

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

New Dunedin Hospital – Whakatuputupu – Stage 1 enabling works resource consent application (the application)

M-1 Minute of the New Dunedin Hospital – Whakatuputupu Expert Consenting Panel – 5 October 2021

Persons to be invited to comment and closing date for comments

1. Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) 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 for a referred project.
2. In addition to the requirements of clause 17(6) the Panel may invite written comments from any other person that the Panel considers appropriate under clause 17(7) of the Act. The Panel has not identified any additional persons to be invited to comment on the application.
3. A list of persons to be invited to comment on the application is available on the EPA website at the following link: <https://www.epa.govt.nz/fast-track-consenting/referred-projects/new-dunedin-hospital-whakatuputupu/comments-from-invited-parties/>
4. The Panel notes that clause 17(1) of Schedule 6 prohibits them from giving public or limited notification.

Next steps and timeframes

5. Clause 18(1) of Schedule 6 specifies 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 Stage 1 Enabling works application of the New Dunedin Hospital – Whakatuputupu project 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.
7. This interpretation of when notice is “given” under Clause 18(1) (and Clauses (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 occurred wither on the fifth day after the day on which it was posted or the day it is received whichever is the earliest.
8. In this case because a date must be specified in the invitation on which a reply is to be received, such date will be 16 working days after the date on which the invitation will be posted. The Panel acknowledges that other Expert Consenting Panels have allowed 15 working days for comments to be received. However, it also recognises the current limitations due to COVID-19 restrictions

and subsequent delays to the standard postal service. The Panel has therefore allowed an additional day.

9. To allow the invitations to be prepared, the invitations to comment will be posted on Wednesday 6 October **2021**.
10. Comments on the application can be sent to the EPA by email at dunedinhospital.fasttrack@epa.govt.nz or by post and must be received by Friday 29 October 2021.



Judge Laurie Newhook
Chairperson
New Dunedin Hospital – Whakatuputupu Expert Consenting Panel