

ENQ-38486-W0M7W8

24 June 2020

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## Official Information Act Request

Dear ██████████

Thank you for your request received on 9 April 2020, for the following information:

1. *“Copies of any correspondence between yourselves and the Ministry of the Environment concerning the proposal to call in plan change 7 and 8 of the Otago Regional Council.*
2. *Copies of any correspondence between yourselves and anyone at the Otago Regional Council to do with the above.*
3. *Notes of any meetings or other contact between either of the above and yourselves concerning these plan changes.*
4. *Details of any calls between yourselves and either of the above on the proposal, with times of calls, participants and nature of the calls ie what were they about even if there were no formal notes.”*

Your request has been treated as a request for information under the Official Information Act 1982 (OIA).

The EPA plays a role in proposals of national significance, and you can find out more about our work in this area on our website <https://www.epa.govt.nz/industry-areas/rma-proposals/>.

Please find attached the documentation requested. The table attached to this letter shows the documentation that has been collected, and copies of the email correspondence have been attached.

We have withheld two draft documents under s 9(2)(g)(i) of the OIA. This is 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 department or organisation in the course of their duty. We consider that the reason for withholding the documents is not outweighed by the public interest in making them available. This has also been noted on the correspondence table. We understand that the Ministry for the Environment has indicated it will release the final briefing notes proactively on its website in due course.

You have the right to seek an investigation and review of this decision by the Ombudsman. You can contact the Ombudsman on 0800 802 602, or by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

If you have any further queries, please do not hesitate to contact us via [ministerials@epa.govt.nz](mailto:ministerials@epa.govt.nz).

Yours sincerely

A handwritten signature in blue ink that reads "MAB Ward". The letters are cursive and connected.

Michelle Ward  
General Manager  
**Climate Land and Oceans**

## Correspondence table

	Date	Type	Agency	Document/Notes
1	3 March	Email	MfE	1_04March20_EPA-MFE_PDF_FW_Request_for_call_in_Otago_Regional_Council.pdf
2	4 March	Email	MfE	2_04March20_EPA-MFE_PDF_ORC_call-in_initial_briefing 2_04March20_EPA-MFE_PDFAttach_Letter_to_ORC_re_s24A_investigation_from_Hon_David_Parker_18112019 2_04March20_EPA-MFE_PDFAttach_Hon_David_Parker_-_request_to_consider_using_Minister's_powers_Plan_Change_7_Water_Permits 2_04March20_EPA-MFE_PDFAttach_Hon_David_Parker-request_to_consider_using_Minister's_powers-Omnibus_Plan_Change The attachment "Otago plan change call-in requests" has been withheld under s 9(2)(g)(i) of the OIA.
3	4 March	Phone	MfE	Jillian Kennemore rang Rowan Taylor to get the background on the proposed plan changes, including background to the deemed water permit situation and the Skelton Investigation
4	4 March	Phone	MfE	Celia Haden spoke to Matt Maguire to discuss getting EPA comments on the MFE briefing to the Minister
5	5 March	Email	MfE	5_05March20_EPA-MFE_PDF_Otago_plan_change_call-in_requests_MFE_briefing_EPA_comments_Final The attachment "Otago plan change call-in request MFE briefing EPA comments" has been withheld under s 9(2)(g)(i) of the OIA.
6	6 March	Email	MfE	6_06March20_EPA-MFE_PDF_RE_Otago_plan_change_call-in_requests_MFE_briefing_EPA_comments_Final
7	6 March	Email	MfE	7_06March20_EPA-MFE_PDF_RE_Otago_Plan_change
8	6 March	Email	MfE	8_06March20_EPA-MFE_PDF_RE_Otago_plan_change_call-in_requests_MFE_briefing_EPA_comments_Final
9	13 March	Email	MfE	9_13March20_EPA-MFE_PDF_RE_Otago_Regional_Council_plan_change_(call in)
10	24 March	Email	ORC	10_24March20_EPA-ORC_PDF_RE_ORC_Water_Permit_Plan_Change
11	24 March	Email	ORC	11_24March20_EPA-ORC_PDF_RE_Contact_details
12	24 March	Phone	ORC	Peter Constantine to discuss background to the proposed plan changes, the reasons for the call in request and the current situation e.g. notification of Water Permit Plan Change and status of Omnibus Plan Change.
13	25 March	Email	ORC	13_25March20_EPA-ORC_PDF_RE_Otago_Regional_Council_Plan_Changes_7_8
14	27 March	Phone	ORC	Jillian Kennemore seeking clarification of proposed plan changes – including extension to submission period on Plan Change 7 – Water Permits
15	30 March	Phone	MfE	Discussing the call-in requests, with Rowan Taylor providing further clarification of the background to the proposed plan changes and seeking clarification NSP provisions of the RMA. Also discussed whether he knew if the ORC preferring

