



9(2)(a)

Dear 9(2)(a)

Thank you for your email of 12 September 2024 requesting the following under the Official Information Act 1982 (the Act):

*Could you please provide advice, memos, research, or any similar documents (note I am not interested in email chains or texts, and would prefer final or draft documents) regarding:*

- a. *How s 6(c) of the Resource Management Act 1991 has been implemented and its efficacy,*
- b. *How the Natural and Built Environment Act 2023 would provide for indigenous biodiversity, Oranga o te taiao, and why it moved away from a focus on significant indigenous vegetation and habitats as in the RMA.*
- c. *The extent the RMA provides for or achieves positive outcomes for Indigenous biodiversity*
- d. *Monitoring and compliance of regional and district councils in implementing protection and recognition of biodiversity*
- e. *Assessments about the capacity of territorial authorities to enforce compliance with planning instruments*
- f. *How and whether territorial authorities can measure and consider cumulative effects of consenting and planning decisions.*
- g. *Any research regarding practical constraints on territorial authorities carrying out their monitoring, enforcement, and planning functions, in particular, whether MFE has done any research on information deficits and limitations on councils obtaining information to carry out their functions.*
- h. *Any material used to inform the drafting of the National Policy Statement on Indigenous Biodiversity and National Environmental Standard for Plantation Forestry (and subsequent NES- Commercial forestry)*
- i. *How the King Salmon and RT Davidson decisions have impacted the resource management system and any issues that they have created.*
- j. *Any information relating to challenges faced by territorial authorities to comply with the significant breadth of recent reforms.*
- k. *Any information related to recognising indigenous fauna in modified or urban environments*

*Could you please provide a summary of any work that MFE is carrying out to:*

- a. *Investigate territorial authorities' compliance with the Resource Management Act 1991*
- b. *Monitor the cumulative environmental effects of consents and planning instruments*
- c. *Any work related to improving the protections for indigenous biodiversity.*
- d. *The implementation of the Convention on Biological Diversity in New Zealand law,*

On 4 October 2024, the Ministerial Services team contacted you to discuss a possible refinement of your request. On 9 October 2024, you were contacted again by our Biodiversity and National Direction team to further understand the information you were interested in.

Following this discussion, I understand that you agreed to be provided a list of advice relating to the National Policy Statement of Indigenous Biodiversity (NPS-IB) and the National Environmental Standard for Commercial/Plantation Forestry (NES-CF, NES-PF). This list intends to provide you with an overview of advice produced/held by the Ministry that may be relevant to the nature of your request.

I have outlined the list of documents in the schedule below. Note that most of these documents are publicly available, or have been released in previous requests and are enclosed.

In its current format, your request remains very broad, and providing a response would require significant time and effort in order to identify, collate and assess material that may be in scope. As such, I am refusing your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation and research.

I would encourage you to review the below material, and submit a new, more targeted request, for specific information if required. We are happy to continue discussions with you to make any new requests as accurate as possible.

You have the right to seek an investigation and review by the Office of the Ombudsman of the decision to refuse 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](http://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 queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Yours sincerely

*Electronically approved by Hayden Johnston*

**Hayden Johnston**

General Manager – Natural Environment Policy  
Ministry for the Environment | Manatū Mō Te Taiao

## Schedule 1

### List of key documents in the development of the NPSIB

This is a list of documents regarding the development of the NPSIB over the last 12 months. Contextual documents that relate to gazettal of the NPSIB and high-level documents including consultation have also been included.

Date	Title	Notes
13 June 2024	Resource Management (Freshwater and Other Matters) Amendment Bill	Publicly available: <a href="https://environment.govt.nz/acts-and-regulations/acts/resource-management-freshwater-and-other-matters-amendment-bill/">https://environment.govt.nz/acts-and-regulations/acts/resource-management-freshwater-and-other-matters-amendment-bill/</a> <a href="https://bills.parliament.nz/v/6/25161950-a4fc-47b4-ada3-08dc7ab031fe?Tab=history">https://bills.parliament.nz/v/6/25161950-a4fc-47b4-ada3-08dc7ab031fe?Tab=history</a>
14 June 2024	BRF-4760: Proposed scope and process for the review of the operation of significant natural areas	Not previously released
12 April 2024	BRF-4519: 100-day commitment to suspend SNAs – feedback on targeted engagement	Not previously released
29 February 2024	Cabinet paper: Proposed cessation of new significant natural areas and review of their operation	Publicly available: <a href="https://environment.govt.nz/assets/publications/Proactive-release-of-New-SNA-and-Review-of-their-Operation-cabinet-materials.pdf">https://environment.govt.nz/assets/publications/Proactive-release-of-New-SNA-and-Review-of-their-Operation-cabinet-materials.pdf</a>
31 January 2024	BRF-4066: 100-day plan commitment: Ceasing implementation of new Significant Natural Areas	Publicly available: <a href="https://environment.govt.nz/oia-releases/advice-regarding-snas-or-the-nps-indigenous-biodiversity/">https://environment.govt.nz/oia-releases/advice-regarding-snas-or-the-nps-indigenous-biodiversity/</a>
14 December 2023	BRF-3970: 100 day commitment: Approach to ceasing implementation of new Significant Natural Areas	Publicly available:

