

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

Federal Street Residences by P0012 Auckland NZ Pty Limited

M-3 Minute of the Federal Street Residences Expert Consenting Panel – 21 April 2022

Request for suspension of processing

1. On 21 April 2022, the Environmental Protection Authority (EPA) received correspondence from Jeremy Brabant (Legal Counsel for the applicant) on behalf of the Applicant (P0012 Auckland NZ Pty Limited), requesting the Federal Street Residences Expert Consenting Panel (the Panel) suspend the processing of the Application pursuant to clause 23(1) of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act)
2. The request outlined the reason for the suspension being to allow the Applicant opportunity to consider and respond to comments received from invited parties.
3. 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.
4. The request can be viewed on the EPA website here:
<https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Federal-Street/panel-correspondence/Applicant-Letter-Requesting-Suspension-of-Processing-for-Federal-Street-application.pdf>
5. No action is required from any party.

Suspension of processing

6. 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.
7. The Panel has considered the request by the Applicant and has resolved to **grant** the suspension, noting its understanding that the Applicant will use the additional time to consider, and prepare substantive responses to, the comments that have been received on the Application. In this regard:
 - a) the Panel strongly encourages the Applicant and relevant parties to caucus to narrow and resolve issues; and
 - b) the Panel's expectation is that the Applicant's response will include a written record of the outcome of discussions and caucusing, with an amended set of conditions. Any areas of disagreement between the Applicant and the parties should be clearly identified with an explanation as to the reasons for the disagreement.
8. The suspension will take place from 11 59pm on 21 April 2022. The Panel will now cease processing of the Application, until such time a written request to resume processing of the Application is received. In this regard, the Panel notes that the Applicant has given no indication as to when it may request the suspension to end. The Panel is subject to strict statutory timeframes and its members have a range of other commitments. Out of fairness to the Panel and

the parties, it requests that, by Tuesday 26 April, the Applicant provides an indicative timeframe for the length of the suspension.

9. Accordingly, at 11:59pm on 21 April 2022, 3 working days of the timeframe specified in clause 37(2)(b) 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.
10. At the point the current suspension of processing ceases, there will be 2 working days left by which the applicant may provide a response to comments received under clause 17(2) and 22 working days left by which the Panel must issue its decision (where no further extension of the timeframe specified in clause 37(2)(b) of Schedule 6 of the Act has been applied).
11. In accordance with clause 23(6) of Schedule 6 of the Act, the Applicant may request in writing that the processing of the Application be resumed.
12. If no such request is received within **50 working days** of the processing of the Application being suspended (being 21 April 2022), 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.
13. A written request to resume processing should be provided by the Applicant to the EPA pursuant to clause 23(6) of Schedule 6 of the Act.
14. 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.
15. 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.



Gerald Lanning

On behalf of the Federal Street Expert Consenting Panel