

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

Beachlands Housing Development by Neil Construction Limited and Fletcher Residential Limited

M-2 Minute of the Beachlands Housing Development Expert Consenting Panel – 23 December 2021

1. On 17 December 2021, comments on the application from the invited parties were received by the Environmental Protection Authority (EPA), for the Beachlands Housing Development (the project), under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. These comments can be viewed on the EPA website here: <https://www.epa.govt.nz/fast-track-consenting/referred-projects/beachlands-housing-development/comments-from-invited-parties/>

Statutory blackout period

3. As per the definition of “working day” under the Act, the period from 20 December to 10 January (inclusive) are not considered working days.

Request for Suspension of Processing

4. On 21 December 2021, correspondence was received from Michelle Kemp, Campbell Brown Planning, on behalf of Neil Construction Limited and Fletcher Residential Limited (the applicants) requesting that the processing of the application be suspended under clause 23(1) of Schedule 6 of the Act.
5. The reason for the suspension, as advised, was given the nature and scale of the response from Auckland Council and Auckland Transport, the applicant considered that technical responses from the applicant are necessary to clarify matters raised and assist the panel. The suspension will enable the Applicants' technical specialists sufficient time to return from leave and provide a response to the key matters.
6. The Applicants have requested the processing of the application be suspended until 31 January 2022.
7. In accordance with clause 23(3) of Schedule 6 of the Act, the EPA must provide a copy of the suspension request to the relevant local authority and to any person or group invited to provide comments under clause 17(2) of Schedule 6 of the Act.
8. The request can therefore be found on the EPA website here:
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Beachlands/panel-correspondence/Beachlands-Suspension-request.pdf>
9. No action is required from any party

Suspension of processing

10. In accordance with clause 23(4) of Schedule 6 of the Act, the panel, at its discretion, may suspend the processing of a consent application when a request is made.
11. The Beachlands Housing Development Expert Consenting Panel (the Panel) has considered the request by the applicant and has resolved to **grant** the suspension, noting that more detailed responses, with technical input (where required) will be of greater assistance to the Panels consideration of the application.

12. The suspension will begin at **11:59pm on 23 December 2021**, at which time the Panel will cease processing the application.
13. Accordingly, at 11:59pm on 23 December 2021, no working days of the timeframe specified in clause 37(2)(a) of Schedule 6 of the Act, by which the Panel must issue its final decision (where there has been no further extension to that time-period), will have elapsed. At the point the current suspension of processing ceases, there will be 25 working days left by which the panel must issue its decision (where no further extension of the timeframe specified in clause 37(2)(a) of Schedule 6 of the Act has been applied).
14. In accordance with clause 23(6) of Schedule 6 of the Act, the Applicants may request in writing that the processing of the application be resumed.
15. If no such request is received within 50 working days of the processing of the application being suspended, in accordance with clause 24(2) of Schedule 6 of the Act, the Panel must decide to return the consent application or continue to process the application.
16. Although the Applicants have requested that the application be suspended until 31 January 2022, a written request to resume processing should be provided by the Applicants to the EPA pursuant to clause 23(6) of Schedule 6 of the Act. If a written request is not received, the Panel is not obliged to decide whether to resume processing until 50 working days have elapsed pursuant to clause 24(2)(b) of Schedule 6 of the Act.
17. The relevant local authorities and any person or group invited to provide comments under clause 17(2) of Schedule 6 of the Act will be notified if a written request to resume processing is received, and informed when the processing of the application is to resume

Caucusing

18. Given the matters raised by Auckland Council and its Council Controlled Organisations¹ (the "Auckland Council Group") in their comments on the application, the Panel strongly encourages that the Applicants and the Auckland Council Group caucus to address these matters.
19. Should caucusing occur between the Applicants and the Auckland Council Group, the Panel directs that:
 - a) The Applicants and the Auckland Council Group make arrangements between them to do so and once confirmed advise the EPA when the caucusing is to occur.
 - i. Should the parties require any assistance in making arrangements for caucusing, they should contact Alex Erceg at the EPA on Beachlands.fasttrack@epa.govt.nz or 027 293 6728,
 - ii. However, parties who are to caucus are encouraged to liaise amongst themselves in the first instance to agree on an agenda and a time for the conferencing to occur and pre-circulate a summary of any issues they wish to raise for discussion.

Further Information

20. In accordance with clause 25(1) of Schedule 6 of the Act, the Panel requests the following information from the Applicants:

¹ Such as Watercare Services Limited and Auckland Transport

- a) A cultural impact assessment(s) prepared by, or on behalf of the relevant iwi authorities;
or
 - b) Evidence that demonstrates what further consultation has been undertaken to obtain a cultural impact assessment(s) prepared by, or on behalf of the relevant iwi authorities.
21. Also, in accordance with clause 25(1) of Schedule 6 of the Act, the Panel requests a statement from the applicant outlining their discussions with the Auckland Council Group (which as mentioned in para 18 is strongly encouraged to be via caucusing) and the results of those discussions or caucusing by way of an agreed statement that must be provided to the EPA.
22. Noting that the Panel has resolved to grant the suspension of processing of the application, the Panel is of the view that the Applicants can use the time period when the application is suspended to obtain the information requested in accordance with clause 25(1) of Schedule 6 of the Act as directed by the Panel. As such, the applicant has **1 working day** to provide the information requested. This being 1 working day after the resumption of processing when the suspension requested by the applicant ceases (for example, if the suspension of processing ceases on 31 January 2022, the information requested must be received by the EPA no later than 1 February 2022).



Daniel Minhinnick

On behalf of the Beachlands Housing Development Expert Consenting Panel.