

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

Federal Street Residences by P0012 Auckland NZ Pty Limited

M-4 Minute of the Federal Street Residences Expert Consenting Panel – 3 May 2022

1. The processing of the application for the Federal Street Residences under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) is currently suspended. However, the Federal Street Residences Expert Consenting Panel (the Panel) notes that the request to suspend the processing stated “[d]uring the suspension period the Panel may wish to continue to review and assess the Project in the interim, given the statutory time constraints. To the extent necessary, the Applicant confirms that it agrees to and will fund any such work undertaken during the period of suspension”.

Appointment of Special Advisors

2. Clause 10(3) of Schedule 5 of the Act provides for a panel to appoint a special adviser to assist the panel with an application in relation to any matters the panel may determine.
3. The Panel has identified the need for specialist technical advice relating to groundwater and geotechnical effects of the proposed development.
4. As such, in accordance with clause 10(3) of Schedule 5 of the Act, the Panel has appointed Tonkin and Taylor (T+T) as a Special Advisor to the Panel.
5. The Panel notes that it may be beneficial for T&T, the Applicant and its technical specialists and other relevant parties/experts to caucus or discuss any issues. The Panel also notes that it has previously encouraged caucusing or discussions between the Applicant and relevant parties as per its Minute 3.
6. In this regard the Panel:
 - a) strongly encourages T&T and the Applicant (and any other relevant parties) to caucus to narrow and resolve issues where necessary; and
 - b) requests that a written record is provided to the Panel setting out:
 - the outcome of discussions and/or caucusing. Any areas of disagreement between the parties should be clearly identified with an explanation as to the reasons for the disagreement;
 - an amended set of draft conditions.
7. The Panel has also identified the need for independent legal advice and as such, in accordance with clause 10(3) of Schedule 5 of the Act has appointed Ian Gordon.
8. The Panel has asked Mr Gordon to provide legal advice on the appropriateness of the Applicant's reliance on restrictive covenants and easements against the titles of land parcels of adjacent properties, when assessing the effects of the proposal in accordance with the Auckland Unitary Plan's outlook requirements for residential units.

9. To assist in this advice the Panel requests the Applicant, by way of their Legal Counsel, to provide legal submissions on any judicial authority concerning the proposition that the application can rely on the restrictive covenants and easements as identified in the application.
10. The Panel asks that the submissions requested in paragraph 9 is received by the Environmental Protection Authority (EPA) no later than **9 May 2022**. This can be emailed directly to Alex Erceg at alexander.erceg@epa.govt.nz.

Late comment

11. On 2 April 2022, the EPA received a late comment from Marina Macartney.
12. In accordance with clause 18(6) of Schedule 6 of the Act, the Panel is not required to consider any comments received after the time specified in the invitation, but may do so, in its discretion.
13. The Panel has exercised its discretion and will consider the late comment from Ms Macartney, taking into account that the application is currently suspended, and the Applicant is yet to provide its response to comments in accordance with clause 19 of Schedule 6 of the Act.
14. The late comment will be made available on the EPA website here: [Comments from invited parties | EPA](#)



Gerald Lanning

On behalf of the Federal Street Expert Consenting Panel