

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

Karaka North Village Consent Application by Karaka North Village Limited

M-1 Minute of the Karaka North Village Expert Consenting Panel – 23 May 2022

1. Under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), an Expert Consenting Panel (the Panel) has been appointed to determine consent applications for Karaka North Village (the application). The Panel is comprised of myself (as Chairperson), Barry Kaye and Reginald Proffit.

Invitation to Comment

2. The panel must invite written comments on the application from the persons or groups listed in clauses 17(6) and 17(7)¹ of Schedule 6 for a referred project.
3. In addition to the requirements of clauses 17(6) and 17(7) of Schedule 6, the panel may invite written comments from any other person that the panel considers appropriate under clause 17(8) of Schedule 6 of the Act.
4. The Panel notes that clause 17(1) of Schedule 6 prohibits them from giving public or limited notifications.

Determination of owners and occupiers of land who must be invited for comment (clauses 17(6)(g) and 17(6)(h) of Schedule 6)

5. The panel has considered the application, the extent of the land on which the project is undertaken, and the land adjacent to that land. In identifying the extent of land that is adjacent to land on which the project is to be undertaken, the panel considered that, land directly adjoining, across a road or open space, as being land that is adjacent to land on which the project is to be undertaken.
6. The panel considers that the owners and occupiers of the land parcels on which the project is to be undertaken, and the land adjacent to that land, being made up of the land parcels described in paragraph 5, must be invited for comment in accordance with clauses 17(6)(g) and 17(6)(h) of Schedule 6.
7. A map identifying these properties is appended to this Minute as Map 1.

Persons who must be invited for comment under clause 17(7) of Schedule 6

8. The persons that must be invited for comment in accordance with clause 17(7) of Schedule 6 are listed in clause 7 of Schedule 24 of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020 (the referral order).

¹ The persons that must be invited for comment in accordance with clause 17(7) of Schedule 6 are listed in clause 7 of Schedule 21 of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.

9. The persons specified in the referral order are:
 - (a) Auckland Transport; and
 - (b) Ngāti Koheriki Claims Committee; and
 - (c) Ngāti Tamaterā Treaty Settlement Trust; and

Persons who may be invited for comment under clause 17(8) of Schedule 6

10. The panel has considered the application and owners of property nearby the application site whom are likely to be affected by the application must be invited for comment in accordance with clause 17(8) of Schedule 6.

Date determined for closing comments

The decision on person(s) who must be invited for comment and those that the panel considers appropriate to invite comment from was made on 20 May 2022.

Invitations to comment are to be sent on **24 May 2022**.

Clause 18(1) of Schedule 6 specifies that written comments must be received by the Environmental Protection Authority (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)).

For the Karaka North Village application, there are a number of persons or groups the panel must invite comment from 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 invitation to be received, before the 10 working days by which a written reply must be received by the EPA begins.

The panel has therefore allowed 5 days for delivery and has determined the date by which comments must be received by the EPA to be **15 June 2022**.

Comments on the application can be sent to the EPA by email at Karaka.Fasttrack@epa.govt.nz

Record of Site Visit

11. The panel was invited to undertake a site visit which they considered appropriate. The intention of the site visit was to understand the context of the site.
12. This is a record of the site visit undertaken by the Panel on 20 May 2022.
13. The Panel members who undertook the site visit were Alan Webb and Barry Kaye, who were accompanied by Mary McConnell from the Environmental Protection Authority (EPA).
14. The Panel met with Andrew Nell, Civil Engineer to the project, who accompanied them on site and answered construction specific questions. The specific questions related to the supply and management of potable water, wastewater and stormwater and utilities.
15. The Panel visited the proposed stormwater management area, viewed the proposed man-made wetland area and natural stream.
16. The Panel rode in Andrew Nell's car to visit the existing dam and the proposed wastewater treatment site.

17. The Panel viewed adjoining properties to the site which informed decisions on applications to comment. Overall, the panel felt the site visit was invaluable to obtain a complete understanding of the proposal.
18. The Panel undertook a meeting following the site visit at Harrison Grierson Airport Office and discussed invitations to comment, request for further information arising from the site visit and undertook a general review of the key dates.

Publication of Redacted Information

19. On 6 April 2022, Jeremy Brabant, Barrister for the Applicant provided legal comment to the Panel regarding the publication of redacted information.
20. This letter can be viewed at the Environmental Protection Authority website, on the following page:
<https://www.epa.govt.nz/fast-track-consenting/referred-projects/karaka-north-village/correspondence-to-and-from-the-panel/>
21. The Panel has considered the request by Mr Brabant to not publish certain information provided in support of the application.
22. The Panel responds that it is not clear whether only redacted documents have been provided or not. However, the Panel can only assess the application on the basis of the information it receives. If redacted documents are provided, then the applicant assumes any risk that carries.
23. The Panel considers the decision about whether to then publish the full information provided in support of the application is for the EPA to make. The Panel does not consider its role is to respond to such requests.

