

COVID-19 Recovery (Fast-track Consenting) Act 2020

Kapuni Green Hydrogen by Hiringa Energy Limited and Ballance Agri-Nutrients Limited.

M-1 Minute of the Kapuni Green Hydrogen Expert Consenting Panel – 30 September 2021

1. On 18 August 2021 Hiringa Energy Limited and Ballance Agri-Nutrients Limited lodged an application for resource consents with the Environmental Protection Authority (**EPA**), for the Kapuni Green Hydrogen (**the project**), under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (**the Act**).
2. The Kapuni Green Hydrogen Expert Consenting Panel (**the Panel**), was appointed on 15 September 2021 to determine the application for resource consent. The Panel is comprised of myself, Richard Fowler QC (as Chairperson), Sheena Tepania, Robert Northcott and Justine Inns.

Invitations to Comment

3. The panel must invite written comments on the application from the persons or groups listed in clause 17(6) of Schedule 6 of the Act.
4. In addition to the requirements of clause 17(6), the Panel may invite written comments from any other persons that the Panel considers appropriate under clause 17(5) of Schedule 6 of the Act.
5. The panel notes that clause 17(1) of Schedule 6 of the Act prohibits them from giving public or limited notification.

Determination of owners and occupiers of land who must be invited for comment under clauses 17(6)(g) and 17(6)(h) of Schedule 6

6. The Panel has considered the application, and the extent of land on which the project is undertaken, and the land adjacent to that land.
7. In identifying the extent of land parcels that are considered “*adjacent to the land on which the project is undertaken*”, the Panel considers that land parcels that are adjoining the land on which the project is to be undertaken, or are separated by an inconsequential feature (such as a road or reserve) represent land adjacent to land on which the project is undertaken.
8. The Panel considers that the owners and occupiers of the land parcels on which the project is to be undertaken, and the land adjacent to that land, being made up of the land parcels described in paragraph 7, must be invited to provide comments in accordance with clauses 17(6)(g) and 17(6)(h) of Schedule 6 of the Act.
9. A map identifying these land parcels is appended to this Minute as Appendix 1. A table identifying the physical address of these land parcels can be found on the EPA website at the following link:

<https://www.epa.govt.nz/fast-track-consenting/referred-projects/kapuni-new-page/comments-from-invited-parties>

