



Factsheets for Estimates 2019/2020

National direction under the Resource Management Act 1991 (RMA)

This is part of a series of fact sheets prepared for the Environment Committee's 2019/20 Estimates examination of Vote Environment.

National-level direction and guidance supports local decision-making under the RMA

This is provided using regulatory mechanisms (National Policy Statements (NPS), National Environmental Standards (NES), National Planning Standards, and regulations) and non-statutory mechanisms (eg, guidelines and Government strategies).

Key messages for the 2019/20 year

The Ministry's focus is on four policy areas of national direction that will be released for public consultation between August and October 2019: urban development, indigenous biodiversity, essential freshwater, and highly productive land.

A snapshot of all national direction is attached in Appendix 1. Additional funding from Budget 19 may be invested in this work depending on priorities identified through the Ministry's business planning process.

- The Ministry is supporting other agencies to ensure consultation processes are coordinated. This involves preparing an overview document that draws links between all the instruments for release while each of the four policy areas is consulted on.
- Local Government New Zealand has expressed some concern about the consultation being close to the local body elections in October 2019. The Ministry is working to ensure the consultation timeframes allow adequate time for quality submissions and recognise the local government election 'shutdown period', while ensuring the instruments will be ready for gazettal in early to mid-2020.
- We also expect to work towards developing a more strategic approach to national direction, to ensure existing instruments and those under development are effective, including how the instruments interact with each other. This includes how national direction should be provided for within any system reform.

Stages of National Direction work in 2019/2020

Scoping

- National direction is currently being scoped for Heritage. Consultation is planned for late 2019. The Ministry for Culture and Heritage is leading this, with support from the Ministry.
- National direction is currently being scoped for discharges from municipal wastewater networks. This project is a component of the Three Water Review. The Department of Internal Affairs (DIA) is leading this, with the Ministry supporting.

Developing/consulting

- A draft National Policy Statement (NPS) for Indigenous Biodiversity was submitted to the Government by the Biodiversity Collaborative Group in 2018. The draft has been assessed, and policy work has been undertaken to develop the NPS for public consultation. Targeted engagement with stakeholders has been undertaken and public consultation will occur mid-late 2019. This is being led by the Ministry, with Department of Conservation (DOC) support.
- Policy work is advancing to support the government's Essential Freshwater work programme, with consultation planned for July-September 2019. This includes amending the NPS Freshwater Management (NPS-FM) and proposing a new National Environmental Standard for Freshwater. The previous work on stock exclusion regulations is being considered as part of the wider freshwater package. This is being led by the Ministry. See the Essential Freshwater fact sheet.
- Policy work is advancing on a proposed NPS for Urban Development which will amend the current NPS Urban Development Capacity. Consultation will occur July-September this year. This is being led by the Ministry, with support from the Ministry of Housing and Urban Development. See the Urban fact sheet.
- Policy work is underway on a national direction for Highly Productive Land. This proposal will be consulted on in July-September 2019 this year. The policy is aimed to protect highly productive land from inappropriate subdivision and land use. The Ministry for Primary Industries (MPI) is leading this, with the Ministry supporting.

Finalising

- The proposed NES for Marine Aquaculture is being drafted, and is planned to come into effect in late 2019. Additional time was taken to respond to submissions, including work to recognise tangata whenua values in the NES. MPI is leading this, with Ministry support.
- The NES for the Outdoor Storage of Tyres is planned to come into effect in 2019/20. The Ministry is leading this work. See the Tyres fact sheet.

Reviewing

- The NES for Plantation Forestry came into effect in May 2018, supported by an MPI implementation programme. A one-year implementation review is being carried out. MPI is leading this, with Ministry support.
- The review of the NES for Sources of Human Drinking Water is underway. The Ministry is leading this with support from DIA. See Urban Water and Three Waters fact sheets.

- The review of the NES for Air Quality is ongoing. Initial policy analysis was undertaken to identify gaps in the existing Air Quality NES relating to the management of particulate matter. The Ministry engaged iwi and key stakeholders to seek feedback on the review in 2018 and expects to progress towards public consultation by the end of 2019. See the Air Quality fact sheet.

Implementation

- The National Planning Standards were gazetted in April 2019. See the Planning Standards fact sheet.

Operational

- NPS and NES Electricity Transmission. The review of the effectiveness of the NPS on Electricity Transmission and NES for Electricity Transmission Activities was published in April 2019. The review found that they have broadly met their objectives.
- NES for Contaminants in Soil affecting Human Health – ongoing implementation and support.
- NZ Coastal Policy Statement – ongoing implementation and support.
- NES Telecommunication Facilities – ongoing implementation and support.

Questions about other work identified as national direction priorities in 2016

Q: Why hasn't Dam Safety been progressed as prioritised in 2016?

A: Regulations for Dam Safety are being progressed by the Ministry for Business, Innovation and Employment (MBIE) under the Building Act 2004.

Q: Why hasn't Natural Hazards been progressed as prioritised in 2016?

