

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

Drury East Stage 1 Precinct resource consent application (the application)

M-2	Minute of the Drury East Stage 1 Precinct Expert Consenting Panel – 17 February 2022
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Request to withhold information under Local Government Official Information and Meetings Act 1987

1. On 13 December 2021, Barker and Associates wrote to the Expert Consenting Panel (the Panel) on behalf of the applicant at the same time as lodging the application. The letter included a request that information contained within the Cultural Impact Assessments (CIAs) provided to the applicants Fulton Hogan Land Development Limited by Ngāti Tamaoho, Ngāti Te Ata, Ngaati Whanaunga and Ngāi Tai ki Tāmaki not be made publicly available but that a fully redacted version be published.
2. The Panel notes Te Ākitai Waiohua has confirmed that its CIA can be made available to the public in full. The Panel requests the applicant provide a separate copy to the EPA from that amalgamated into Appendix 26 of the application to enable it to be published on the EPA website forthwith.
3. Clause 10 of Schedule 5 of the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) states that a panel must regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of an application.
4. Clause 16 of Schedule 5 of the Act specifies that Part 1 of the Local Government Official Information and Meetings Act 1987(LGOIMA) applies, with any necessary modifications, as if a panel were a board of inquiry given authority to conduct a hearing under section 149J of the Resource Management Act 1991.
5. With reference to Part 1 of the LGOIMA, this means that in general, information held by a panel is to be made available unless there is good reason for withholding it. The reasons for withholding information are set out in sections 6 and 7 of the LGOIMA.



6. Part 1 of the LGOIMA includes section 7(2)(ba) which enables the withholding of the information where that is necessary to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu, unless, in the circumstances of the particular case, this is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
7. Prior to the Panel making a determination whether to grant that request and withhold information within the CIAs the Panel invites the applicant to discuss the treatment of the CIAs with Ngāti Tamaoho, Ngāti Te Ata, Ngaati Whanaunga and Ngāi Tai Ki Tāmaki and to clarify:
 - The reasons for withholding the information as provided for under LGOIMA, such that disclosure would cause serious offence to tikanga Māori.
 - The extent to which the CIAs differ from those provided in relation to Plan Change 49, which the Panel understands are publicly available.
 - 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, if so to identify those relevant sections.
 - Confirmation to be provided that the iwi agree with the adequacy of the summary of the CIAs provided in Appendix 35 of the application.
8. The Panel requests the response to be sent to the EPA by email at druryeast.fasttrack@epa.govt.nz by 5pm on **Wednesday 1 March 2022** to enable the Panel to consider the response and make a direction whether to withhold the information.



Dr Joan Forret
Chairperson
Drury East Stage 1 Precinct Expert Consenting Panel