

21-D-00845
21-D-00869

Phil Pennington
Radio New Zealand
Phil.Pennington@rnz.co.nz

Dear Phil Pennington

Thank you for your emails of 23 April and 4 May 2021 requesting the following under the Official Information Act 1982 (the Act):

Request 21-D-00845:

RNZ requests release in fully searchable format of the following:

- *Any and all communications since the start of 2020 between MFE and Refining NZ over possible site contamination and/or remediation at any part of its Marsden Pt site*
- *Any advice or briefing to the Minister from MFE about contamination or remediation of said site*

Request 21-D-00869:

The OIA release by Treasury 20210070, on p169 in Treasury Report Project 14 says:

"... several large industrial operations are nearing end of life after 50 or more years of operation. Their decommissioning is likely to require complex, challenging and costly remediation".

RNZ requests the release in fully searchable format of:

- *The latest substantive document of any type including any advice, briefing or aide memoire, etc, that details what these end-of-life operations are, and/or their decommissioning*


The Ministry for the Environment (the Ministry) is responding to both of your requests in one response as the information in scope covers both requests. The Ministry has responded to each of your requests below. Please note, we are withholding the release of some information 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

A handwritten signature in black ink that reads "G. Wigley". The signature is written in a cursive, flowing style.

Glenn Wigley
Director, Waste and Resource Efficiency - Policy and Regulatory

In response to Request 21-D-00845:

The Ministry has identified four documents in scope of your request, as listed in the document schedule below.

Documents 2 and 2.1 are in scope of the first part of your request. As document 2.1 is publicly available, I am refusing this part of your request under section 18(d) of the Act. You can access the document here: www.nzx.com/announcements/370088.

Documents 1 and 1.1 are in scope of the second part of your request. I am withholding a copy of 1.1 *Contaminated and orphan sites liability regime - 2020-B-07417* in full under section 9(2)(f)(iv) of the Act as detailed above.

In response to Request 21-D-00869:

The Ministry has identified 1 document in scope of your request. The lines that you extracted from Treasury Report Project 14 was taken from document 2.1 in the schedule below - *Contaminated and orphan sites liability regime - 2020-B-07417*. I am withholding a copy of this document in full under section 9(2)(f)(iv) of the Act as detailed above.

Document schedule

Document no.	Document date	Content	Decisions	OIA sections applied
1	3 February 2021	Email: Contaminated and orphan sites liability regime - 2020-B-07417	Released in full	
1.1	3 February 2021	Attached Briefing: Contaminated and orphan sites liability regime - 2020-B-07417	Withheld in full	S 9(2)(f)(iv) - to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
2	6 April 2021	Email: Marsden Point Resource Consent Renewal	Released in full	
2.1	1 April 2021	Attachment: Renewal of resource consent for Marsden Point site	Refused	S 18(d) – information is publicly available