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20-D-01703

[REDACTED]

[REDACTED]

Thank you for your email of 2 September 2020 requesting the following under the Official Information Act 1982 (the Act):

...concerning Policy 3.33 "Specified vegetable growing areas" in the National Policy Statement Freshwater Management 2020 (NPS FWM 2020).

I am seeking all information held by your Ministry and the Minister relating to:

- 1. The decision by the Minister not to use the Board of Inquiry process for the NPS FWM 2020, but a process under s46A(3)(b), including consideration of the matters in s46A(6) RMA 1991.*
- 2. The design of the process under s46A(4) RMA 1991.*
- 3. The development and adoption by the Minister of the policy 3.33 "Specified vegetable growing areas" in the National Policy Statement Freshwater Management 2020, including:*
 - (a) Any decision by the Minister to continue with the s46A(3)(b) process to develop what became policy 3.33.*
 - (b) Engagement with Māori, owners of Māori freehold land, vegetable growers, local authorities and any other organisations and persons in the Horowhenua region about the policy.*
 - (c) Engagement with advisory groups including:*
 - Kahui Wai Māori – the Māori Freshwater Forum*
 - Freshwater Leaders Group*
 - Science and Technical Advisory Group*
 - Essential Freshwater Regional Sector Group*

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Documents in scope of your request

On 10 September 2020, we sent an email to you for clarification of two parts of your request. However, we have not received a clarification of this request at this time. Noting that we have not received any clarification from you, we have interpreted the scope as follows:

- For points 1. and 2. of the request, we have interpreted the scope to include briefings and decisions by the Minister of what the process would look like.
- For point 3 we have interpreted the request in relation to policy 3.33 to include engagement, and policy proposals and decisions that went to the Minister

75 documents plus appendices have been identified as in scope of the request, and are listed in the attached document schedule.

Twelve documents within the scope of your request have been refused under section 18(d) of the Act, as they are publicly available. Where this is the case, a link to where the information can be accessed on the Ministry's website is included in the attached document schedule.

Application of section 9 of the Official Information Act

Some information within these documents has been withheld under the following sections of the Act:

- 9(2)(a) To protect the privacy of natural persons
- 9(2)(b)(ii) The making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information
- 9(2)(h) To maintain legal professional privilege.

The relevant grounds under which any information in a document has been withheld is noted in the attached document schedule.

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.

Your right to seek investigation and review

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

If you have any queries about this, please feel free to contact our Executive Relations team: ministerials@mfe.govt.nz.

Yours sincerely



Hayden Johnston
Director, Water and Land Use Policy

Document schedule

No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
1	Compiled 9th September 2019 - 8th October 2019	Joined-up Consultations Compiled Local Government Meeting Notes	Release in full	N/A	N/A	
2	14 August 2020	Letter: Roimata Minhinnick to Secretary for the Environment Vicky Robertson	Release in full	N/A	N/A	
3	13 August 2020	Letter: National Policy Statement for Freshwater 2020 (NPSFM 2020) Exemption under Clause 3.33 of Horowhenua specified vegetable growing area	Release in full	N/A	N/A	
4	11 August 2020	Letter 20-M-01513: Exemption to water quality standards in the Horowhenua	Release in full	N/A	N/A	
5	8 August 2020	Letter: Larry Parr to Minister David Parker	Release in full	N/A	N/A	
6	6 August 2020	Letter: Proposed exemption to water quality standards in the Horowhenua	Release in full	N/A	N/A	
7	6 August 2020	Email: FW: New rules in place to restore healthy freshwater	Release in full	N/A	N/A	
7.1	6 August 2020	Horowhenua_2.png	Release in full	N/A	N/A	
8	5 August 2020	Email: Follow up meeting with Hort NZ	Release in part	S9(2)(a)	To protect the privacy of natural persons	
9	5 August 2020	Email: Cancelled : Follow up meeting with Hort NZ	Release in part	S9(2)(a)	To protect the privacy of natural persons	
10	4 August 2020	Email: Minister's request to set up visit to Horowhenua - Muaupoko and Raukawa	Release in full	N/A	N/A	
11	3 August 2020	Email: RE: Provision for vegetable growing - talking points for the Minister for 4th August	Release in full	N/A	N/A	

