

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

Karaka North Village Consent Application by Karaka North Village Limited

M-5 Minute of the Karaka North Village Expert Consenting Panel – 21 July 2022

1. Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), an Expert Consenting Panel (the Panel) has been appointed to determine consent applications for Karaka North Village (the application). The Panel is comprised of myself (as Chairperson), Barry Kaye and Reginald Proffit.
2. This Minute records events around the applicant's request for suspension of processing this application and its subsequent submission of a substantially amended application together with responses to the Panel's first and second requests for information.
3. As recorded in the Panel's Fourth Minute dated 13 June 2022, the applicant requested processing of this application be suspended on 7 June 2022 and on 9 June 2022 the Panel sent a second request for information to the applicant (the first request for information having been sent on 23 May 2022).

The Fourth Minute also:

- a) Recorded that legal counsel for the applicant telephoned the chair of the Panel on Friday 10 June 2022 to discuss the second request for information and the Minute recorded broadly what was discussed;
 - b) Asked the applicant to advise as soon as possible as to the likely submission of any amended application; and
 - c) Recorded that any amended application is likely to be recirculated for comment.
4. Nothing further was heard from the applicant until the Panel was notified on 7 July 2022 that the applicant had submitted:
 - (a) An amended application for processing;
 - (b) A letter from Jeremy Brabant (counsel for the applicant) dated 6 July 2022 which included an Appendix of new/amended documents in support of the amended application; and
 - (c) A memorandum of Mr Brabant also dated 6 July 2022 explaining the amended proposal providing some legal advice in respect of issues arising in respect of the amended application and providing a response to the first and second requests for information.
 5. At the time the amended application was received, the Chair of the panel was overseas and had limited internet capacity. The Chair undertook a review of the electronic documents provided in a Dropbox link but it was difficult to ascertain simply from those documents what was now being proposed by the amended application.

6. The Chair had, unfortunately, not been provided with a copy of the letter, appendix or memorandum provided by Mr Brabant which would have enabled the Chair to undertake a quick summary of the application and to discuss by email with the Panel members the next steps.
7. The Chair was provided with Mr Brabant's memorandum on Tuesday 12 July 2022 (but not copies of his letter or the Appendix listing which documents were new or had been amended).
8. The Chair had also requested hard copies of all the new application documents but those had not been provided by the time the Chair returned from overseas on Tuesday 19 July 2022.
9. In the circumstances, on Friday 15 July the Chair requested the other two Panel members to review the amended application and to make a determination about whether it needed to be recirculated for invitations to comment.
10. That review was undertaken, and advice was provided by Monday 18 July 2022. The advice was to the effect that the amended application did need to be recirculated for comment. The Chair agreed with that assessment.
11. Accordingly, the Panel agreed that the new/amended application (all of the application documents, together with the material provided separately by Mr Brabant) should be recirculated for comment by no later than Friday 22 July 2022. The Panel proposes that one electronic link be sent with the new entire application and all supporting documents together with a separate electronic link with just the new/amended application documents. The purpose of providing the request for information this way was to enable invitees to review the lesser number of documents if they so choose to.
12. The panel has therefore allowed 5 days for delivery and has determined the date by which comments must be received by the EPA to be 12 August 2022.
13. It is unfortunate that there has been a short delay in the recommencement of the processing of this application but to a large extent, this could have been avoided if the applicant had communicated with the Panel the likely timing of the resubmission of a new/amended application and if the Chair had been provided with Mr Brabant's legal analysis at the time the link to the amended application documents was provided.
14. The Panel understands that a representative of the applicant has telephoned the EPA directly to express concerns about the lack of communication about the re-starting of processing this application and the Panel hopes this Minute goes some way to explaining the position.
15. In consequence of these directions, a new timetable has now been formulated by the EPA which is also annexed to this minute and displayed separately on the EPA website. As of the date of this Minute, the Panel has now recommenced processing the application.

Ngā mihi maioha



Alan Webb

Chairperson, Karaka North Village Expert Consenting Panel

Appendix 1:Key Dates, Karaka North Village application

Karaka North Village – Key Dates	
Application Lodged	23 March 2022
Completeness End Date	29 March 2022
Panel Appointed	17 May 2022
Request for further information sent to Applicant	23 May and 9 June
Site Visit	20 May 2022
Invite to Comment	24 May 2022
Invite to Comment Close	15 June 2022
Processing of Application suspended	7 June 2022
Response to RFI received	6 July 2022
Processing of Application Resumed	21 July 2022
Recirculation of invitation to comment	22 July 2022
Invitation to comment period close	12 August 2022
Response from Applicant on Comments Due (5 working days)	19 August 2022
Decide on extension (if required)	Any time before 16 Sept
Circulate draft conditions	10 WD before decision deadline
Receive comments on draft conditions	5 WD before decision deadline
Anticipated Decision (without extension)	16 September 2022
Appeal Deadline +15	7 October 2022
Anticipated Decision Deadline +25	21 October 2022
Appeal Deadline (with extension) +15	14 November 2022