A: The Ministry has been working with the DIA, other central government agencies, and Local Government New Zealand through a Community Resilience Group, to develop a coordinated cross-government approach to reducing risks associated with natural hazards, including adapting to climate change, in order to build resilience.

The potential role of national direction under the RMA, such as a national policy statement or guidance to assist councils in the management of risks (natural hazards and climate-related), will be considered as part of the work programme of the Community Resilience Group, specifically the Ministry-led work stream on the "Alignment and adequacy of regulatory frameworks".

Q: When will an updated list of national direction priorities be published?

A: We are continuing to work with the Government to determine priorities, advance policy work, and complete instruments under development.

Appendix 1: Snapshot of National Direction

The Ministry's national direction hub

- The national direction hub provides oversight of all national direction developed under the RMA – whether by the Ministry for the Environment or other Ministries. The aim is to support coherence and quality across the suite of national direction tools to ensure they have the desired outcomes.
- The hub provides tools and guidance to teams doing policy work, including 1:1 support at multiple stages of the policy cycle to ensure robust regulation is prepared and processes are followed correctly.
- The hub will also provide strategic direction to transition the current national direction tools and work programme to be fit for purpose in a new system.

Specific activities in 2019/20

- In support of teams developing national direction instruments, the national direction hub will provide an overview of interactions between instruments. This will include preparing policy interactions advice for ministers.
- We will work with our communications team on a 'joined up consultation' project to support the multiple consultations taking place in 2019/20.
- We will provide 1:1 support to policy teams finalising discussion documents and establishing their consultation programmes (eg, Freshwater NES work). Support national direction consultation as needed.
- We will provide the Minister for the Environment with a Cabinet paper to set out the suite of national direction instruments, their key interactions, and the combined impact. This will also provide a strategic approach to a forward agenda for national direction, and its incorporation in a new resource management system (see review of the comprehensive RMA).
- We will revamp national direction governance model to ensure all agencies developing national direction have a common frame of reference and approach to national direction to support a strategic approach to national direction.

National direction – 2019/20

National Environmental Standards	Proposal / Status	Lead agency	Public consultation dates
Essential freshwater (NES)	Developing (new NES), alongside replacement of NPS-FM under Essential Freshwater Package	MfE	August – September 2019
Drinking water	Developing – replacing existing NES	MfE	Consulting on high level concepts for review with Essential freshwater
Air quality	Review	MfE	2019/20
Outdoor storage of tyres	Developing (new) – finalising	MfE	2019/20
Marine aquaculture	Developing (new) – agreed by	MPI	Late 2019

	Cabinet		
Plantation forestry	Reviewing – commenced May 2019	MPI	--
Contaminants in soil affecting human health	Operational (ongoing implementation and support)	MfE	--
Telecommunication facilities	Operational (ongoing implementation and support)	MBIE	--
Electricity transmission activities	Operational (ongoing implementation and support)	MBIE/MfE	--
Wastewater	Scoping	MfE	2019/20

Total: 10 NES (existing or proposed/scoping)

National Policy Statements	Proposal / status	Lead agency	Public consultation dates
Essential freshwater (NPS)	Developing – replacing existing NPS-FM (alongside development of NES under Essential freshwater package)	MfE	August – September 2019
Urban development	Replacing existing NPS-UDC	MfE and MHUD	August – September 2019
Highly productive land	Developing (new)	MPI	July – September 2019
Indigenous biodiversity	Developing (new)	DOC	Late 2019
NZ coastal policy statement	Operational (ongoing implementation and support)	DOC	--
Electricity transmission	Operational (ongoing implementation and support)	MBIE/MfE	--
Renewable electricity generation	Operational (ongoing implementation and support)	MBIE/MfE	--
Heritage (NPS or planning standard - TBC)	Scoping	Ministry of Culture and Heritage	Late 2019

Total: 8 NPS (existing or proposed/scoping)

National Planning Standards	Proposal / Status	Lead Agency	
	Operational – implementation support	MfE	

Regulations (s360)	Proposal / Status	Lead Agency	Public consultation dates
Stock exclusion	Developing (as part of Essential freshwater package, alongside NES/NPS)	MfE	Late 2019
Pest control	Operational (ongoing implementation and support)	MfE	
Measuring water takes	Operational, and review/amendments as	MfE	

	part of Essential Freshwater package		
Marine pollution	Operational (ongoing implementation and support)	MfE	
Exemption regulations	Operational (ongoing implementation and support)	MfE	
Discount regulations	Operational (ongoing implementation and support)	MfE	

Total: 6 s360 Regulation (Existing or developing)

Total number ALL National Direction (existing, new proposed and/or replacing existing tools):

- 19

Existing National Direction (including those under review or with proposed amendments)

- NES – 6
- NPS – 5
- National Planning Standards – 1

Proposed National Direction (including those new under development to replace existing tools)

- NES – 4 (NB One of these is drinking water which is new, replacing existing NES)
- NPS – 5 (NB Including 2 under development to replace existing tools, and 1 at scoping phase may either be NPS or National Planning Standard).

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