

FTC #201: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Application 2023-150 Arawhata Wetland Project

Date submitted:	23 March 2023	Tracking #: BRF-2995	
Security level:	In-Confidence	MfE priority:	Urgent

	Action sought:	Response by:
To Hon David Parker, Minister for the Environment	Decision on recommendations in Table A	To be advised

Actions for Minister's Office staff	Return the signed briefing to MfE. Send attached letter (if signed) with accompanying template and links to application documents.
Number of attachments: 3	Attachments: - Application documents for Arawhata Wetland Project (Databox link) - Letter to Ministers – inviting comments on Arawhata Wetland Project referral - Template for ministerial comment

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Zen Gerente		
Acting Manager	Madeleine Berry	s 9(2)(a)	✓
Director	Caroline Hart	s 9(2)(a)	

FTC#201: Application for referred project under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decisions

Key messages

1. This briefing seeks your initial decisions on an application from Manawatū-Whanganui Regional Council (Horizons) to refer the Arawhata Wetland Project (project) to an expert consenting panel (panel) under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the FTCA).
2. The project is to construct engineered treatment wetlands and restore previously drained natural wetlands in the Arawhata Stream catchment of Punahau/Lake Horowhenua in Manawatū-Whanganui. The project site covers an area of approximately 119 hectares, located at 269 and 308 Hokio Beach Road, 217 Arawhata Road, Levin and adjacent land (legally described as Section 4 Survey Office Plan 465440). The project will include works within the Hokio Beach Road and Arawhata Road reserves.
3. The project is to improve the water quality of Lake Horowhenua by reducing nitrogen, phosphorus and sediment loads entering the lake.
4. The project will require land use consent under the Horowhenua District Plan, water and discharge permits under the Horizons One Plan, and resource consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS). The proposed activities would have overall discretionary activity status.
5. We have undertaken an initial (Stage 1) analysis of the referral application, and this is presented along with our recommendations in Table A.
6. The project meets all the eligibility criteria in section 18(3) of the FTCA, but more analysis is needed before we can advise you if it meets the purpose of the FTCA (thus satisfying section 18(2) of the FTCA) and advise you on matters in section 23(5) which may influence your referral decision.
7. We recommend you progress consideration of the application to the next stage of analysis (Stage 2) and invite comments from Horowhenua District Council, Horizons Regional Council and specific Ministers listed in section 21(6) of the FTCA.
8. We recommend that you invite comments from First Gas Limited as an additional party under section 21(3) of the FTCA.
9. We also recommend you request further information from the Horowhenua District Council as detailed in Table A.

Statutory framework summary

10. You are the sole decision maker for the referral application as the project will not occur in the coastal marine area.
11. You may decline the referral application before seeking comments from the relevant local authorities and any relevant Ministers:
 - a. if you are satisfied the project does not meet the referral criteria in section 18 of the FTCA, (which include helping to achieve the purpose of the FTCA) (see sections 18(2) and 23(1) of the FTCA)
 - b. for any other reason (see section 23(2) of the FTCA).

12. If you do not decline the referral application at this stage:
- a. you must provide the application to, and invite comments from, the relevant local authorities and the relevant Ministers prescribed by section 21(6) of the FTCA
 - b. you may provide the application to and invite comments from any other person.
13. You are also able to request further information from the applicant or any relevant local authority at any time before you decide to decline or accept the referral application (see section 22 of the FTCA).

Action sought

14. Please indicate your decisions on the recommendations in Table A.

Signature



Madeleine Berry
Acting Manager – Fast-track Consenting

Table A: Stage 1 initial assessment of project eligibility – projects where the Minister for the Environment is the only decision maker

