

To: Expert Consenting Panel – Drury East Stage 1 Precinct
From: Nick Roberts / Pamela Santos – Barker & Associates Limited
Date: 1 March 2022
Re: Response to M-2 Minute of the Drury East Stage 1 Precinct Expert Consenting Panel – 17 February 2022

1. On 17 February 2022, the Drury East Stage 1 Precinct Expert Consenting Panel issued M-2 (Minute 2) on Fulton Hogan Land Development Limited’s request to withhold information under Local Government Official Information and Meetings Act 1987.
2. At paragraph 2 of M-2, the Panel noted that Te Ākitai Waiohua confirmed that its CIA can be made available to the public in full, and requested that the applicant provide a separate copy to the EPA from that amalgamated into Appendix 26 of the application. On Thursday 17 February 2022 a separate copy of Te Ākitai Waiohua’s CIA was provided to the EPA, on behalf of the applicant, to be made available on the EPA website forthwith.
3. In response to paragraph 7 of M-2, on behalf of the applicant, we have discussed the treatment of the CIAs with Ngāti Tamaoho, Ngāti Te Ata, Ngaati Whanaunga and Ngāi Tai Ki Tāmaki, in particular, to clarify:
 - the reasons for withholding the information as provided for under LGOIMA;
 - the extent to which the CIAs differ from those that are publicly available in relation to Plan Change 49;
 - whether the iwi agree that the section(s) of the CIAs that deal with the impacts of the application, recommendations and appropriate mitigation (where appropriate) could be made publicly available; and
 - confirmation that iwi agree with the adequacy of the summary of the CIAs provided in Appendix 35.
4. Following discussions, Ngāti Te Ata have confirmed that the Drury East Stage 1 CIA report (full version) can be made publicly available on the EPA website (see email confirmation at **Attachment 1** and **Attachment 2** for a separate copy of the CIA for upload).
5. Following discussion with Ngāti Tamaoho, an updated redacted version of Ngāti Tamaoho’s CIA has been provided, and Ngāti Tamaoho have confirmed that this version is suitable to be made publicly available on the EPA website (see email confirmation at **Attachment 3** and **Attachment 4** for a separate copy of Ngāti Tamaoho’s updated redacted CIA).
6. Following discussions with Ngāi Tai ki Tāmaki and Ngaati Whanaunga, the iwi have confirmed that the CIAs prepared in relation to the Drury East Stage 1 Precinct contain highly sensitive information that has been provided in confidence to the applicant, and that full disclosure of the CIAs would be offensive and diminish Ngāi Tai’s control over their mātauranga (see email at **Attachment 5**), and

Ngaati Whanaunga have confirmed that the redactions provide a small but significant protection (see email at **Attachment 6**).

7. Both Ngāi Tai ki Tāmaki and Ngaati Whanaunga have confirmed that the summaries of the CIAs provided in Appendix 35 to the application appropriately summarise the recommendations set out in the CIA's, and approve Appendix 35 to the application being made publicly available.
8. Ngāi Tai ki Tāmaki have confirmed that the CVA prepared in relation to Plan Change 49 differs considerably to the CIA, and Ngaati Whanaunga have confirmed that they did not provide a CVA in relation to Plan Change 49.
9. The separate redacted versions of Ngāi Tai ki Tāmaki's and Ngaati Whanaunga's CIAs have been provided as **Attachment 7** and **Attachment 8** to this email, for upload onto the EPA website.