

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

Federal Street Residences by P0012 Auckland NZ Pty Limited

M-2 Minute of the Federal Street Residences Expert Consenting Panel – 4 April 2022

Request to withhold certain information

1. On 22 February 2022, P0012 Auckland NZ Pty Limited (the Applicant) lodged an application for resource consents with the Environmental Protection Authority (EPA), for the Federal Street Residences (the Project), under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act).
2. On 8 March 2022, the EPA received correspondence from the Applicant to the Federal Street Residences Expert Consenting Panel (the Panel), requesting that:
 - Parts of the Cultural Impact Assessment prepared by Ngāti Te Ata Waiohū are withheld in order to avoid serious offence to tikanga Māori; and
 - Commercial sensitive information contained in the ICD Developers Report is withheld.
3. The request also asked that certain private details be withheld, however this information is already withheld by the EPA under the Privacy Act 2020 and as such, will remain so.
4. The full request can be viewed on the EPA website here: [Letter-regarding-Federal-St-withhold-information.pdf \(epa.govt.nz\)](#)

Procedural Matters

5. Clause 10 of Schedule 5 of the Act provides for a panel to regulate its own procedures as it thinks appropriate, without procedural formality.
6. Clause 8 of Schedule 6 of the Act requires that the EPA must publish, free of charge to the public on an Internet site it maintains, every written notice or other document that this Act requires to be received by the EPA or panel from any person or sent by the EPA or a panel to any person.
7. Clause 16 of Schedule 5 says that Part 1 and Sections 48 and 43 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) apply, with any necessary modifications, as if a panel were a board of enquiry given authority to conduct a hearing under Section 149J of the Resource Management Act 1991 (RMA).
8. With reference to Part 1 of LGOIMA, in general terms, information held by a panel is to be made publicly available unless there are good reasons to withhold that information.
9. Sections 6 and 7 of LGOIMA set out the reasons for withholding information.
10. Section 7(2)(ba) of LGOIMA provides that information can be withheld, in the case only of an application for a resource consent, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu.
11. Section 7(2)(b)(ii) of LGOIMA provides for information to be withheld that would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Withholding information

12. The Panel has considered the request by the Applicant to withhold certain information and agrees, for the reasons set out in that request, agrees that **the information should be withheld**, having regard to the relevant provisions of LGOIMA.
13. The Panel also considers that the withholding of that information is unlikely to adversely impact on the ability for people to understand the project, nor adversely impact on the ability of those persons(s) invited to comment on the application in accordance with clause 17(2) of Schedule 6 of the Act, to make comment on the application. Withholding of the information is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.
14. As such, the requested information is to be withheld and the EPA is to make redacted versions of those documents publicly available on its website in accordance with clause 8 of Schedule 6 of the Act.
15. The redacted versions of these documents are available on the EPA website, alongside the other application documents here: [The application | EPA](#).

A handwritten signature in blue ink, appearing to read 'Gerald Lanning'.

Gerald Lanning

On behalf of the Federal Street Expert Consenting Panel