

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

Ohinewai Foam Factory by Ambury Properties Limited

M-1 Minute of the Ohinewai Foam Factory Expert Consenting Panel –1 June 2021

1. On 14 May 2021 Ambury Properties Limited lodged an application for resource consents with the Environmental Protection Authority (EPA), for the Ohinewai Foam Factory (the project), under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. The Ohinewai Foam Factory Expert Consenting Panel (the Panel), was appointed on 24 May 2021 to determine the application for resource consents. The Panel is comprised of myself (as Chairperson), David Hill and Steven “Tipene” Wilson.

Invitations to Comment

3. The Panel must invite written comments on the application from the persons or groups listed in clauses 17(6) and 17(7) of Schedule 6.
4. In addition to the requirements of clauses 17(6) and 17(7), the Panel may invite written comments from any other persons that the Panel considers appropriate under clause 17(8) of Schedule 6 of the Act.
5. The parties that must be invited for comment in accordance with clause 17(7) of Schedule 6 of the Act are identified in clause 7 of Schedule 8 of the COVID-19 Recovery (Fast-track Consenting) Referred Projects Order 2020.
6. The Panel notes that clause 17(1) of Schedule 6 of the Act prohibits them from giving public or limited notification.

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

7. The Panel has considered the application, and the extent of land on which the project is undertaken, and the land adjacent to that land.
8. In identifying the extent of land parcels that are considered “*adjacent to the land on which the project is undertaken*”, the Panel considered that land parcels that are adjoining, or across the road from land on which the project is to be undertaken, as well as those considered within the context of the site, as being land adjacent.
9. 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 8, must be invited for comment in accordance with clauses 17(6)(g) and 17(6)(h) of Schedule 6.
10. A map identifying these properties is appended to this Minute.

Additional person(s) that the Panel considers it is appropriate to invite comment from (clause 17(8) of Schedule 6 of the Act)

11. In addition to the person(s) that must be invited to comment under clauses 17(6) and 17(7) of Schedule 6 of the Act, in accordance with clause 17(8) of Schedule 6, the Panel may invite written comments from any other person the Panel considers it appropriate.
12. The Panel considered that it is appropriate to invite written comment from the following person(s):

Identified Person(s)	Reason for inviting written comment
Waikato District Council Roading Alliance	The Waikato District Council's alliance group plans, builds and maintains local roads in the district under their road strategy. As the project includes the realignment of a road, it is considered appropriate to seek the view of the Alliance responsible for roads in the district.
Ngāti Koheriki	Identified in the Section 17 report prepared by the Ministry for the Environment as having negotiation mandates recognised by the crown.

Date determined for closing

13. The decision on person(s) who must be invited for comment and those that the Panel considered appropriate to invite comment from was made on 28 May 2021.
14. The EPA is to issue the invitations to comment on **1 June 2021**.
15. Clause 18(1) of Schedule 6 specifies 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)).
16. For the Ohinewai Foam Factory there are a number of person(s) 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 comment must be received by the EPA begins.
17. The Panel has therefore resolved to allow 5 days for delivery, and has determined the date by which written comments must be received by the EPA to be **23 June 2021**.
18. It is important to note that the Panel is not required to consider comments received after 23 June 2021, but may do so, in its discretion, as long as the Panel has not issued its decision.
19. There is also no right for any person to seek a waiver of the time limit.

20. As a hearing is not required under the Act and may not occur, if comments are to include expert consultant advice or legal submissions, these must be received with written comments supplied to the EPA, by 23 June 2021.