Information Requested

28. On 23 May 2022 the panel directed the EPA to issue a request for information to Karaka North Village (the applicant) in accordance with Clause 25(1) of Schedule 6 of the COVID19 Recovery (Fast-track Consenting) Act 2020 (the Act).
29. The information request can be found here:

https://www.epa.govt.nz/assets/Uploads/Documents/Fast-track-consenting/Karaka-North/Request-1-for-further-information-on-Karaka-North-application_23May2022.pdf

Ngā mihi maioha



Alan Webb

Chairperson, Karaka North Village Expert Consenting Panel

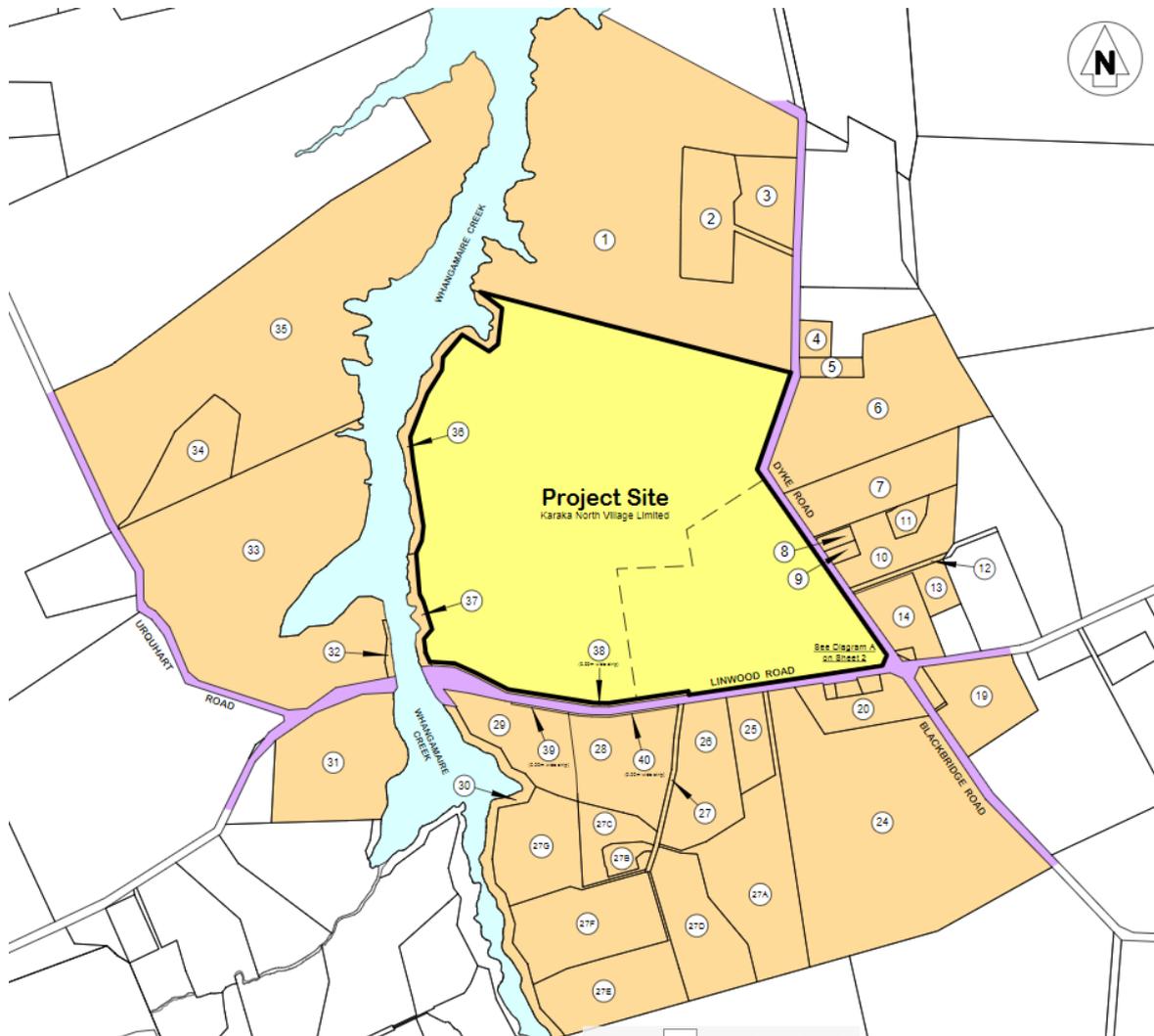


Figure 1: Map 1 - location of parties invited to comment on the application in the immediate vicinity of the site.