

**PROPOSED PLAN CHANGE 120 –  
HOUSING INTENSIFICATION AND RESILIENCE**

**MINUTE 8 FROM THE INDEPENDENT HEARINGS PANEL  
(ORDER FOR PROTECTION OF SENSITIVE INFORMATION)**

**15 APRIL 2026**

**1. Introduction**

- 1.1 On 27 March 2026, the Panel received a memorandum<sup>1</sup> from the Auckland Council (**the Council**) seeking an order for the protection of sensitive information under section 42 of the Resource Management Act 1991 (**RMA**) in submission #5206 from Ngāti te Ata Waiohū (**the submission**) lodged on Proposed Plan Change 120 – Housing Intensification and Resilience (**PC120**). The Council seeks an indefinite confidentiality order from the Panel under section 42(2)(b) of the RMA that certain culturally sensitive information provided in the submission may be withheld from the Summary of Decisions Requested Report (**SDR**) and redacted from the copy of the submission that is published on the Council's and Panel's websites. The Panel has received a copy of the submission showing the Council's proposed redactions.

**2. Matters to be taken into account**

- 2.1 Under Section 42 of the RMA, the Panel, on its own motion or on the application of any party to any proceedings or class of proceedings, can make an order protecting sensitive information received or obtained during a proceeding. This applies to the Streamlined Planning Process (**SPP**) for which the Panel is hearing the submissions on PC120<sup>2</sup>.

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<sup>1</sup> Memorandum of counsel on behalf of Auckland Council seeking order for protection of sensitive information under section 42 of the Resource Management Act 1991 dated: 27 March 2026 (date: 27 March 2026)

<sup>2</sup> Section 42 applies to the SPP process under clause 85(1) of Schedule 1 of the RMA.

2.2 Before granting any order, s42 of the RMA requires the Panel to be satisfied that:

- a) The order is necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of waahi tapu; and
- b) In the circumstances of the particular case, the importance of avoiding such offence or disclosure outweighs the public interest in making that information available.

### 3. Response to application

3.1 The Panel has reviewed the memorandum and correspondence received. The Panel has determined it is appropriate to accept the request and make an indefinite confidentiality order under section 42 of the RMA to prohibit the disclosure, publication or communication of the parts of the submission identified by the Council. The reasons for this are that:

- a) The order is necessary to avoid serious offence to tikanga Māori or to avoid the disclosure of the location of waahi tapu as the submission lists details and names of sites of significance to Ngāti te Ata Waiohua and nominated by Ngāti te Ata Waiohua (through a separate plan change process) for scheduling in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule of the AUP as new sites and places of significance, along with maps, location, potential extent and Te Reo Māori names that are not in the public domain; and
- b) The importance of avoiding serious offence to tikanga Māori and disclosure of the location of waahi tapu outweighs the public interest in making the sensitive information available in the Council's SDR and the version of the submission made publicly available. The relief sought by the submitter in the published version of the submission can be understood with the redactions in place, and will not affect public participation in the PC120 process

3.2 The Chair makes the confidentiality order, as outlined in **Attachment 1**, under s42 of the RMA in respect of the publication of the SDR in relation to the submission made by Ngāti te Ata Waiohua, and the publication of submission #5206 itself.

- 3.3 A copy of the redacted submission, along with this minute and the Council memorandum, will be made publicly available and uploaded to the website. This minute will also be sent to the Council and the submitter.



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Sarah Shaw

**Chair**

**Independent Hearings Panel – PC120**

**Date: 15 April 2026**

CC: Auckland Council

Ngāti te Ata Waiohū (submitter #5206)

## **Attachment 1: Confidentiality Order under s42 of the RMA**

An order prohibiting the disclosure, publication or communication of the following information from the date of the order:

1. Details and names of sites which have been nominated by Ngāti te Ata Waiohua (through a separate plan change process) for scheduling in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule of the AUP as new sites and places of significance to it;
2. Maps and any other information indicating the location and potential extent of any new nominated sites of significance to Ngāti te Ata Waiohua;
3. Te Reo Māori names of any sites of significance to Ngāti te Ata Waiohua that are not in the public domain; and
4. Information about potential cultural effects on any new nominated sites of significance.