



27 August 2024

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your request of 2 July 2024 under the Official Information Act 1982 (the Act) for the following:

*Land Risk Categorisation Framework*

*The 'Cyclone Recovery Unit' was established in March 2023 to lead, coordinate and monitor the severe weather recovery across government. I am seeking documents, discussions, reports, and any other relevant materials that detail the creation, decision-making process, and advice received while creating the 'Future of Severely Affected Land Risk Categorisation Framework.' Following cyclone Gabrielle. Specifically, I am requesting the following information:*

*1. Development and Design*

- Which agencies, departments, or external entities were involved in the development and design of the Land Risk Categorisation Framework? Please provide documents identifying the individuals or teams responsible for its design, including their roles and affiliations.*

*2. Legal and Technical Advice*

- 2.1 Reports, memos, or other documents that refer to the legal advice received during the development of the Land Risk Categorisation Framework.*
- 2.2, Reports, memos, or other documents that discuss the technical reports, methodologies, and risk assessments used in the Land Risk Categorisation Framework.*

*3. Recommendations to Cabinet and Concerns Raised*

- 3.1 Reports, memos, or other documents detailing recommendations provided to the government cabinet regarding the Land Risk Categorisation Framework.*
- 3.2 Reports, memos, or other documents outlining any concerns raised during the development and implementation of the Land Risk Categorisation Framework.*

On 2 July 2024, the Ministry for the Environment (the Ministry) accepted partial transfer from the Department of the Prime Minister and Cabinet (DPMC) for parts 1, 2.1, 2.2, 3.1 and 3.2 of your request under section 14(b)(ii) of the Act.

On 19 July 2024, the Ministry notified you that the timeframe to make a decision on the request was extended by 20 working days under section 15A(1)(b) of the Act, as consultations necessary to make a decision on the request are such that a proper response could not reasonably be made within the original timeframe.

To clarify, we have interpreted the “Future of Severely Affected Land Risk Categorisation Framework” as the centrally developed land risk categorisation framework (initial risk categories and definitions) announced on 1 May 2023 as well as any refinements of the scope and definitions of these categories that was subsequently agreed to by Cabinet.

Furthermore, we have interpreted the request as seeking documents produced during the creation and development of the Land Risk Categorisation Framework, rather than the subsequent application and implementation of the Framework that was undertaken by local government authorities, and in the case of the parallel Whenua Māori and Marae pathway, Central Government.

The Treasury also accepted a partial transfer of parts 2.2, 3.1, and 3.2 of your request from DPMC. As the Treasury were the joint lead agency for the Land Risk Categorisation Framework project team and the Treasury also had led briefings included in scope of your request, the Ministry has agreed that the Treasury will provide the documents in scope of parts 2.2, 3.1 and 3.2 to you. This response therefore covers part 1 and part 2.1 of your request.

In response to part 1 of your request, the Ministry has identified one document titled ‘*Future of Severely Affected Land (FOSAL) Project Team*’. This document has been released to you in part with some information withheld under section 9(2)(g)(ii) to maintain the effective conduct of public affairs through protecting Ministers, members of government organisations, officers and employees from improper pressure or harassment.

To note, Document 1 is an estimate of the core team and people working on FOSAL at a point in time and given the workload and nature of the work, this resourcing changed over time.

In response to part 2.1 of your request, the Ministry has identified four documents that contain legal advice received during the development of the Land Risk Categorisation Framework. The four documents have been withheld in full under section 9(2)(h) of the Act to maintain professional legal privilege.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision 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 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).

Nāku noa, nā



**Katherine Wilson**  
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Ministry for the Environment | Manatū Mō Te Taiao

### Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	N/A	FOSAL Project team	Released in part.	9(2)(g)(ii)
2	22/06/2023	Local government powers to make voluntary buyout offers/grants	Withheld in full.	9(2)(h)
3	27/06/2023	Treaty obligations: central government funding support for property owners in severely affected locations	Withheld in full.	9(2)(h)
4	11/07/2023	Updated advice: Advice on central government legal risk in respect of the future of severely affected locations (FOSAL) - Part 1	Withheld in full.	9(2)(h)
5	28/07/2023	LGNZ-commissioned legal advice: Important need for legal certainty for councils undertaking voluntary buyouts	Withheld in full.	9(2)(h)