# Proactive release of application and decision documents under the COVID-19 Recovery (Fast-track Consenting) Act

## Application 202X-0XX – East Coast Heights

## Information withheld:

Some parts of this proactive information release have been withheld in line with the purpose and principles of the Official Information Act 1982 (the Act).

The reasons for withholding the information and the relevant sections of the Act that would apply had the information been requested are identified below.

Where information has been withheld in accordance with section 9 of the Act, there are no countervailing considerations which render it desirable, in the public interest, to make that information available.

## Clauses and reasons for withholding under the Act:

|  |  |  |
| --- | --- | --- |
| **What is being withheld** | **Clause** | **Clause detail** |
| Advice or comments between Officials | 9(2)(g)(i) | To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty |
| Applications still being considered | 9(2)(f)(iv) | To maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials |
| Comments between Ministers | 9(2)(f)(ii) | To maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility |
| 9(2)(g)(i) | To maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty |
| Crown conducting negotiations - without prejudice | 9(2)(j) | To enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including (commercial and industrial negotiations) |
| Financial and commercially sensitive information | 9(2)(b)(ii) | To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |
| Information provided in confidence | 9(2)(ba)(i) | To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied |
| Legal advice or comment | 9(2)(h) | To maintain legal professional privilege |
| Natural person information | 9(2)(a) | To protect the privacy of natural persons, including that of deceased natural persons |
| Withdrawn applications | 9(2)(b)(ii) | To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information |
| 9(2)(k) | To prevent disclosure or use of official information for improper gain or improper advantage |