Date determined for closing of comments

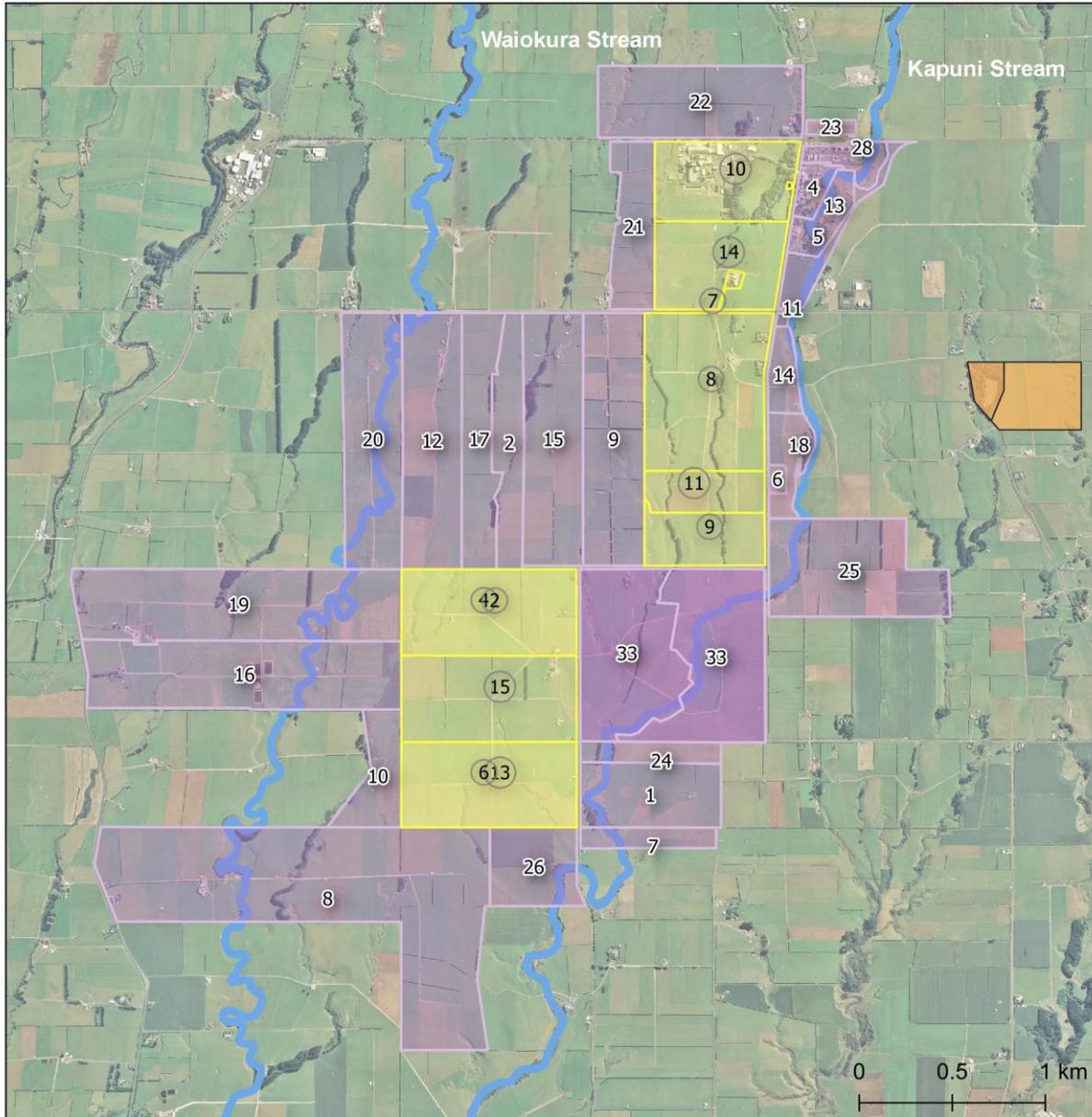
10. The decision on person(s) who must be invited to provide comments and those that the Panel considered appropriate to invite comments from was made on 28 September 2021.
11. The EPA is to issue the invitations to comment on **30 September 2021**.
12. Clause 18(1) of Schedule 6 specifies written comments must be received by the EPA on behalf of the Panel on a specified date (which must be 10 working days after the date on which the invitation is given under clause 17(2)).
13. For the Kapuni Green Hydrogen project, the Panel is inviting comments from person(s) or groups that can only be contacted via postal addresses. To avoid any prejudice for postal (or non-electronic recipients), the Panel considers it appropriate, and correct at law, to allow time for the invitation to be received, before the 10 working days by which written comments must be received by the EPA begins.
14. The Panel has therefore resolved to allow 5 days for delivery, and has determined the date by which written comments must be received by the EPA to be **21 October 2021**.
15. It is important to note that the Panel is not required to consider comments received after **21 October 2021**, but may do so, in its discretion, as long as the Panel has not issued its decision.
16. There is also no right for any person to seek a waiver of the time limit.
17. As a hearing is not required under the Act and may not occur, if comments are to include expert consultant advice or legal submissions, these must be received with written comments supplied to the EPA, by **21 October 2021**.
18. Written comments can be emailed to the EPA at kapunigreen@epa.govt.nz.



Richard Fowler QC

On behalf of the Kapuni Green Hydrogen Expert Consenting Panel

Appendix 1. Over view map Kapuni Green Hydrogen Project



Legend

- Titles associated with land on which project is to be undertaken
- Titles adjoining land on which project is to be undertaken
- Ngaruahine Treaty Redress
- Statutory Acknowledgement stream



Note: Labels on map correspond with identifiers in spreadsheet identifying title owners

Sources: Hiringa Energy Ltd, Ballance Agri-Nutrients Limited, Environmental Protection Authority, Land Information NZ 19/09/2021