Project to progress

Project details	Project description	Project funding	Is project eligible for referral? [section 18(3)]	Will project help to achieve the purpose of the FTCA? [section 18(2)]						Recommendations	Minister's decisions
				Economic benefits and costs for people or industries affected by COVID-19 [section 19(a)]	Effect on social and cultural wellbeing of current and future generations [section 19(b)]	Likelihood project will progress faster under the FTCA than would otherwise be the case [section 19(c)]	Public benefit [section 19(d)]	Potential for significant adverse environmental effects, including greenhouse gas emissions [section 19(e)]	Any other relevant matters [section 19(f)]		
Name Arawhata Wetland Project Applicant Manawatū-Whanganui Regional Council (Horizons) c/- Resources Management Group Ltd Location 269 and 308 Hokio Beach Road, 217 Arawhata Road, Levin and Section 4 Survey Office Plan 465440 (land with no address) Hokio Beach Road and Arawhata Road reserves	The project is to construct engineered treatment wetlands and restore previously drained natural wetlands in the Arawhata Stream catchment of Punahau/Lake Horowhenua in Manawatū-Whanganui. The project site covers an area of approximately 119 hectares, located at 269 and 308 Hokio Beach Road, 217 Arawhata Road, Levin and adjacent land (legally described as Section 4 Survey Office Plan 465440). The project will include works within the Hokio Beach Road and Arawhata Road reserves. The project is to improve the water quality of Lake Horowhenua by reducing nitrogen, phosphorus and sediment loads entering the lake. The project involves	The applicant owns all the properties that comprise the project site. § 9(2)(f)(ii), § 9(2)(g)(i)	Based on available information at this stage, we consider the project is eligible for referral because: - it does not include any prohibited activities - it does not include land returned under a Treaty settlement - it does not occur in a customary marine title area or protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.	Based on the information provided by the applicant, we consider the project may result in the following economic benefits: creating approximately 45 direct full time equivalent (FTE) jobs over a 3-year construction period.	The project has the potential for positive effects on the social and cultural wellbeing of current and future generations as it will: - contribute to job creation and flow-on economic benefits - restore a natural wetland - contribute to enhancement of water quality of Lake Horowhenua - provide opportunities for recreation and public amenity. The applicant has engaged with Muaūpoko and Ngāti Raukawa ki te Tonga who will provide cultural impact assessments. Mātauranga Rōpu (Kāhui Ārahi) will also provide mātauranga input into detailed design of the project.	The applicant considers that the fast-track process will allow the project to progress 3-12 months faster than under standard Resource Management Act 1991 (RMA) process due to the likelihood of notification and appeals. We recommend seeking comment from Horowhenua District Council and Horizons Regional Council on the appropriateness of using the FTCA process.	Based on the information provided by the applicant we consider the project may result in the following public benefits: - generating employment - improving environmental outcomes for freshwater quality and indigenous biodiversity - providing recreation benefits.	The applicant notes the project has the potential for adverse environmental effects, including: - earthworks and construction effects - temporary ecological effects. We note that you do not require a full Assessment of Environment Effects and supporting evidence to make a referral decision and a panel can consider this and any appropriate mitigation, offsetting or compensation to manage adverse effects of the development.	The project site is located in the Rural Zone and meets the definition of highly productive land under the National Policy Statement for Highly Productive Land 2022 (NPS-HPL), having Class I and II soil overlays. However, the project is not considered by the applicant as an inappropriate use or development under NPS-HPL (Clause 3.9 (2)(c), (e) and (f)). We consider that the project will improve water quality and has the potential to restore natural resources. A gas transmission pipeline traverses the project site and a pipeline certificate (easement) associated with this is registered on the titles of 269 Hoko Beach Road and Section 4 Survey Office Plan 465440. We recommend you seek comments from First Gas Ltd whether the project will have any impact on the existing gas transmission pipeline.	a. Note that section 23(3) of the FTCA permits you to decline the referral application without inviting comments from the relevant local authorities and any relevant Ministers. b. Note that you have not yet provided the application to, nor sought any comments on it from, relevant local authorities or relevant Ministers but that you are required to do so if you do not decline the application under section 23(3) of the FTCA. c. Note that section 21(3) of the FTCA permits you to forward an application to, and invite written comments from, any other person. d. Note that section 22 of the FTCA permits you to request further information from the applicant or relevant local authorities at any time before you decide whether to accept or decline an application. e. Agree to progress the Arawhata Wetland Project to our Stage 2 analysis. The project warrants further analysis because it has potential to achieve the purpose of the FTCA, but we need to consider some matters further before providing you with our final advice on the referral application. f. Agree to provide the application to, and invite comments from: - the Ministers listed in section 21(6)(a)–(m) of the FTCA - the relevant local authorities – Horowhenua District Council and Horizons Regional Council - the following additional entities/persons under section 21(3) of the FTCA: First Gas Limited. g. Sign the attached letters to	Yes/No Yes/No Yes/No

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	activities such as carrying out earthworks (including disturbing contaminated soils), constructing weir in the river, upgrading existing culverts, constructing bund/stopbank, discharging of water (which may contain contaminants) into water and onto land, taking and using of groundwater, planting and landscaping. The project will require land use consent under the Horowhenua District Plan, water and discharge permits under the Horizons One Plan, and resource consents under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F) and Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations									Ministers. h. Note that while awaiting comments from invited parties and further information, the Ministry for the Environment will, in consultation with the Office of Māori Crown Relations – Te Arawhiti, prepare a report for the purpose of section 17 of the FTCA.	

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	2011 (NES-CS). The proposed activities would have overall discretionary activity status.										

Signed:

Hon David Parker
Minister for the Environment

Date: