



OIAD-1101

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 24 May 2024 requesting the following under the Official Information Act 1982 (the Act):

- 1. We refer to the Ministry for the Environment's (MfE) the recent request for applications for projects to be listed in Schedule 2 of the Fast Track Approvals Bill, which closed on 3 May 2024.*
- 2. We request under section 12(1) of the Official Information Act 1982 (OIO) the following information:*
  - (a) Whether MfE has received any application for a project to be listed at Omakiwi Cove in the Bay of Islands.*
  - (b) Whether MfE has received any application for a project to be listed that relates to a jetty and/or a pontoon or other new infrastructure at Omakiwi Cove.*
  - (c) If so, a copy of that application(s) and all supporting documents or reports submitted with the application(s).*
  - (d) Any internal or external correspondence that MfE has had in relation to any such application.*
- 3. An indicative site location map for Omakiwi Cove is in Schedule One to this letter. We note that as any jetty or pontoon would be located in the coastal marine area there may not be a project address. To assist we note that access to Omakiwi Cove is located on the eastern shores of the outer Bay of Islands within the Te Rawhiti Inlet. The cove is enclosed by Wairiki Point in the south and Okuia Point in the north. Access to Omakiwi Cove is from Rawhiti Road.*
- 4. We request that MfE treats this request as urgent under s 12(3) of the OIO on the grounds that the Fast Track Approvals Bill is currently before the Environment Select Committee.*
- 5. Please contact us if you have any questions or require any clarification regarding this request for official information.*

The Ministry for the Environment (the Ministry) is unable to confirm whether a project has applied to be included as a Listed Project in the new Fast-track Consenting Bill. All applications remain confidential while they are under active consideration by an independent Advisory Group. As such, the Ministry is withholding the requested information under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

In the coming months the Advisory Group will provide recommendations to Ministers regarding the suitability of projects to be included in Schedule 2 of the Bill. Once Ministers have made their decisions, they may also decide when and whether they will be making the applications publicly available.

All projects listed in Schedule 2 of the Bill, once passed into law, will be required to apply to an Expert Consenting Panel for their consents. This process is managed by the Environmental Protection Authority. You can keep an eye on their website [www.epa.govt.nz/fast-track-consenting/status](http://www.epa.govt.nz/fast-track-consenting/status) for information about all projects in the consent process.

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Nāku noa, nā,

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a horizontal stroke that tapers to a point.

**Ilana Miller**

Programme Director – Fast-Track Approvals – Listed Projects  
Ministry for the Environment | Manatū Mō Te Taiao