

19-D-02189

s 9(2)(a)

01 NOV 2019

Dear s 9(2)(a)

Thank you for your request under the Official Information Act 1982 (the Act), received by Hon. Minister Parker on 17 September 2019, in relation to the line in the *Action for healthy waterways* discussion document that reads, "The proposals in the NPS-FM relating to streams and wetlands will not over-ride the NES-PF":

... I would like to know why the Ministry for the Environment has proposed that the NPS-FM relating to streams and wetlands will not over-ride the NES-PF and whether this proposal was required, requested or suggested by some person or organisation outside of MfE.

... therefore please supply a copy of all emails, texts, letters, minutes, memos and notes from phone other conversations relating to this matter by (a) people within MfE and (b) between MfE and other people or organisations (including the Freshwater Advisory groups and other Ministries).

Your request was transferred to the Ministry for the Environment (the Ministry) on 26 September 2019, as the information to which your request relates was believed to be more closely connected with the functions of the Ministry.

Due to the Ministry and Te Uru Rākau (Forestry NZ) still tendering advice to Ministers on this subject, we are refusing your request. It is considered that all in-scope documents fall under section 9(2)(f)(iv) – to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

However, this letter provides the opportunity to outline for you some of the steps that the Ministry and Te Uru Rākau intend to take to align the NES-PF and the Essential Freshwater package.

As indicated by the discussion document *Action for healthy waterways*, the Ministry and Te Uru Rākau will continue to work together on the relationship between the two standards. This document can be found here:

- www.mfe.govt.nz/sites/default/files/media/Fresh%20water/action-for-healthy-waterways.pdf

In addition, Te Uru Rākau is preparing advice for the Year One Review of the NES-PF, and will subsequently advise on future reviews. Though this advice is yet to be finalised, and no review decisions have been made, these reviews provide the chance to potentially amend the NES-PF to align with the freshwater regulations. Details of the Year One Review can be found here:

- www.teururakau.govt.nz/dmsdocument/32878/direct

This matter is referred to in the Essential Freshwater – Public Consultation on National Direction for Freshwater Management cabinet paper, which can be found here:

- www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater-public-consultation-national-direction-freshwater-management.pdf

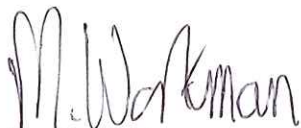
Recommendation 31 of this cabinet paper indicates that “the existing National Environmental Standard for Planation Forestry will be reviewed and amended to ensure it aligns with the above requirements of the NES,” (p34).

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: www.ombudsman.parliament.nz.

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any further queries, please feel free to contact our Executive Relations team (ministerials@mfe.govt.nz).

Yours sincerely,



Martin Workman
Director, Water

Released under the provisions of
the Official Information Act 1982