

IN THE MATTER OF THE RESOURCE MANAGEMENT ACT 1991

AND

IN THE MATTER OF THE HANMER SPRINGS FLYRIDE APPLICATION, HANMER

LOCAL AUTHORITY HURUNUI DISTRICT COUNCIL

MINUTE 1

CONFIDENTIAL INFORMATION

- 1 I am in receipt of a Memorandum from Counsel filed on behalf of Hanmer Springs Thermal Pools & Spa (HSTPS) seeks a confidentiality arrangement in relation to a Lizard Management Plan being filed as evidence in relation to its application for land use consent for the Hanmer Springs Flyride proposal.
- 2 I have not looked at the Management Plan itself to-date.
- 3 The reason sought for the confidentiality arrangement is to protect the location of the proposed lizard habitat because there is a risk of members of the public finding out the location of the lizard habitat and poaching the lizards or damaging the habitat.
- 4 Section 42 of the RMA deals with the protection of sensitive information and appears to be quite specific. Under clause (1) it states:

A local authority may, on its own motion or on the application of any party to any proceedings or class of proceedings, make an order described in subsection (2) where it is satisfied that the order is necessary—

(a) to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of waahi tapu; or

(b) to avoid the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information, —

and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.

- 5 From the information provided in the Memorandum I do not believe that either (a) or (b) would apply in this situation and I note that Counsel has not referred to s42 or any other section of the RMA in terms of the request. I am not aware of any other authority that would enable me to enact a confidentiality arrangement in the case of an RMA hearing.
- 6 On the basis of the above I do not consider I have the ability to enter into a confidentiality arrangement in relation to the proposed Lizard Management Plan.



Dean Chrystal
Hearings Commissioner
24th September 2021