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
11.1	3 August 2020	Provisions for vegetable growing in specified areas – Talking Points	Release in full	N/A	N/A	
12	3 August 2020	FW: Notes regarding proposed exemption - Horowhenua	Release in full	N/A	N/A	
12.1	15 July 2020	Horizons Regional Council: Property Viewer, Water Management Sub-zones	Release in full	N/A	N/A	
12.2	15 July 2020	Letter: Addressing Nutrient Losses - Lake Horowhenua Catchment	Release in full	N/A	N/A	
13	28 July 2020	Letter: Regional Council Position Consistent with Ngāti Raukawa	Release in full	N/A	N/A	
14	27 July 2020	Letter: Proposed exemptions of horticulture activities from meeting new freshwater quality standards	Release in full	No	N/A	
15	17 July 2020	Email: FW: Horowhenua Meeting - Arawhata Wetland Project	Release in full	N/A	N/A	
15.1	17 July 2020	Email: Proposed Plan Change 2 - Request from Horticulture June Pre-Hearing Meeting	Release in part	S9(2)(a)	To protect the privacy of natural persons	
16	15 July 2020	Briefing 20-B-06954: Essential freshwater: NPS-FM provision for vegetable growing in select areas	Release in part	S9(2)(h) and S9(2)(a)	Maintain legal professional privilege. MPI staff phone numbers redacted.	
17	15 July 2020	Email: Proposed policy options for Pukekohe and Horowhenua areas	Release in full	N/A	N/A	
18	15 July 2020	Email: DP - Vegetable Growing exception - paper for this evening's call	Release in full	N/A	N/A	Attachments included in this table as documents number 12.1, 12.2, 16, and 23
19	14 July 2020	Email: DP - final decisions on freshwater policy	Release in full	N/A	N/A	
19.1	14 July 2020	2020-B-07012 Further decisions on Action for healthy waterways package	Release in part	S9(2)(a)	To protect the privacy of natural persons	
20	13 July 2020	Email: RE: Joint Ministers	Release in part	S9(2)(a)	To protect the privacy of natural persons	
21	9 July 2020	Email: FW: Our Land and Water NSC - CONFIDENTIAL research brief re Lake Horowhenua comments	Release in part	S9(2)(a)	To protect the privacy of natural persons	

No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
22	8 July 2020	Notes from 7 July meeting with Ngāti Raukawa in Levin	Release in full	N/A	N/A	
23	8 July 2020	Letter: Follow-up from Meeting 7 July 2020 - Exemptions from National Bottom-Lines	Release in full	N/A	N/A	
24	8 July 2020	Email: Horizons PC2 and Scope	Withhold in full	9(2)(b)(ii)	The making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	
24.1	8 July 2020	Attachment HortNZ – Letter to CEO Horizons – July 2020	Withhold in full	9(2)(b)(ii)	The making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	
24.2	8 July 2020	Attachment: HortNZ Submission on One Plan PPC2	Withhold in full	9(2)(b)(ii)	The making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
24.3	8 July 2020	Attachment: Appendix A Horowhenua_FMU	Withhold in full	9(2)(b)(ii)	The making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	
25	8 July 2020	Email: FW: Further correspondence from Ngāta Raukawa – Lake Horowhenua catchment exemption	Release in full	N/A	N/A	Attachment is identical to document 14
26	7 July 2020	Horowhenua Summit and Pre-meetings with local iwi: 7 July 2020	Release in full	N/A	N/A	
27	5 July 2020	Email: meeting with Minister Parker next Tuesday	Release in full	N/A	N/A	
28	3 July 2020	Letter: Exemptions from National Bottom-lines - Lake Horowhenua Catchment	Release in full	N/A	N/A	
29	3 July 2020	Email: FW: NPSFM Vegetable Exemption – Policy	Release in part	S9(2)(a)	To protect the privacy of natural persons	
30	2 July 2020	Email: FW: NPSFM Vegetable Exemption - Policy	Release in part	S9(2)(a)	To protect the privacy of natural persons	
30.1	2 July 2020	Crown Infrastructure Partners - Shovel Ready Projects: Horowhenua Growth Infrastructure. Arawhata Wetland Construction Project	Release in full	N/A	N/A	
30.2	2 July 2020	Productive and Sustainable Landuse 'Shovel ready' Projects: Pukekohe - Catchment Scale Water Quality Management	Release in full	N/A	N/A	
30.3	2 July 2020	Screen Shot of T&T Plan.JPG	Release in full	N/A	N/A	
31	24 June 2020	Email: FW: Possible expansion of vege exemption	Release in Part	S9(2)(a)	To protect the privacy of natural persons	
31.1	24 June 2020	A_N_reduction_Hort_Manawatu-Wanganui Region 1.png	Release in full	N/A	N/A	