				referral to the Environment Court or a board of inquiry if the Minister called the plan changes in.
16	30 March	Email	MfE	16_30March_EPA_MFE_PDF_RE_Otago_-_urgent_query
17	31 March	Email	MfE	17_31 March20_EPA-MFE_PDF_Otago_call_in_requests
18	31 March	Phone	MfE	Discussing process for EPA advice and recommendation
19	31 March	Email	ORC	19_31March20_EPA-ORC_PDF_ORC_plan_change_call_in
20	31 March	Letter	ORC	20_31March20_EPA- ORC_PDF_EPA_letter_seeking_updated_ORC_views_on_call_in_request_31March202  20_31March20_EPA- ORC_PDFAttach_EPA_letter_seeking_updated_ORC_views_on_call_in_request_31March202
21	31 March	Phone	ORC	To discuss EPA letter
22	31 March	Email	ORC	22_31March20_EPA-ORC_PDF_Extra_views_from_ORC
23	1 April	Phone	ORC	To discuss EPA letter
24	1 April	Letter	ORC	24_01April20_EPA- ORC_PDF_Response_to_EPA_re_ORC_request_for_Minister_to_call_in_PC7_Omnibus_PC  24_01April20_EPA- ORC_PDFAttach_Response_to_EPA_re_ORC_request_for_Minister_to_call_in_PC7_Omnibus_PC
25	2 April	Phone	ORC	Discussing ORC letter
26	2 April	Phone	ORC	Discussing ORC letter
27	2 April	Phone	ORC	Discussing ORC letter
28	3 April	Email	MfE	28_03April20_EPA- MFE_PDF_RE_EPA_request_for_advice_about_Environment_Court_capacity
29	3 April	Email	ORC	29_03April20_EPA-ORC_PDF_Decision_by_EC
30	6 April	Email	MfE	30_06April20_EPA-MFE_PDF_Otago_Regional_Council_call_in_request_-_EPA_advicerecommendation
31	6 April	Email	MfE	31_06April20_EPA-MFE_PDF_RE_Corrected_version
32	6 April	Phone	ORC	Jillian Kennemore seeking further background and clarification of ORC letter – e.g. nature of s143 compliance
33	6 April	Phone	MfE	Re: Cabinet paper requirements
34	7 April	Email	MfE	34_07April20_EPA-MFE_PDF_Martin_Workman's_number
35	8 April	Email	MfE	35_08April20_EPA-MFE_PDF_RE_Briefing_note_call_in_Otago  35_08April20_EPA-MFE_PDFAttach_Briefing note call in Otago
36	8 April	Email	MfE	36_08April20_EPA-MFE_PDF_RE_EPA_advice_-_ORC_call-in

37	8 April	Email	MfE	37_08April20_EPA-MFE_PDF_LATEST_DRAFT_incorporating_LEGAL_REVIEW_EPA_Advice_and_Recommendation  37_08April20_EPA-MFE_PDFAttach_LATEST_DRAFT_incorporating_LEGAL_REVIEW_EPA_Advice_and_Recommendation
38	8 April	Phone	MfE	Celia Haden spoke to Dhilum Nightingale twice to discuss the process for call in where a plan change is involved.
39	8 April	Phone	MfE	Jillian Kennemore assisting Rowan Taylor to prepare briefing on call in process by clarifying relevant RMA steps
40	8 April	Phone	MfE	Options for Ministerial Direction – combined or separate
41	8 April	Phone	MfE	Options for Ministerial Direction – combined or separate
42	8 April	Email	MfE	42_08April20_EPA-MFE_PDF_RE_Allah_Freeths_email
43	8 April	Email	MfE	43_08April20_EPA-MFE_PDF_Re_URGENT_Process_of_call_in
44	8 April	Email	MfE	44_08April20_EPA-MFE_PDF_Otago_Regional_Council_call_in_requests_-_separate_Ministerial_Directions  44_08April20_EPA-MFE_PDFAttach_ORC_Proposed_Omnibus_Plan_Change_Ministerial_Direction  44_08April20_EPA-MFE_PDFAttach_ORC_Proposed_Plan_Change_7-Water_Permits_Ministerial_Direction
45	8 April	Letter	ORC	45_08April20_EPA-ORC_PDF_EPA_letter_serving_ORC_with_advice-recommendation_8April2020  45_08April20_EPA-ORC_PDFAttach_EPA_Advice_and_Recommendation_Otago_Regional_Council_Plan_Changes_8April2020  45_08April20_EPA-ORC_PDFAttach_EPA_letter_serving_ORC_with_advice-recommendation_8April2020
46	8 April	Email	MfE	46_08April20_EPA-MFE_PDF_RE_Otago_Regional_Council_call_in_requests_-_separate_Ministerial_Directions
47	8 April	Email	ORC	47_08April20_EPA-ORC_PDF_Re_EPA_letter_serving_ORC_with_advice-recommendation_8April2020
48	9 April	Phone	MfE	Discussions re: release of Minister's Directions, including media statement
49	9 April	Phone	MfE	Discussions re: release of Minister's Directions, including media statement
50	9 April	Phone	ORC	Advising the Minister has issued Directions
51	9 April	Letter	ORC	51_09April20_EPA-ORC_PDF_EPA_letter_serving_ORC_with_Minister's_directions_on_call_in_requests  51_09April20_EPA-ORC_PDFAttachEPA_letter_serving_ORC_with_Ministers_directions_9April2020_section_149A  51_09April20_EPA-ORC_PDFAttach_ORC_Proposed_Omnibus_Plan_Change_Ministerial_Direction

				51_09April20_EPA-ORC_PDFAttach_ORC_Proposed_Plan_Change_7-Water_Permits_Ministerial_Direction
52	9 April	Phone	MfE	Discussions re: media statement