

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

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

M-3	Minute of the Drury East Stage 1 Precinct Expert Consenting Panel – 7 March 2022
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## Withholding information under Local Government Official Information and Meetings Act 1987

1. On 17 February 2022, the Panel issued Minute 2 responding to the request by Barker & Associates on behalf of the applicant, Fulton Hogan Land Development Limited, to withhold information under the Local Government Official Information and Meetings Act 1987. That information related to the cultural impact assessment and cultural values assessments provided as part of the application.
2. On 1 March 2022, the Panel received a Memorandum from Barker and Associates confirming that as requested by the Panel, they had discussed the treatment of the CIAs with Ngāti Tamaoho, Ngāti Te Ata, Ngaati Whanaunga and Ngāi Tai Ki Tāmaki, in particular, to clarify those matters set out at paragraph 7 of Minute 2.
3. Barker & Associates responded as follows:
  - a. Ngāti Te Ata have confirmed that the Drury East Stage 1 CIA report (full version) can be made publicly available on the EPA website;
  - b. 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.
  - c. 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 and Ngaati Whanaunga have confirmed that the redactions provide a small but significant protection.

- d. 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 CIAs, and approve Appendix 35 to the application being made publicly available.
  - e. 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.
4. As noted in Minute 2, with reference to Part 1 of the LGOIMA, 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. 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.
5. The Panel members have carefully considered the information provided by Barker & Associates, the reasons given as to why Iwi consider disclosure would give serious offence to tikanga Maori, and the public interest in the information. We note that as the full CIAs are available to the Applicant and the Panel and both Ngāi Tai ki Tāmaki and Ngaati Whanaunga have confirmed the summaries of the CIAs provided in Appendix 35 to the application are acceptable, withholding the information does not give rise to any prejudice and is necessary to avoid serious offence to tikanga Māori.
6. The Panel therefore accepts the Ngāti Tamaoho CVA as provided and directs that:
  - a. The Ngati Te Ata Drury East Stage 1 CIA report (full version) be made available on the EPA website.
  - b. The updated redacted version of Ngāti Tamaoho's Cultural Values Assessment Addendum provided by Barkers & Associates as Attachment 4 to their Memorandum, be made available on the website.
  - c. The Ngāi Tai ki Tāmaki and Ngaati Whanaunga CIAs be withheld for the duration of the proceedings.
7. Minute 2 also included a request that the applicant provide the EPA with a separate copy of Te Akitai Waiohua's CIA from that amalgamated into Appendix 26 of the application. A copy was received that same day and is now available on the EPA website.



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