

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

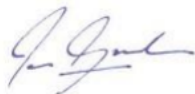
Kohimarama Comprehensive Care Retirement Village Consent Application by Ryman Healthcare Limited

M-2 Minute of the Kohimarama Comprehensive Care Retirement Village Expert Consenting Panel – 7 April 2021

1. On 12 March 2021, the Kohimarama Comprehensive Care Retirement Village Expert Consenting Panel (the panel), issued invitations to comment to those parties specified in clauses 17(6), 17(7) and 17(8), of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. In accordance with clause 18(1) of the Act, all comments were to be “*received by the Environmental Protection Authority (EPA)*”, no later than 6 April 2021.
3. Clause 18(7) of Schedule 6 of the Act states that “*there is no right for any person to seek a waiver of the time limited for written comments to be received*”. However, in accordance with clause 18(6) of Schedule 6 of the Act, the panel, may, in its discretion, consider comments received after the time specified in its invitation, provided that they have not already issued their decision.
4. On 7 April 2021, the EPA received comments from Liz and Bruce Patterson, and Ben and Gemma Gribble (collectively “*the parties*”), via courier. As these comments were not received by the EPA by 6 April 2021, they are considered to be comments received by the EPA after the time specified in the invitation to comment.
5. EPA staff tracked the package and determined the comments had been picked up by the courier on 29 March 2021, and as such took 5 working days to be delivered. The panel also acknowledges that there were two public holidays (Good Friday and Easter Monday), which could have attributed to the delay in the EPA receiving the comments. The panel considers the parties made all reasonable attempts to ensure that the comments were received by the EPA by 6 April 2021, as was required.
6. The panel has therefore resolved to exercise their discretion and consider the comments from the parties.
7. Clause 19 of Schedule 6 of the Act provides an opportunity for the consent applicant or requiring authority to provide a response on comments received, which must be no later than 5 working days after the date comments were to be provided to the EPA. This means the consent applicant had to provide their response to comments by 14 April 2021. The panel considers accepting the comments does not disadvantage the consent applicant, and the consent applicant still has the ability to respond to the comments.
8. The comments from the parties, and all other comments received on the consent application by the EPA can be viewed on the EPA website, at the below link:

<https://www.epa.govt.nz/fast-track-consenting/referred-projects/kohimarama-comprehensive-care-retirement-village/comments-from-invited-parties/>

9. As mentioned in para 7, the consent applicant now has until the 14 April 2021 to provide a response to the comments on the application received by the EPA. Its response will be made available on the EPA website, at the above link, upon receipt by the EPA. The EPA will advise all parties who provided comment on the application once the applicant's response is published on the website.

A handwritten signature in blue ink, appearing to read 'I. Gordon', is positioned above the printed name.

Ian Gordon

**Chairperson on behalf of the Kohimarama Comprehensive Care Retirement Village Expert
Consenting Panel**