



22 August 2024

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 4 July 2024 to the Ministry for the Environment (the Ministry) requesting the following under the Official Information Act 1982 (the Act):

1. *the application by Taiwhenua o Tamatea Incorporated for assistance from the ELA Fund and any supporting information;*
2. *the decision by MfE to grant \$13,000 to Taiwhenua o Tamatea Incorporated and the recommendation of the Independent Advisory Panel;*
3. *any correspondence between Taiwhenua o Tamatea Incorporated and MfE or the ELA Fund relating to the application and / or the decision; and*
4. *any information relating to whether Taiwhenua o Tamatea has made an application for assistance in the ELA final funding round.*

We have interpreted your request as being related to the application submitted by Te Taiwhenua o Tamatea Incorporated (Taiwhenua o Tamatea) for assistance through the Environmental Legal Assistance (ELA) Fund for the 2023-24 financial year.

We have identified 20 documents in scope of parts 1, 2 and 3 of your request as outlined in the below document table. I have released 10 documents to you in full, released 6 documents to you in part, and withheld 2 documents in their entirety. Information has been withheld in accordance with the following sections of the Act:

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| 9(2)(a) | to protect the privacy of natural persons. |
| 9(2)(ba)(i) | to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied. |
| 9(2)(b)(ii) | to protect information where 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)(g)(i) | to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty. |

I have also refused 2 documents in full under section 18(d) of the Act, as they are publicly available on the Hawke's Bay Regional Council website at the following link:
<https://www.hbrc.govt.nz/services/resource-consents/notified-consents/groundwater-takes-ruataniwha-basin-tranche-2/>.

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

In response to part 4 of your request, The ELA Fund closed at the end of the 2023-24 financial year. The application that is in scope of your request was made in round 5 (the second to final funding round). No application was submitted by Taiwhenua o Tamatea in the final funding round (round 6).

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions 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 queries about this, please feel free to contact our Ministerial Services team: ministerials@mfe.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phirak Appleton', written in a cursive style.

Phirak Appleton
General Manager, Legal and Risk
Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1.	28 March 2024	ELA Application Form – Te Taiwhenua o Tamatea Incorporated	Release in part	9(2)(a) 9(2)(b)(ii) 9(2)(ba)(i)
2.	3 May 2023	Application attachment: Notice of Appeal	Refuse	18(d)
3.	17 March 2023	Application attachment: Notice of person's wish to be party to proceedings	Release in part	9(2)(a)
4.	24 Feb 2023	Application attachment: Ruataniwha Tranche 2 Resource Consent Application Decision	Refuse	18(d)
5.	21 June 2023	Application attachment: Minute of the Environment Court (Mediation)	Release in full	
6.	23 Jan 2024	Application attachment: Minute of the Environment Court (Timetabling)	Release in full	
7.	12 March 2024	Application attachment: Expert Quote and CV (1)	Withhold in full	9(2)(ba)(i)
8.	28 March 2024	Application attachment: Expert Quote and CV (2)	Withhold in full	9(2)(ba)(i)
9.	2 April 2024	Email Chain: Environmental Legal Assistance Fund – application received and additional information required	Release in part	9(2)(a)
10.	28 Feb 2023	Additional application attachment: Notification of Decision – Tranche 2 Applications	Release in full	
11.	5 May 2023	Additional application attachment: Standard Track directions letter	Release in full	
12.	1 Sept 2023	Additional application attachment: Notice of Mediation letter	Release in full	
13.	9 Feb 2024	Additional application attachment: memorandum of counsel for the appellants regarding final proposal	Release in full	
14.	15 March 2024	Additional application attachment: memorandum of counsel for the appellants seeking extension for statement of topics and issues	Release in full	

15.	13 March 2024	Additional application attachment: Notice of change of representation	Release in full	
16.	21 March 2024	Additional application attachment: memorandum of counsel seeking change to pre-hearing timetable	Release in full	
17.	No date	Additional application attachment: Confirmed attendance list	Release in full	
18.	13 May 2024	Email chain: Environmental Legal Assistance Fund – application complete	Release in part	9(2)(a)
19.	14 May 2024	Email: Te Taiwhenua o Tamatea Inc – Confirmed Minutes	Release in part	9(2)(a) 9(2)(ba)(i)
20.	14 May 2024	Email attachment: Te Taiwhenua o Tamatea Inc decision	Release in part	9(2)(b)(ii) 9(2)(ba)(i) 9(2)(g)(i)