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
31.2	24 June 2020	A_N_reduction_Hort_Tasman Region Waimea.png	Release in full	N/A	N/A	
31.3	24 June 2020	A_N_reduction_Hort_Waikato Region Pukekohe.png	Release in full	N/A	N/A	
31.4	24 June 2020	Possible expansion of vege exemption	Release in full	N/A	N/A	
32	24 June 2020	Email: RE: Meeting with MPI and MfE	Release in Part	S9(2)(a)	To protect the privacy of natural persons	
33	22 June 2020	Email: RE: Vegetable Exemption - new option	Release in full	N/A	N/A	
34	19 June 2020	Email: NPSFM – vegetable exemption meetin in Levin with Grower and iwi / hapū	Release in part	S9(2)(a)	To protect the privacy of natural persons	
35	16 June 2020	Email: background information on the proposed policy for the Horowhenua	Release in part	S9(2)(a)	To protect the privacy of natural persons	Attachments consist of social media app icons, and document number 38
36	16 June 2020	Email: background information on the proposed policy for the Horowhenua	Release in part	S9(2)(a)	To protect the privacy of natural persons	Attachments consist of social media app icons, and document number 38
37	16 June 2020	Email: background information on the proposed policy for the Horowhenua	Release in part	S9(2)(a)	To protect the privacy of natural persons	Attachments consist of social media app icons, and document number 38
38	16 June 2020	Email: background information on the proposed policy for the Horowhenua	Release in part	S9(2)(a)	To protect the privacy of natural persons	Attachments consist of social media app icons, and document number 38
39	16 June 2020	Further information on the Proposed Policy Thinking for Horowhenua	Release in full	N/A	N/A	
40	4 June 2020	Letter 20-M-00924: Action for Healthy Waterways and COVID-19 Recovery (Fast-track Consenting) Bill	Release in full	N/A	N/A	
41	4 June 2020	Letter: Hon Minister David Parker – 4 June 2020	Release in full	N/A	N/A	
42	20 May 2020	Email: FW: Summary notes from first phone engagement with iwi on proposed vegetable exemption	Release in full	N/A	N/A	
42.1	15 May 2020	Summary notes from first phone engagement with iwi on proposed vegetable exemption	Release in full	N/A	N/A	

No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
43	13 May 2020	Action for healthy waterways – decisions on national direction and regulations for freshwater management	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabinet-papers/action-healthy-waterways
44	8 May 2020	Appendix 1: Action for healthy waterways detailed policies and recommendations for drafting the NPS-FM, NES, and Section 360 regulations	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabinet-papers/action-healthy-waterways
45	6 May 2020	Regulatory Impact Analysis: Action for healthy waterways (Part II: Detailed Analysis)	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/regulatory-impact-statements/action-for-healthy-waterways-part-11
46	6 May 2020	Regulatory Impact Analysis: Action for healthy waterways (Part I: Summary and Overall impacts)	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/regulatory-impact-statements/action-for-healthy-waterways-part-1
47	6 May 2020	Action for healthy waterways: Summary of submissions on national direction for our essential freshwater	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabinet-papers/action-healthy-waterways
48	5 May 2020	Support Table – changes to initial proposals and rationale for change	Release in full	N/A	N/A	
49	1 May 2020	Essential Freshwater 94: Talking points for your meeting with Judge Sheppard on Action for healthy waterways decisions, May 2020 [2020-B-06688]	Release in full	N/A	N/A	
50	1 May 2020	Essential Freshwater 93: Talking points for your meeting with advisory group chairs on Actin for healthy waterways decisions, May 2020 [20-B-06687]	Release in full	N/A	N/A	
51	1 May 2020	Essential Freshwater 92: Talking points for your meeting with Iwi Leaders Group, New Zealand Māori Council and Federation of Māori Authorities on Action for healthy waterways decisions, May 2020 [2020-B-06686]	Release in full	N/A	N/A	

