



OIAD-394

S9(2)(a)

Dear S9(2)(a)

Thank you for your Official Information Act 1982 (the Act) request of 30 August 2022 to the Ministry for the Environment (the Ministry) seeking information about private land covenants. Specifically, your request was for the following:

any information or research that MfE has on:

- 1. the prevalence of private land covenants;*
- 2. the effects of private land covenants on housing affordability;*
- 3. if the effects of private land covenants on the implementation of measures designed to improve housing affordability have been considered as part of the development of these measures (e.g., the NPS-UD); and*
- 4. the ability of local authorities to regulate the use of private land covenants in relation to urban development.*

As the Ministry of Housing and Urban Development (HUD) is the lead agency for private land covenants, the Ministry would ordinarily transfer your request to this department. However, I understand you have made an identical request to HUD under the Act. For this reason, I have chosen to provide a separate response to your request.

The Ministry have identified one document, *2021-BRF-297- Aide Memoire Development Convenance Meeting – 29 June 21 – For Ministers*, which is in scope of parts 1 and 2 of your request, and which will not be included in HUD's response to you. This document has been withheld in full under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

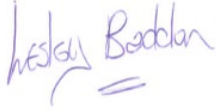
In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

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.

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



Lesley Baddon
Director - Urban and Infrastructure Policy

Released under the Official Information Act 1982

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	29 June 2021	2021-BRF-297- Aide Memoire Development Convenance Meeting – 29 June 21 – For Ministers	Withheld in full	9(2)(f)(iv) – to maintain the confidentiality of advice tendered

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