



16 January 2022

Pat Duignan  
mdconsulting@mdconsulting.co.nz

Dear Pat Duignan

Thank you again for your email of 17 May 2022, requesting the following under the Official Information Act 1982 (the Act):

*“I hereby request under the Official Information Act all advice to Ministers regarding the potential conflict between the requirement for local authorities to direct development away from areas exposed to flooding or wildfires in the draft National Adaptation Plan (p75) and the equivalent obligation in the New Zealand Coastal Policy Statement versus the requirement to implement the MDRS under the December 2021 amendment to the RMA Act.*

*I hereby request any reports, emails or other analyses by Ministry staff or contractors that acknowledge and/or discuss the potential conflict set out above. In particular I request any reports, emails or other analyses which acknowledge this potential conflict as it relates to the Kapiti District.”*

On 1 September 2022, the Office of the Ombudsman notified the Ministry for the Environment (the Ministry) of a complaint it had received in relation to your request, specifically around the decision on the request to withhold information under section 9(2)(g)(i) of the Act, 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 of or officers and employees of any public service agency or organisation is the course of their duty.

In consultation with the Office of the Ombudsman, the Ministry has considered this complaint. Under section 16(1)(e) of the Act the Ministry is providing you with a summary of the redacted material. This summary is outlined below.

### **Summary of information redacted**

Redacted content in Documents 1 through 3 reflects initial and draft thinking, posed for officials' comment and feedback, as part of a collaborative approach to developing input for the departmental report on the Enabling Housing Supply Bill.

Notably, the material redacted across Documents 1 and 1A is largely identical, with some changes that the email authors suggested and were reflective of the collaborative approach taken.

The redacted material covers draft commentary around:

- Residential housing intensification in areas subject to significant risks from natural hazards, including those hazards that could be exacerbated in future by the impacts of climate change.
- How to ensure the future effects of climate change are adequately accounted for in local authorities' decision making.
- The specifics of free and frank inter-agency discussions concerning the above matters.

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 Katherine Wilson*

Katherine Wilson  
**Director**  
**Climate Adaptation and Evidence**