

BRF-2175

28 September 2022

James Palmer
Chief Executive
Hawke's Bay Regional Council
Email: s 9(2)(a)

Dear James Palmer

COVID-19 Recovery (Fast-track Consenting) Act 2020 – comments sought on referral application – Pohutukawa Drive Subdivision Project

The Minister for the Environment (Minister) has received an application from Evans Family Trust to refer the Pohutukawa Drive Subdivision Project (project) to an expert consenting panel (panel) for consideration under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (FTCA).

The project is described in Appendix A and the application documents are in Attachment 1.

Under delegated authority from the Minister and pursuant to section 21(2) of the FTCA, I invite Hawke's Bay Regional Council to provide written comments on the referral application. A template is provided for this purpose in Attachment 2. Comment is sought on the specific matters outlined in the table below, and on any other matter you consider relevant to the Minister's decision on whether or not to accept the application.

Specific questions on the application

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 FTCA?
2. What reports and assessments would normally be required by the Council for a project of this nature in this area?
3. Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?
4. Do you have any concerns about natural hazard risk given the location of the project? And are the mitigations proposed by the applicant appropriate?
5. The project area contains a potential wetland, which the applicant states is not natural and therefore not subject to the non-complying activity status under Regulation 54 (c) of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Can you provide any comments on the nature of the wetland?

6. Do you consider that the project, and the works involved in it, are appropriate in this area? Particularly the realignment of the Whirinaki Drain?


The above information is provided to you in confidence and as part of the statutory process set out in the FTCA. Please do not forward the application or request for comments to anyone outside your organisation.

If the Minister accepts the application and the project is referred to a panel, Hawke's Bay Regional Council will have the opportunity to nominate a local authority representative (who could be a councillor or independent hearings commissioner) to sit on the panel and determine the RMA approvals for the project. The applicant will provide a detailed assessment of environmental effects and cultural impact assessments at this stage and the council will have the opportunity to provide further comments to the panel.

Please provide comments via return email within 10 working days to ensure that the Minister takes them into consideration when making his decision. Note that the Minister is not required to consider any comments provided after this time.

If it is more efficient for you to discuss the application, please contact the Ministry for the Environment's Fast-track Consenting Team at fasttrackconsenting@mfe.govt.nz to arrange an appointment.

Yours sincerely



Madeleine Berry
Acting Manager, Fast-track Consenting Team

Appendix:

A. Details of proposed project

Attachments:

1. Application to refer the Pohutukawa Drive Subdivision Project to an expert consenting panel, including supporting information (Databox link)
2. Response template for written comments

Appendix A – Details of proposed project

| Project | Applicant | Details |
|------------------------------|--------------------|--|
| Pohutukawa Drive Subdivision | Evans Family Trust | The project is to subdivide a 12-hectare site in three stages and construct a housing development at 996 State Highway 2, Eskdale, Hawke's Bay. The project will create 81 residential lots and 1 commercial lot and will provide 83 residential units (81 standalone homes and 2 apartments above the commercial floorspace). The application includes realigning the Whirinaki Drain, constructing a wastewater treatment plant, and a 2-hectare solar farm over the wastewater discharge fields. It is intended that the wastewater treatment plant is powered by the solar farm. |