



12 February 2024

9(2)a

Dear 9(2)a

Thank you for your email of 21 December 2023 requesting the following under the Official Information Act 1982 (the Act):

*all information held by the agencies receiving this request which relate to the following amendments provided for, or will be provided for, in the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Bill/Act 2023.*

*My request for information includes any information identifying, recording, suggesting an issue or concern with the term, word or provision being repealed or replaced, any consideration (including advice, correspondence) relating to the issue or concern and the replacement term, word or provision.*

*The amendments this request relates to are as follows:*

*(a) In the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72) Replacing: “indigenous biodiversity” with “biological diversity”.*

*(b) In the Urban Development Act 2020 (2020 No 42)*

*Replacing s4 (“All persons exercising powers and performing functions and duties under this Act must give effect to the principles of te Tiriti o Waitangi”) with: “In achieving the purpose of this Act, all persons performing functions or exercising powers under it must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”*

*In section 38(2)(a)(viii), replacing “cultural heritage” with “historic heritage”. Replacing “iwi and hapū participation legislation” with “iwi participation legislation”. In Schedule 3, clause 1(4)(c), replacing “te Tiriti o Waitangi” with “the Treaty of Waitangi”.*

*(c) In the Overseas Investment Act 2005 (2005 No 82) In section 6(1), repealing the definition of cultural heritage.*

Please note that parts (b) and (c) of your request relate more closely to the responsibilities of the Ministry of Housing and Urban Development and Land Information New Zealand respectively. The Ministry for the Environment (the Ministry) would usually be required to transfer these parts of your request in line with section 14 of the Act. However, as you have already requested this information from these agencies, we do not consider it necessary to do so in this case.

The Ministry has identified five documents in scope of part (a) of your request, as listed in the attached document schedule.

Three documents have been refused under section 18(d) of the Act, as they will soon be made publicly available.

One document has been released to you in full. The remaining document has been released to you in part, with some information withheld under the following sections of the Act:

9(2)(h) to maintain professional privilege.

9(2)(g)(i) 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.

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](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

A handwritten signature in black ink, appearing to read 'Jo Gascoigne', with a long horizontal flourish extending to the right.

Jo Gascoigne  
**General Manager – Resource Management System**  
**Ministry for the Environment | Manatū Mō Te Taiao**

### Document schedule

Document no.	Content	Decisions	OIA sections applied
1	CAB-371- Repealing the Natural and Built Environment Act and the Spatial Planning Act	Refused	18(d)
2	BRF-3951- Delivering your resource management priorities - Repeal of the NBA and SPA	Refused	18(d)
3	CAB-372 - Draft Cabinet Legislation paper - NBA and SPA repeal Bill - approval for introduction	Refused	18(d)
4	BRF-3963 - Cabinet paper for lodgement – Repealing the Natural and Built Environment Act and Spatial Planning Act	Released in full	
5	BRF-3971: Cabinet Legislation paper - Natural and Built Environment and Spatial Planning Repeal Bill	Released in part	9(2)(h) 9(2)(g)(i)