

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

LP 17 Queenstown Arterials Project Consent Application and Notice of Requirement by Queenstown Lakes District Council

M-4 Minute of the Queenstown Arterials Project Expert Consenting Panel – 30 March 2021

1. On 5 February 2021, in accordance with Clause 17 of Schedule 6 of the COVID-19 Recovery (Fast-track Consenting Act) 2020 (the Act), the Queenstown Arterials Project Expert Consenting Panel (the panel) issued invitations to comment.
2. In accordance with clause 18 of Schedule 6 of the Act, written comments must have been received by the Environmental Protection Authority (EPA) no later than 26 February 2021. As per Minute 1 of the panel, the panel had allowed an extra 5 working days for the invitation to comment to be received, to allow for mail delays.

Late Comments Received

3. On 21 March 2021, Renee Brown submitted a comment on the application. This is 15 working days after the comment must have been received by the EPA.
4. The comment received was on the comment form prepared by the EPA (and attached the invitation to comment), for lodging of comments, which makes it clear that delivery by whatever means (this one was by email) needs to result in receipt of the comment by the EPA no later than 26 February 2021.
5. Ms Brown indicates that the reason for the lateness of providing the comment was due to the fact that the mail at the address the invitation was sent to, had not been checked recently.
6. Clause 18(6) and (7) of Schedule 6 of the Act, is strongly directed to maintaining good order and rapid processing of applications, and state that the panel is not required to consider any comments received after the time specified in the invitation.
7. It should also be highlighted that the time period for the applicant to respond to comments in accordance with clause 19 of Schedule 6 of the Act expired on 8 March 2021. This time period was measured from when original comments were due with the EPA, being the 26 February 2021.
8. There is no provision under the Act that would automatically give the applicant the right to respond to the comment, should the panel decide to consider the comment.
9. It is noted that Ms Brown had previously submitted a comment on the application, in relation to another property, within the timeframe specified.

10. The Act has very specific and very tight timeframes, and to accept a comment at this late stage would deprive the applicant an opportunity to respond to the comment.
11. We therefore decline to consider the comment.

A handwritten signature in black ink, appearing to read 'Heather Ash', written in a cursive style.

Heather Ash
Chairperson
Queenstown Arterials Project Expert Consenting Panel