

ENQ-40402-P1S3S0

21 December 2020

Brent Yardley

Via: fyi-request-14183-de4c1ea3@requests.fyi.org.nz

Private Bag 632
Wellington 6140, New Zealand

Level 10, Grant Thornton House
215 Lambton Quay
Wellington 6011, New Zealand

epa.govt.nz
+64 4 916 2426

Official Information Act Request

Dear Brent

I refer to your request received on 23 November 2020 for the following information:

I understand that the Picton ferry terminal redevelopment consenting process is being administered by the EPA.

Can you please advise whether an expert consenting panel has yet been established and, if so, who is on the panel and when is their decision due?

Also, are the consenting panels being vetted for conflicts of interest? E.g. are panel members required to declare any interests that might affect decisions reached by the panel?

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

The Waitohi Picton Ferry Precinct redevelopment, which comprises upgrades to the Picton Ferry Terminal Precinct and surrounding infrastructure, including works on land and in the coastal marine area, is one of the 17 fast-track projects listed in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act) that may be considered by expert consenting panels (panels).

However, the application has not yet been lodged for this redevelopment, so the panel has not been established. We anticipate the application will be made in late December. Only subsequent to that will the panel be created. This is likely to be in mid-January at the earliest, due to the statutory blackout period under the Act.

We do not yet know who will be on the panel, or when its decision will be due, but we can confirm that the panel will be chaired by a judge or retired judge (or possibly a suitably qualified lawyer with resource management law expertise) and that panel members must include a person nominated by the relevant local authorities and a person nominated by the relevant iwi authorities. Details of who is on the panel will be published on the Environmental Protection Authority (EPA) website in due course along with other information about the application, once it is formally lodged.

The Panel Convener is responsible for appointing the members of the expert consenting panel. Expert Consenting Panel members are not employees of the EPA. The Panel Convener vets any prospective Chairperson of the panel and any additional panel member for potential conflicts of interest. The remainder of the panel is made up of one person nominated by the relevant iwi authority and one person nominated by the relevant local authority, and these are appointed as per the provisions of the Act.

All panel members are supplied with an Induction Booklet which outlines their responsibilities as panel members and states:

“If at any stage during your term of appointment you feel that you may have a conflict of interest, you must bring it to the attention of the chairperson, the other members of the Panel and the Convener who will jointly decide a course of action”.

A register listing any interests the Panel members may have is held and maintained by the EPA, and is available on the EPA website for each panel that is appointed. You can find the register on the webpage about the “Expert Consenting Panel”.

You can find further information about the fast-track consenting process on our website:

<https://www.epa.govt.nz/fast-track-consenting/>

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

We will publish your request and our response on our website, www.epa.govt.nz, within 10 working days from today. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Yours sincerely

A handwritten signature in blue ink that reads "M Ward".

Michelle Ward
General Manager, **Climate, Land and Oceans**
Environmental Protection Authority