

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

New Dunedin Hospital – Whakatuputupu - Stage 2 Outpatient building

M-4

Minute of the New Dunedin Hospital - Whakatuputupu
Expert Consenting Panel – 30 June 2022

Correspondence from Foodstuffs South Island Properties Limited

1. On 28 June 2022, the Panel received a Memorandum of Counsel on behalf of Foodstuffs South Island Properties Limited in relation to the flood risk of the New Dunedin Hospital – Whakatuputupu Outpatient Building on Foodstuffs South Island properties located in close proximity to the site. The memorandum is available on the EPA website at the following link: <https://www.epa.govt.nz/fast-track-consenting/referred-projects/new-dunedin-hospital-whakatuputupu/outpatient-building-the-correspondence-to-and-from-the-panel/>
2. The Panel notes that Foodstuffs South Island Properties Limited commented on the application in response to an invitation under clause 17 of Schedule 6 of the Act. The Panel is not required to consider any comments received after the time period specified in the invitation to comment but may do so in its discretion, as long as the Panel has not issued its decision (clause 18(6) of Schedule 6).
3. The Panel has decided not to consider the comments in the memorandum just received from Foodstuffs' counsel, because it adds little to the commenter's early (in-time) comments; offers no significant reason for lateness (the tight time-frames for taking professional advice and commenting affect all invitees, and in this case were extended by 5 working days beyond the statutory 10); would create unfairness to other invitees who might have felt similarly constrained by the 15 working days and might now seek to become re-involved to the detriment of timely resolution of the case under the FTCA; and possibly create a precedent for other FTCA cases.
4. The Panel is aware of the flooding impacts on adjacent properties from the comments received and have appointed a special adviser to assist the Panel in relation to natural hazards, particularly flooding.



Judge Laurie Newhook
Chairperson
New Dunedin Hospital – Whakatuputupu – Stage 2 Outpatient Building Expert Consenting Panel