

**IN THE MATTER OF** the Resource Management Act 1991  
**AND**  
**IN THE MATTER OF** Various applications by Te Tūāpapa  
Kura Kāinga – the Ministry of Housing  
and Urban Development (MHUD) to  
the Rotorua Lakes Council.

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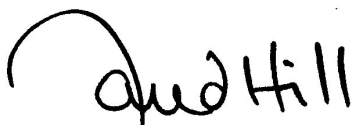
**RESOURCE MANAGEMENT ACT 1991**

**MINUTE #3**

**INDEPENDENT HEARING PANEL**

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1. The Hearings Panel has received a package of legal submissions, expert (2) and viva voce fact (21 with a further 18 due on 22 December 2021) evidence on behalf of Restore Rotorua Incorporated (RRI).
2. Ms Chen, in her legal submissions, acknowledges that RRI is not formally a party to the application process but provides the information “for the consideration of the Panel”.
3. Ms Chen also notes [para 48]:  
*On the request of the fact witnesses, we are instructed to disclose their briefs to the Panel on a confidential basis and for the information of the Panel members only. In the event the Panel directs copies of these briefs be provided to other parties such as MHUD, we submit that the Panel direct Restore Rotorua to provide copies of those briefs with all sensitive information redacted.*
4. As the Panel still awaits the completion of the application process (i.e. the s92 further information sought and the subsequent s95A recommendation report from Mr Batchelar (Council’s commissioned reporting officer)) we do not consider it appropriate at this point that we consider that information. As such we are not in a position to determine whether the request for confidentiality (presumably for a protection order under s42(1)(b) RMA) is warranted.
5. On the other hand, having provided that information, and in the interest of transparency, we consider it appropriate that it be provided to MHUD qua applicant.
6. We therefore invite RRI to either resubmit those briefs to which the request applies in a redacted form (in which case the relevant copies received will be destroyed sight unseen) or to waive the request.
7. Should any or all of the applications proceed subsequently to hearing then, if the former option is adopted, it may be appropriate to resubmit the request and that information (if relevant).
8. Any queries or correspondence related to this Minute should be sent through to the Panel Secretary, Susan Taylor at [susan.taylor@tompkinswake.co.nz](mailto:susan.taylor@tompkinswake.co.nz) .



David Hill (Chairperson)  
Independent Hearing Panel

17 December 2021