

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

## Dominion Road Mixed-use Development resource consent application (the application)

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M-1 Minute of the Dominion Road Mixed-use Development Expert Consenting Panel – 25 May 2021

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### Additional persons to be invited to comment and closing date for comments

1. Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) for a referred project the Panel must invite written comments on the application from the persons or groups listed in clauses 17(6) and 17(7) of Schedule 6.
2. In addition to the requirements of clause 17(6) and 17(7), the Panel may invite written comments from any other person that the panel considers appropriate under clause 17(8) of the Act.
3. The Panel notes that clause 17(1) of Schedule 6 prohibits them from giving public or limited notification.
4. The Panel has carefully considered whether there are any other persons who should be invited to comment and has identified the following additional persons, for the reasons specified:
  - GAS Dominion Road, 379 Dominion Road – whilst not strictly adjacent the proposal has the potential to change the configuration of the intersection in close proximity to the access points for the petrol station.
  - Body Corporate 170495 (The Chair) – the individual owners and occupiers of the Lot 1 retail sites are captured but due to the proposed subdivision and the cancellation of easements in favour of Lot 1 it is appropriate to also include the Body Corporate.
  - Eden We Love Incorporated (50059989) (NZBN: 9429049127614) – this recently formed Society has engaged with the applicant during the pre-application process, its position is not clear from the material filed with the application and its primary purpose is to help people understand, value, care for and enjoy the local Mount Eden environment.
  - The owners and occupiers of the parcels of land at 84, 84A and 85 Prospect Terrace, 109 and 124 Grange Road on the basis that these land parcels while not adjacent are within sufficiently close proximity to the project site for the Panel to be interested in their views.

### Next steps and timeframes

5. Clause 18(1) of Schedule 6 specified that 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)).

6. For the Dominion Road Mixed-use Development application there are a number of persons or groups to be invited to comment 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 invitations to be received, before the 10 working days by which a written reply must be received by the EPA begins. This interpretation of when notice is "given" under Clause 18(1) (and Clause 17(2)) of Schedule 6, is consistent with Rule 6.6 of the High Court Rules 2016 which treats service of documents served to a Po Box as having either occurred either on the fifth day after the day on which it was posted or the day it is received whichever is the earliest. In this case because a date must be specified in the invitation on which a reply is to be received, such date will be 15 working days after the date on which the invitation will be posted. To allow the number of invitations to be prepared, the invitations to comment will be posted on Tuesday 25 May 2021.
7. Comments on the application can be sent to the EPA by email at [dominionroad.fasttrack@epa.govt.nz](mailto:dominionroad.fasttrack@epa.govt.nz) or by post and must be received **by Wednesday 16 June 2021**.



Bronwyn Carruthers  
Chairperson  
Dominion Road Mixed-use Development Expert Consenting Panel