

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

Waihoehoe Precinct – resource consent application (the application)

M-1	Minute of the Waihoehoe Precinct Expert Consenting Panel – 28 February 2022
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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 Expert Consenting Panel (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(8) of the Act. The Panel has identified Kainga Ora to be invited to comment on the application because of its role in delivering the Government's priorities for housing and urban development in New Zealand.
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/waihoehoe-precinct/comments-from-invited-parties/>
4. The Panel notes that clause 17(1) of Schedule 6 prohibits them from giving public or limited notification.
5. The Panel notes that there is no limitation to what comments can be made on the application but is particularly interested in receiving comments on the following topics:
 - The relationship between the application and Plan Change 50
 - The status of Plan Change 50, including the scope of submissions on it and the range of potential outcomes
 - The status of other referred projects and infrastructure upgrade proposals within the vicinity of the application site
 - Consideration of the existing and future environments against which the application should be assessed and the relationship with other referred projects within the vicinity of the application site

- The relationship between this application and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
- Parks and landscaping and urban design considerations
- The road transport network and integration with the proposed rail improvements
- Public-private funding arrangements in relation to infrastructure for this proposal
- Stormwater and flooding
- The draft conditions proposed by the Applicant in Appendix 5.

Next steps and timeframes

6. 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)).
7. For the Waihoehoe Precinct application 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 lawful and appropriate 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 to run. 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 either 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 15 working days after the date on which the invitation will be posted.
9. To allow the invitations to be prepared, the invitations to comment will be posted on 1 March 2022.
10. Comments on the application can be sent to the EPA by email at waihoehoeprecinct.fasttrack@epa.govt.nz or by post and must be received by **Tuesday 22 March 2022**.



Lachlan Muldowney
 Chairperson
 Waihoehoe Precinct Expert Consenting Panel