streetscapes and public reserves); and
- (c) a construction-noise assessment, including analysis of effects and mitigation measures; and

- (d) 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 of—
 - (i) how the climate-change scenario used for modelling aligns with *Coastal Hazards and Climate Change: Guidance for Local Government* (Ministry for the Environment, December 2017, ME1341); and
 - (ii) how the hospital would operate during flood events or flooding of the surrounding streets.

7 Persons who must be invited to comment on project

An expert consenting panel must invite comments on any consent application relating to the project from the following persons or groups in addition to the persons listed in clause 17(6) of Schedule 6 of the Act:

- (a) the following, through Aukaha Limited (their representative agent):
 - (i) Ngāi Tahu Papatipu Rūnanga: Te Rūnanga o Ōtākou; and
 - (ii) Kati Huirapa Rūnaka ki Puketeraki; and
- (b) New Zealand Transport Agency.

8 No further provision required

No further provision is necessary to give effect to decisions made by the Minister under section 24 of the Act in respect of the project.

Statement of reasons

This statement of reasons is published for the purposes of clause 4 of Schedule 3 of the Act

Having considered the application against the criteria in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**) and the Act's purpose, and having sought and considered written comments from the relevant Ministers and local authorities, the Minister for the Environment has accepted this application for referral for the following reasons:

- the project will help to achieve the purpose of the Act; and
- the project will have positive effects on the social and cultural well-being of current and future generations; and
- the project offers the opportunity to create up to 827 full-time-equivalent construction and design jobs and indirectly related jobs; and
- the project offers the opportunity to create housing demand for new workers in the Otago and Southland regions; and

- the project will have short-term and long-term economic benefits for people and industries affected by COVID-19, including the construction workforce and those living and working in the Otago and Southland regions; and
- the project will progress faster than would otherwise be the case under the Resource Management Act 1991 standard processes; and
- any adverse effects arising from the activities that are to occur under the project and potential mitigation measures can be tested by an expert consenting panel, having regard to Part 2 of the Resource Management Act 1991 and the purpose of the Act.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 2 April 2021, amends the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020. The effect of the amendment is to refer 2 projects to expert consenting panels for the purpose of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the **Act**). The referred projects are the projects named and described in *new Schedules 14 and 15*.

The effect of the referrals is—

- in relation to the project described in *new Schedule 14*, to authorise Hiringa Energy Limited and Ballance Agri-Nutrients Limited to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project; and
- in relation to the project described in *new Schedule 15*,—
 - to authorise the Minister of Health and the Ministry of Health to apply under the Act, instead of under the Resource Management Act 1991, for resource consents relating to the project; and
 - to authorise the Minister of Health (as a requiring authority) to lodge notices of requirement under the Act, instead of under the Resource Management Act 1991, for designations or to alter designations relating to the project.

The expert consenting panels will be appointed under Schedule 5 of the Act and make decisions in accordance with Schedule 6 of the Act.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 April 2021.

Notes

1 *General*

This is a consolidation of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No 3) 2021 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

COVID-19 Recovery (Fast-track Consenting) Act 2020 (2020 No 35): Schedule 1 clause 1(1)