21. Written comments can be emailed to the EPA at foamfactory.fasttrack@epa.govt.nz

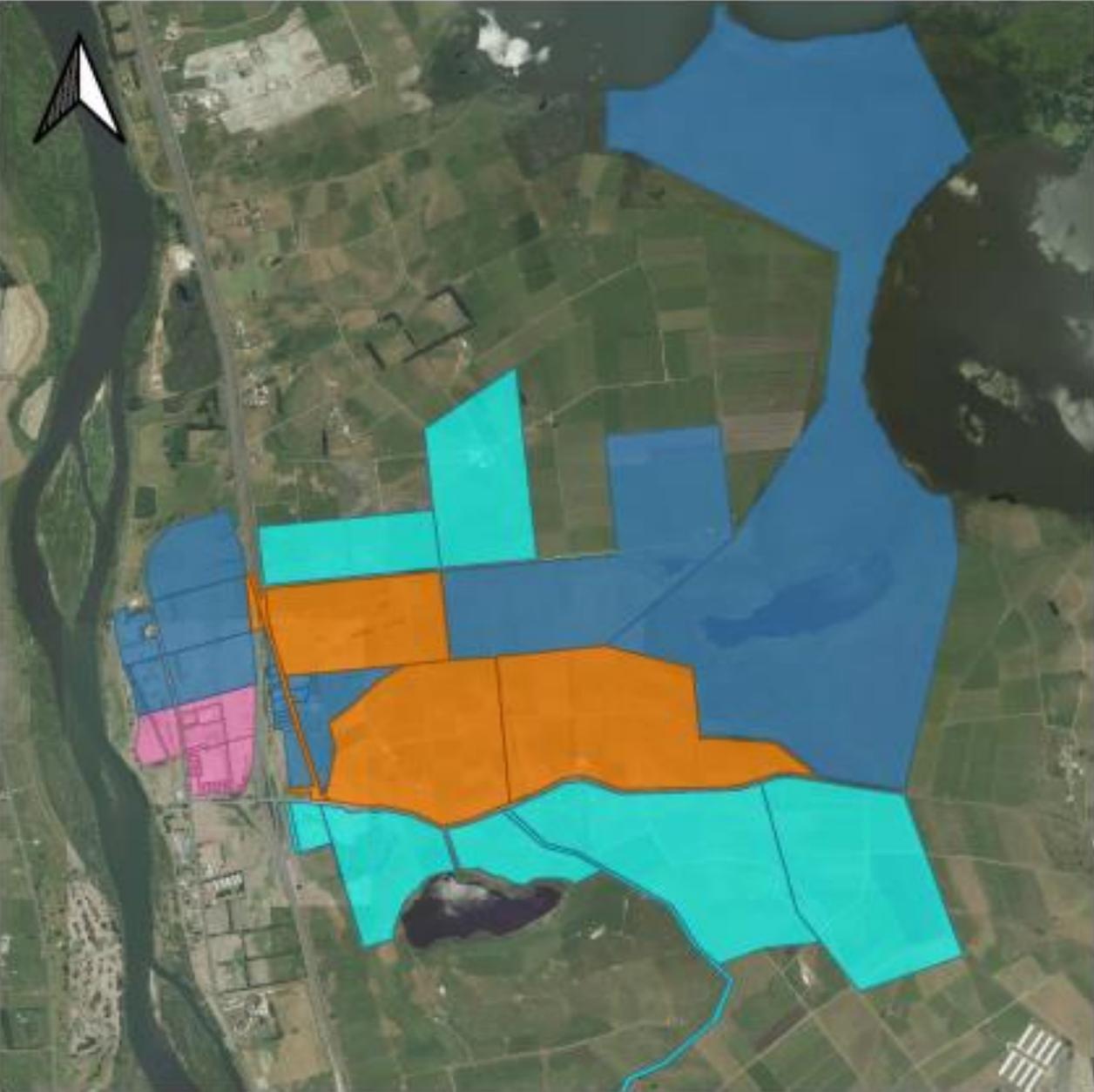
A handwritten signature in blue ink, appearing to read 'J Caunter', is centered on the page. The signature is fluid and cursive, with a large initial 'J' and a stylized 'Caunter'.

Jan Caunter

On behalf of the Ohinewai Foam Factory Expert Consenting Panel

Appendix 1 – Map identifying land on which the project is to be undertaken, and the land adjacent to that land

Ohinewai Foam Factory



- Orange Land on which the project is undertaken
- Blue Land adjoining land on which the project is to be undertaken
- Cyan Land directly across the road from land on which the project is to be undertaken
- Pink Land considered within the context of the site

