

HAWKES BAY REGIONAL COUNCIL

HEARING OF RESOURCE CONSENT APPLICATIONS BY PORT OF NAPIER LIMITED

ORDER - SECTION 42 RMA MATTERS

Hearing of applications by Port of Napier Limited to construct a new wharf and undertake capital dredging beneath the proposed new wharf; to undertake maintenance dredging; to dispose of dredged material from capital and maintenance dredging within an offshore area; and to occupy the common marine and coastal areas for existing Port activities at Port of Napier, Breakwater Road, Napier and various locations with the Coastal Marine Area (CMA).

We received an application from Fisheries Inshore NZ to exercise our powers under section 42 of the RMA to restrict the provision of information to be supplied to us in respect of the abovementioned hearing.

Fisheries Inshore NZ are party to the proceedings as a submitter in respect of the Port of Napier Ltd applications to undertake dredging and construction of a new wharf. The report to be provided relates to "Fishing catch and effort within the proposed Hawke's Bay spoil dumping ground" and is subject to a confidentiality agreement between Fisheries Inshore NZ and Ministry of Primary Industries. It contains commercially sensitive information.

Having considered the request and the provisions of section 42 (1)(b) of the RMA, we are satisfied that the order is necessary to avoid unreasonable prejudice to the commercial position of the persons who supplied it, and having considered the circumstances, the importance of avoiding such prejudice outweighs the public interest in making the information available.

We therefore make an order pursuant to section 42 (2) of the RMA that the part of the hearing at which the report is to be referred to and discussed be held with the public excluded; and restricting the communication of the information contained in the report to the following persons:

Hearing Commissioners

- Bill Wasley (Chair)
- Rauru Kirikiri
- Dr Malcolm Green

Port of Napier

- Paul Majurey – Counsel for applicant
- Sylvia Allan – Independent planning consultant (Contracted to the Port of Napier as their planning expert)
- Michel de Vos - Port of Napier employee (Project Manager)
- Ross Sneddon - Cawthron Institute (Contracted to the Port of Napier as their benthic ecology and fisheries resources expert)

Hawkes Bay Regional Council

- Malcolm Miller - Consents Manager
- Reece O'Leary - Principal Consents Planner
- Matt Conway – Counsel for Hawkes Bay Regional Council
- Dr Shane Kelly - Coastal Scientist

The order is to have effect from when the information is received and cease to have effect upon the conclusion of proceedings which is deemed to be when the Commissioners provide their decision on the applications to the Hawke's Bay Regional Council. At that time the provisions of the Local Government Official Information and Meetings Act 1987 shall apply in respect of the information that is the subject of this order.

Commissioners when considering this application advised all parties at the hearing on 23rd August 2018 of the application and our desire to grant the order and asked whether there were any objections to granting the order and restricting provision of the information to those listed above. No objections were received, and the Commissioners proceeded to formally issue the order.

A handwritten signature in black ink, appearing to read 'Bill Wasley', with a stylized flourish at the end.

Bill Wasley

Chair

On behalf of the Commissioner Hearing Panel

24 August 2018