Date	Title	Notes
		<a href="https://environment.govt.nz/oia-releases/advice-regarding-snas-or-the-nps-indigenous-biodiversity/">https://environment.govt.nz/oia-releases/advice-regarding-snas-or-the-nps-indigenous-biodiversity/</a>
10 Nov. 2023	Pro-active release of Cabinet papers supporting the NPSIB	Publicly available: <a href="https://environment.govt.nz/assets/publications/NPSIB_proactive_release-Combined_PDF_with_Coversheet.pdf">https://environment.govt.nz/assets/publications/NPSIB_proactive_release-Combined_PDF_with_Coversheet.pdf</a>
7 July 2023	Gazettal of the NPSIB	Publicly available: <ul style="list-style-type: none"> <li>• Recommendations report:  <a href="https://environment.govt.nz/publications/recommendations-and-decisions-report-on-the-national-policy-statement-for-indigenous-biodiversity/">https://environment.govt.nz/publications/recommendations-and-decisions-report-on-the-national-policy-statement-for-indigenous-biodiversity/</a> </li> <li>• Section 32 Evaluation report:  <a href="https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-s32-evaluation-report/">https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-s32-evaluation-report/</a> </li> <li>• Cost benefit analysis:  <a href="https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-cost-benefit-analysis/">https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-cost-benefit-analysis/</a> </li> <li>• RIS:  <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/national-policy-statement-for-indigenous-biodiversity/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/national-policy-statement-for-indigenous-biodiversity/</a> </li> </ul>

<b>Date</b>	<b>Title</b>	<b>Notes</b>
9 June–21 July 2022	Exposure draft released and targeted consultation	Publicly available: <a href="https://consult.environment.govt.nz/biodiversity/npsib-exposure-draft/">https://consult.environment.govt.nz/biodiversity/npsib-exposure-draft/</a>
31 August 2020	Summary of submissions	Publicly available: <a href="https://environment.govt.nz/publications/he-kura-koiora-i-hokia-a-proposed-national-policy-statement-for-indigenous-biodiversity-summary-of-submissions/">https://environment.govt.nz/publications/he-kura-koiora-i-hokia-a-proposed-national-policy-statement-for-indigenous-biodiversity-summary-of-submissions/</a> <a href="https://pastconsultations.environment.govt.nz/past-consultation/45">https://pastconsultations.environment.govt.nz/past-consultation/45</a>
November 2019– March 2020	Public consultation on the proposed NPSIB	Publicly available: <a href="https://environment.govt.nz/publications/he-kura-koiora-i-hokia-a-discussion-document-on-a-proposed-national-policy-statement-for-indigenous-biodiversity/">https://environment.govt.nz/publications/he-kura-koiora-i-hokia-a-discussion-document-on-a-proposed-national-policy-statement-for-indigenous-biodiversity/</a>
October 2018	Biodiversity Collaborative Group delivered a draft NPSIB and complementary and supporting measures to the then Associate Minister for the Environment Hon Nanaia Mahuta	Publicly available: <a href="https://environment.govt.nz/assets/publications/biodiversity/report_of_the_biodiversity_collaborative_group.pdf">https://environment.govt.nz/assets/publications/biodiversity/report_of_the_biodiversity_collaborative_group.pdf</a>
March 2017	Biodiversity Collaborative Group began the development of a draft NPSIB and complementary and supporting measures	General information - no specific links to provide
2010	First NPSIB proposal developed.	General information - no specific links to provide

## List of key documents in the development of the NES-CF / PF

Documents relating the NES-CF(PF) are published on the Ministry for the Environment and Ministry for Primary Industries websites. The consultation that closed in November 2022 and sought views on:

- managing the environmental effects of all exotic carbon forests
- controlling the location of afforestation (plantation and exotic carbon) to manage social, cultural, and economic effects
- improving wildfire management in all plantation and exotic carbon forests
- addressing the most important findings of the Year One Review of the NES-PF regulations.

### Ministry for the Environment:

<https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standards-for-commercial-forestry/>

This page has links to:

- A factsheet on the changes
- Summary of submissions: National direction for plantation and exotic carbon afforestation [MPI website]
- Proactively released documents for NES-PF amendments decisions [MPI website]
  - To access all proactively released documents. Search 'Emissions reduction plan: Resource management proposals to manage exotic afforestation' and expand to see list of documents.
- Recommendations and decisions report on amendments to the NES-PF
- Supplementary analysis report: Resource Management (National Environmental Standards for Plantation Forestry) Amendment Regulations 2023
- Proposed amendments to the NES-PF: Section 32 report

## **Ministry for Primary Industries:**

<https://www.mpi.govt.nz/consultations/national-direction-for-plantation-and-exotic-carbon-afforestation/>

This page has links to the 2018 discussion document, interim regulatory impact statement and consultation document.

<https://www.mpi.govt.nz/forestry/national-environmental-standards-commercial-forestry/>

This page has links to some of the historical decisions regarding the NES-PF:

- Minister's announcement of NES-PF – media release
- Consultation and development of the NES-PF
- Resource Management (NES-PF) Regulations 2017 – Cabinet paper
- Revised Policy Proposal for the National Environmental Standard for Plantation Forestry – Cabinet paper
- A National Environmental Standard for Plantation Forestry - Regulatory Impact Statement
- Enabling councils to charge for monitoring permitted activities under the NES-PF – Regulatory Impact Statement
- Proposed NES-PF: Section 32 evaluation
- Proposed NES-PF: report on submissions and recommendations
- Plantation forestry economic analysis, revised for proposed NES
- NES-PF evaluation of effectiveness on environmental outcomes
- Assessment of the implications of changes to the draft NES-PF