**Table A: Summary of documents:**

| **Author and information type** | **Document identification number** | **Document description** | **Detail of information withheld** | **Page numbers** | **Official Information Act clause information withheld under** |
| --- | --- | --- | --- | --- | --- |
| Applicant Name:  Application and supporting documents | 88.01 | Application for a project to be referred to an expert consenting panel - received Date | Natural person information | 2 | 9(2)(a) |
| Financial and commercially sensitive information | 9 | 9(2)(b)(ii) |
| 88.02 | title\_1\_silverwater\_dr | No information withheld | | |
| 88.03 | 2\_consent\_notice | No information withheld | | |
| 88.04 | d\_east\_coasts\_heights\_masterplan | No information withheld | | |
| 88.05 | d\_masterplan | No information withheld | | |
| 88.06 | eng\_design\_rpt | No information withheld | | |
| 88.07 | e1\_m7\_wetland\_memo | No information withheld | | |
| 88.08 | e2\_m2\_earth\_works\_memo | No information withheld | | |
| 88.09 | m4\_stormwater\_memo | No information withheld | | |
| 88.10 | e5\_m5\_wastewater\_memo | No information withheld | | |
| 88.11 | e6\_m3\_road\_design\_memo | No information withheld | | |
| 88.12 | f\_wetland\_ecologist\_memo | No information withheld | | |
| 88.13 | formative\_economic\_assessment | Natural person information | 2 | 9(2)(a) |
| Financial and commercially sensitive information | 25,26 | 9(2)(b)(ii) |
| 88.14 | geotechnical\_rpt | No information withheld | | |
| 88.15 | urban\_design\_assessment | No information withheld | | |
| 88.16 | traffic\_impact\_assessment | No information withheld | | |
| 88.17 | list\_of\_mana\_whenua\_with\_an\_interest\_in\_the\_site | Natural person information | 1 | 9(2)(a) |
| 88.18 | reasons\_for\_consent\_silverwater\_drive | No information withheld | | |
| 88.19 | site\_plan\_silverwater\_drive | No information withheld | | |
| 88.20 | treaty\_settlement\_map\_silverwater\_drive | No information withheld | | |
| 88.21 | additional\_info\_53\_Small\_Road\_signed\_dated\_June\_22\_2022 | Natural person information | 19 | 9(2)(a) |
| Financial and commercially sensitive information | 1 | 9(2)(b)(ii) |
| 88.22 | additional\_info\_fast\_track\_consent\_ecology\_response\_boffam\_miskell | No information withheld | | |
| 88.23 | additonal\_info\_fully\_signed\_road\_agreement\_39\_small\_road | No information withheld | | |
| 88.24 | additional\_info\_ifa\_agreement\_17\_Small\_Road | Financial and commercially sensitive information | 6,15,19,20,21 | 9(2)(b)(ii) |
| Natural person information | 23 | 9(2)(a) |
| 88.25 | additional\_info\_information\_table\_response\_23\_june\_2022 | No information withheld | | |
| 88.26 | additional\_info\_overseas\_act\_investment\_certificate | No information withheld | | |
| 88.27 | additional\_info\_penlink\_project\_update | No information withheld | | |
| 88.28 | additional\_info\_record\_of\_title\_17\_ Small Road | No information withheld | | |
| 88.29 | additional\_info\_record\_of\_title\_39\_Small\_Road | No information withheld | | |
| 88.30 | additional\_info\_record\_of\_title\_53\_Small\_Road | No information withheld | | |
| 88.31 | additional\_info\_record\_of\_title\_2150\_east\_coast\_road | No information withheld | | |
| 88.32 | additional\_info\_scheme\_plans\_with\_staging\_c\_r\_surveyors\_ltd | No information withheld | | |
| 88.33 | additional\_info\_site\_plan\_with\_wetland | No information withheld | | |
| 88.34 | additional\_info\_wetland\_memo | No information withheld | | |
| 88.35 | additional\_info\_wetland\_plan | No information withheld | | |
| 88.36 | additional\_info\_on\_road\_agreement\_email | Natural person information | 1,2,3,4 | 9(2)(a) |
| Ministry for the Environment:  Briefing note | 88.37 | FTC #139: Applications for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020 – Stage 1 decision | Natural person information | 1 | 9(2)(a) |
| Minister for the Environment / Ministry for the Environment:  Letters seeking comment or further information | 88.38 | Letter to Ministers (listed in s21(6) of FTCA) dated Date | No information withheld | | |
| 88.39 | Letter to Auckland Council dated 14 July | Natural person information | 1,2 | 9(2)(a) |
| 88.40 | Letter to Auckland Transport dated Date | Natural person information | 1,2 | 9(2)(a) |
| 88.41 | Letter to Waka Kotahi dated | Natural person information | 1,2 | 9(2)(a) |
| 88.42 | Letter to Watercare | Natural person information | 1,2 | 9(2)(a) |
| 88.43 | East Coast Heights, Silverdale Stage 1 - Request for further information | Natural person information | 1 | 9(2)(a) |
| Applicant Name:  Further information provided | 88.44 | RFI response - ECH, Silverdale | No information withheld | | |
| 88.45 | RFI response letter - ECH, Silverdale | Natural person information | 1 | 9(2)(a) |
| 88.46 | (18-07-22) RFI response - ASP - 53 Small Road signed dated | Financial and commercially sensitive information | 1 | 9(2)(b)(ii) |
| Natural person information | 19 | 9(2)(a) |
| 88.47 | (18-07-22) RFI response - Fully Signed Road agreement c3 brl- 39 Small Road | No information withheld | | |
| 88.48 | (18-07-22) RFI response Information Table Response - 18 July 2022 | No information withheld | | |
| 88.49 | (18-07-22) RFI response TBLP - Buildrich - Earthworks Consent Letter | Natural person information | 1 | 9(2)(a) |
| 88.50 | (22-07-22) additional info response\_ngaati whanaunga\_220718\_cia\_ech | Natural person information | 2,60 | 9(2)(a) |
| 88.51 | (05-08-22) additonal info - Ecology Survey Report 1 Silverwater Drive Draft 20210723 | Natural person information | 6 | 9(2)(a) |
| 88.52 | (05-08-22) additional info -B - LUC60386771 Consent Conditions | No information withheld | | |
| 88.53 | (05-08-22) additional info -B - LUC60386771 Approved Plans | No information withheld | | |
| 88.54 | (05-08-22) additional info -Appendix D - Ecological assess Boffa Miskell | Natural person information | 6 | 9(2)(a) |
| Minister for the Environment / Ministry for the Environment:  Comments received | 88.55 | Compiled comments received | Natural person information | 1,11,20,21,22,25,26,27,28  29,30,31,32,33 | 9(2)(a) |
| Out of Scope | 23 | Out of Scope |
| Comments between Ministers | 3-10 | 9(2)(f)(ii), 9(2)(g)(i) |
| Ministry for the Environment:  Briefing note | 88.56 | FTC#156: Application for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act – Stage 2 decision | Natural person information | 2 | 9(2)(a) |
| Comments between Ministers | 4,13 | 9(2)(f)(ii), 9(2)(g)(i) |
| Minister for the Environment: Notice of Decision Cabinet paper | 88.57 | Letter dated 28 September 2022 | Natural person information | 1 | 9(2)(a) |
| 88.58 | Cabinet paper – *COVID-19 Recovery (Fast-track Consenting) Referred Projects Amendment Order (No.16) 2020* | Comments between Ministers | 3,4,6,7,8,10 | 9(2)(f)(ii), 9(2)(g)(i) |
| Cabinet Office | 88.59 | Cabinet Minute – CAB-22-MIN-0590 | No information withheld | | |