



3 May 2024

OIAD-1024

9(2)a

Dear 9(2)a

Thank you for your email of 26 March 2024 requesting the following under the Official Information Act 1982 (the Act):

- 1. All reports, memos, email or other documents produced in the period 1 October 2022 to 5 September 2023 containing consideration of the pros and cons/merits/concerns or other factors relevant to MfE's consideration of whether development of industrial solar plants should be possible or encouraged on HPL.*
- 2. List of all individuals, companies, groups or other organisations MfE consulted with in the period 1 October 2022 to 5 September 2023 regarding the development of industrial solar plants on HPL. I am happy for individuals' names and contact details to be redacted if the organisation they acted for is included.*
- 3. Minutes of the meeting held on 18 October 2022 (highlighted in the attached email), and any memos, email or other documents containing a summary or description of that meeting's content or outcomes.*

Regarding point one of your request, the Ministry has already provided you with all reports and documents relating to industrial solar plants under the National Policy Statement for Highly Productive Land (NPS-HPL). These have been provided to you again for reference. We are not aware of any further material in scope of your request.

The Ministry does not hold any emails that directly relate to 'considerations of whether solar plants should be possible or encouraged under the NPS-HPL'. As such, this part of your request has been refused under section 18(e), as the information does not exist.

Regarding point two of your request, the list of groups the Ministry consulted with was released to you in our previous response. This information was included in Appendix One of *BRF-3292*, which I have enclosed again for your reference.

Regarding point three of your request, depending on the matter, meetings between MPI and MfE policy officials may not be minuted, though key actions may be recorded. For the meeting between MPI and MfE regarding the NPS-HPL held on 18 October 2022, no minutes were taken or actions recorded. As there are no documents to release, this part of your request has been refused under section 18(e) of the Act.

We have instead provided our recollection of the meeting below. Please be aware that while these statements are as accurate as possible, some time has passed since this meeting:

*Both agencies discussed the issue raised in the email you attached (from Mark Ashby) relating to the ambiguity that could be inferred by the drafting of the Gazetted NPS-HPL. We specifically considered legal advice on whether the change could proceed as a 'technical amendment'. Note that we cannot share further details of this advice, as it is legally privileged. As a result of the meeting, workshops were undertaken to understand the issue further, which included councils and industry (e.g., energy providers).*

The Cabinet package seeking agreement to consult on amendments to the NPS-HPL is publicly available, and can be accessed at: [environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/nps-hpl-release-of-discussion-document-on-potential-amendments/](https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/nps-hpl-release-of-discussion-document-on-potential-amendments/)

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](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