No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
52	1 May 2020	Essential Freshwater 91: Talking points for your meeting with high-impact regions on Action for healthy waterways decisions, May 2020 [2020-B-06685]	Release in full	N/A	N/A	
53	1 May 2020	Essential Freshwater 90: Talking points for your meeting with primary sector leaders on Action for healthy waterways decisions, May 2020 [2020-B-06682]	Release in full	N/A	N/A	
54	1 May 2020	Essential Freshwater 89: Talking points for your meetings with ENGOs on Action for healthy waterways decisions, May 2020 [2020-B-06681]	Release in full	N/A	N/A	
55	1 May 2020	Talking Points for your meeting with Regional Council Chairs and CEs on 1 May 2020	Release in full	N/A	N/A	
56	30 April 2020	Email: Fw: Proposed vegetable growing exception for the water package: Pukekohe/Horowhenua	Release in full	N/A	N/A	
56.1	10 October 2019	NPS-HPL Submission	Release in full	N/A	N/A	
56.2	10 October 2019	Letter: Proposed National Policy Statement for Highly Productive Land	Release in full	N/A	N/A	
57	29 April 2020	Email: Email to iwi re Engaging with you this week about Action for healthy waterways policies and changes to the package - sent 29 April 2020	Release in full	N/A	N/A	
57.0 1	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 2	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 3	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 4	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
57.0 5	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 6	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 7	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 8	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.0 9	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.1 0	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.1 1	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
57.1 2	29 April 2020	In Confidence Engaging with you this week about Action for healthy waterways policies and changes to the package	Release in full	N/A	N/A	
58	24 April 2020	Email to Hayden re iwi and hapū engagement re vege exception	Release in full	N/A	N/A	Attachment is identical to document 59
59	24 April 2020	Te Arawhiti comments on MFE Iwi engagement plan for vegetable growing exception	Release in full	N/A	N/A	
60	20 March 2020	Letter: Freshwater Independent Advisory Panel - Supplementary Letter to the Minister for the Environment	Release in full	N/A	N/A	
61	1 March 2020	2020-B-06431 Essential Freshwater 83 - Policy decisions following consultation	Release in full	N/A	N/A	Appendix 2 is identical to document number 47

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
61.1	1 March 2020	Appendix 1: IAP Recommendations, officials' views and recommendations prior to impact testing results	Release in full	N/A	N/A	
61.2	1 March 2020	Appendix 3: Report of the Freshwater Independent Advisory Panel	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/publications/fresh-water/essential-freshwater-report-of-freshwater-independent-advisory-panel
62	13 February 2020	2019-B-05251 Horticulture New Zealand memorandum for the regulation of commercial vegetable growing	Release in full	N/A	N/A	
63	16 December 2019	2019-B-06271 Essential Freshwater 81: Update on options to address key consultation themes	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/more/briefings-cabinet-papers-and-related-material-search/briefing-notes/essential-freshwater-81
64	22 October 2019	2019-B-06124 Horizons Regional Council: Next Steps	Release in full	N/A	N/A	
65	8 October 2019	Email: Horizons Plan Change 2 and vegetable growing in the Horowhenua	Release in full	N/A	N/A	
66	4 October 2019	Email: RE Jay's email of 18 Sep re FW and HPL impact on vege sector	Release in part	S9(2)(a)	To protect the privacy of natural persons	
67	1 October 2019	2019-B-06147 Talking Points for your meeting with Ngai Tahu on 22 October 2019	Release in full	N/A	N/A	
68	22 July 2019	2019-B-05813 Essential Freshwater 69 Updated draft Cabinet package	Release in full	N/A	N/A	
68.1	22 July 2019	Appendix 1: Cabinet paper titled Essential Freshwater, public consultation on regulations for freshwater management	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabinet-paper-essential-freshwater-public-consultation
68.2	22 July 2019	Appendix 2: Draft discussion document	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabinet-paper-essential-freshwater-public-consultation

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No.	Date	Content	Decision	OIA Section /s applied	Reason for withholding	Other significant details
68.3	22 July 2019	Appendix 3: Draft interim regulatory impact statement assessing impact of all proposals	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabi/net-paper-essential-freshwater-public-consultation
68.4	22 July 2019	Appendix 4: Draft National Policy Statement for Freshwater Management	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabi/net-paper-essential-freshwater-public-consultation
68.5	22 July 2019	Appendix 5: Draft National Environmental Standard for Freshwater	Refused	S18(d)	That the information requested is or will soon be publicly available	https://www.mfe.govt.nz/cabi/net-paper-essential-freshwater-public-consultation
69	16 July 2019	Letter: Exemption for Horticulture Discharges to Lake Horowhenua Catchment in Proposed National Policy Statement for Freshwater	Release in full	N/A	N/A	
70	1 March 2019	2019-B-05259 Essential Freshwater 35 - Appointments to Independent Advisory Panel	Release in full	N/A	N/A	
71	19 December 2018	Memorandum on regulation for commercial vegetables	Release in full	N/A	N/A	
72	12 October 2018	2018-M-01932 Horticulture NZ memo NPS-FM Implementation concerns	Release in full	N/A	N/A	
73	16 August 2018	Environment_Weekly_Update_week_starting_13_August_2018	Release in full	N/A	N/A	
74	3 August 2018	2018-B-04731 Work programme update Essential Freshwater	Release in full	N/A	N/A	
74.1	3 August 2018	Appendices: 2018-B-04731 Work programme update Essential Freshwater	Release in full	N/A	N/A	
75	7 August 2020	Email: FW: New rules in place to restore healthy freshwater	Release in full	N/A	N/A	Attachment is identical to document 7.1

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