

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

### Summerset Retirement Village - Waikanae Consent Application by Summerset Villages (Waikanae) Limited

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#### M-2 Minute of the Kohimarama Comprehensive Care Retirement Village Expert Consenting Panel – 21 July 2021

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1. On 24 June 2021, the Summerset Retirement Village - Waikanae 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 15 July 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 21 July 2021, the EPA received a comment from Di Rump, on behalf of Muaūpoko Tribal Authority Incorporated, via email. As these comments were not received by the EPA by 15 July 2021, they are considered to be comments received by the EPA after the time specified in the invitation to comment.
5. The Commenter provided an explanation for the late comment for the Panel’s consideration, it states “that MTA is a small pre-settlement Iwi with extremely limited capacity and capability alongside a huge workload for the (unique) NPS Freshwater exemption status, a recent announcement for the largest Wetland Development yet seen in NZ, a significant workload to quickly stand up a COVID19 Vaccine site for vulnerable kaumatua and whanau. Furthermore, we have been hit in the last 2 weeks by significant levels of sickness (RSV) and absences, impacting on key people.”
6. The Panel has decided to exercise their discretion and consider the comment.
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 22 July 2021. The Panel considers accepting the comment does not unduly prejudice the applicant, which will still have some time to assess the comment and respond. Although the reduced time for a response is less than desirable, on balance the Panel prefers to have the benefit of additional perspectives, particularly where the applicant still has some ability to respond. In addition, the Panel has already identified related issues in its second request for information from the applicant.
8. The additional late comment from Di Rump on behalf of Muaūpoko Tribal Authority Incorporated, 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/summerset/comments-on-invited-parties/>

9. As mentioned in para 7, the consent applicant now has until the 22 July 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.



Janette Campbell

**Chairperson**

**Summerset Retirement Village- Waikanae Expert Consenting Panel**