

IN THE MATTER of
the Resource Management Act 1991

AND

IN THE MATTER of
Hearing of submissions and further
submissions on the Proposed Te Tai O
Poutini Plan

MINUTE 25 – Section 42 Request –
Ridgeline 3 Investments Ltd

INTRODUCTION

1. Further to our Minute 24 regarding Ridgeline 3 Investments Ltd's (Ridgeline) application under section 42 of the RMA for a confidentiality order in respect of its submission on the Sites of Significance to Māori (SASM), the Hearing Panel has now received further information / evidence on behalf of Ridgeline on 30 April 2024.
2. This Minute sets out how the Hearing Panel intends to treat that information, and further steps that are required by Ridgeline to establish any interest that would require it to remain confidential.

SECTION 42

3. The information provided by Ridgeline has been provided to the Hearing Panel on the basis that it will be treated as confidential and not made available to the public. It appears to constitute the information/evidence that Ridgeline wants the Hearing Panel to consider in support of its submission.
4. Minute 24 invited Ridgeline to further clarify how the information sought to be provided was commercially sensitive and how making available the information would potentially prejudice it (under section 42 of the RMA), and also which parties the information should be confidential between.
5. We have not been able to identify anything within the information/evidence provided which addresses these grounds in sufficient detail for us to be able to make a decision on whether either of the grounds for making an order under section 42 of the RMA are made out.
6. In particular, we have not identified any particular information that addresses the unreasonable prejudice to the commercial position of Ridgeline.
7. The Hearing Panel has no power to keep information provided for the purposes of a hearing confidential unless either of the grounds in section 42 of the RMA are made out, **and** that the ground outweighs the public interest in making the information available.

NEXT STEPS

8. In order to provide Ridgeline with a further and final opportunity to address the particular grounds of section 42 of the RMA, we request that Ridgeline either:
 - (a) Provides further information to the Hearing Panel specifically in relation to the unreasonable prejudice to the commercial position that disclosure of this information would cause to Ridgeline, to allow the Hearing Panel to determine whether it should make a confidentiality order under section 42 of the RMA; or
 - (b) Withdraw the evidence submitted in support of its submission to date, such that it will not be considered by the Hearing Panel when determining Ridgeline's submission.
9. If the Hearing Panel does not receive a response from Ridgeline by 5pm on **Wednesday 8 May 2024**, the information submitted will be required to be uploaded to the TTPP website like all other information tabled at the hearing.

10. If further information is provided by Ridgeline, but that information does not satisfy the Hearing Panel that the grounds under section 42 of the RMA for making an order are made, then the information will also be uploaded to the TTPP website (unless Ridgeline decides to withdraw the evidence).
11. Alternatively, if Ridgeline alters its position the Hearing Panel is prepared to reconvene to hear Ridgelines evidence.

FURTHER ENGAGEMENT WITH NGĀI TAHU

12. The Hearing Panel wishes to note that the option remains open for Ridgeline to discuss the issues it has sought to raise through this process with Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu, outside of the formal hearing process. The Hearing Panel has confirmed with Mr Paul Madgwick that he is available and prepared to discuss any matters directly with Ridgeline.
13. If progress can be made in this respect, the Hearing Panel is open to considering any application to receive further evidence (out of time) if this will assist in the efficient determination of issues relevant to this hearing topic.



Dean Chrystal

Independent Commissioner – Chair - on behalf of the Hearing Panel members

1 May 2024