

Weekly Update – Hon David Parker, Minister for the Environment

For the week starting 1 October 2018

Upcoming meetings

10 October	8.30am	Minister Twyford on light rail
15 October	3.00pm	Air Quality policy

Upcoming Events

8 October	Essential Freshwater Agenda launch
10 October	EDS speech and BIOTECH VIP function - Auckland
11 October	VUW Biotech lecture
12 October	Rocket Lab factory opening (MBIE lead) - Auckland
18 October	Release of Our Air 2018 report
19 October	Sustainable Wealth Initiative launch – Auckland

Upcoming travel

21-28 October	TBC
3-9 November	TBC
14-16 November	TBC

1. Progress towards Government's strategic priorities

1.1. Climate Change

Zero Carbon Bill

The Cabinet paper and Regulatory Impact Statement are being finalised and going through our sign-out process. Lodgement is proposed for 25 October with Cabinet Environment, Energy and Climate Committee on the 30 October and Cabinet considering the paper on 5 November. The Summary of the Submissions is expected to be released on 4 October.

ETS Consultation

Consultation on improvements to the New Zealand Emissions Trading Scheme closed on 21 September. Approximately 240 submissions were received from a range of organisations and individuals. Submissions analysis work is now underway.

1.2. Urban

The Urban Development Authority (UDA) Cabinet paper on entity form has now been divided into two separate papers:

- The first paper, *Establishing a national urban development authority*, is focused on the organisational design of the UDA and where it would draw its capability from to deliver the full range of functions, such as Kiwibuild. It also discusses establishing the UDA as a Crown Agent.
- The second paper, *Legislating complex urban development projects: Governance, financing and territorial authority involvement*, is focused on the arrangements for complex development projects and powers formally established under the proposed urban development legislation.

Drafts of both papers will be provided to you and Minister Twyford on 4 October before approval for ministerial and cross-party consultation.

We understand you will also receive the Cabinet paper *Urban development legislation: Māori interests and the Māori Crown relationship* around 4 October for ministerial and cross-party consultation.

You and Minister Twyford have received a joint briefing on the Independent Hearings Panel process under the UDA legislation. If you provide us with your decisions by 8 October, the policy content can be included in the Cabinet paper entitled *Legislating complex urban development projects: Governance, financing and territorial authority involvement*.

1.3. Water

Kahui Wai Māori and Freshwater Leaders Group Launch

On 26 September the Appointments and Honours Committee (APH) confirmed the membership of Kahui Wai Māori (KWM) and the Freshwater Leaders Group. Members have been appointed for their individual knowledge and experience, not as representatives of any organisation. In addition to the members proposed in the Cabinet paper for KWM, Dover Samuels and Kingi Smiler were also confirmed as members by APH. The Committee also agreed that Kingi Smiler will chair Kahui Wai Māori. All nominees have been sent confirmation letters.

You have proposed that the appointees for both groups meet for an inaugural meeting following the official launch of the Essential Freshwater Programme on 8 October. All members have been invited to the Essential Freshwater Launch. A briefing on the launch is forthcoming.

1.4. Wellbeing

Treasury is currently consulting on a Cabinet paper, which provides an update on the Living Standards Framework (LSF) and asks Cabinet to note Treasury's plan to release version one of Treasury's Living Standards (LS) Dashboard in December. Treasury is aiming for Minister Robertson to take the paper to Cabinet Economic Development Committee meeting on 24 October and to Cabinet on 29 October.

The LSF provides a tool for thinking about the contribution of policy to wellbeing, and although Treasury will use it for strategic policy analysis, recommendations and budget recommendations, the LSF will not replace frameworks used by any sector to assess or provide advice on specific policy matters. For example, it will not replace the frameworks used for environmental reporting by the Ministry for the Environment (the Ministry) and Stats NZ. The LS Dashboard is being developed as a way of measuring changes in wellbeing thereby facilitating the understanding of wellbeing and the contributions to wellbeing that we derive from natural, human, social and financial/physical capital and their interactions.

The indicators for the LS Dashboard were developed under very tight timeframes, and are recognised as a first attempt at creating a set of indicators of wellbeing that are specific to New Zealand. A cross-sector working group, led by the Ministry, focused on the development of natural capital indicators for wellbeing and provided advice on those indicators to Treasury, Treasury being the final arbiter of what constitutes the LS Dashboard. Our advice has largely been followed by Treasury and we are comfortable with the level of engagement and the set of indicators being presented in the Cabinet paper. Other sectors have not been as engaged as the Natural Resources Sector in the process of indicator selection and LS Dashboard development. The working group will continue to refine the indicators, fill gaps in indicators and related data, and support the Natural Resources Sector agencies to make the necessary connections between natural capital and wellbeing.

Related to the LS Dashboard project is Indicators Aotearoa New Zealand (IANZ) led by Statistics NZ. The IANZ indicator selection process should be completed by December. The indicators will then be subject to local and international peer review, and final sign off by the Government Statistician. IANZ will be launched around mid-2019. The long-term vision for these two projects is that the dashboard will draw most, if not all, of its data from IANZ. This may not be possible in early iterations due to different time frames for completion and data gaps.

Officials are available to discuss the process for the LS Dashboard development and the indicators recommended by the working group, or to provide talking points for the Cabinet meeting.

2. Actions and decisions

2.1. Sustainable Wealth Initiative – Update on progress towards launch on 19 October

You will be attending the launch of the Sustainable Wealth Initiative (the Initiative). Ministers Robertson, Shaw and Sage are also attending. Minister Mahuta has been invited, but has not yet confirmed. We will provide you with a briefing by 12 October with details on the launch event.

We intend to convene a Ministerial panel discussion as part of the launch. The panel will give an opportunity for Ministers to comment on the Initiative partnership; discuss the Government's plans for protecting and investing in New Zealand's natural capital (e.g. wellbeing budget, LSF); and other environmental objectives. Mercury chief executive, Fraser Whineray will likely facilitate this panel. You will receive further briefing on this panel by 12 October.

The launch will reveal the ambition for the Initiative, and the importance of public sector and private sector collaboration to protect and invest in New Zealand's natural capital. The Initiative will also include short 'state of the nation' summaries of each of the environmental domains. Invitations have been sent for the launch event on 19 October.

Work continues on the three initial work-streams on two domains: biodiversity; marine and the cross-cutting issue of sustainable finance. New Zealand Superfund chief executive, Matt Whineray has agreed to co-chair the sustainable finance work stream and is considering options for his co-chair.

We are finalising the brand and the future governance structure of the Sustainable Wealth entity for the launch.

Private sector participants in the Initiative may invite relevant National Party spokespeople. We will provide further advice on who and how in due course, when we are informed. They will have no formal role in the event.

Do you agree to participate on the Ministerial panel?

Yes/No

3. Updates for noting

3.1. Freshwater Science and Technical Advisory Group

Fourteen people have agreed to participate in the Science and Technical Advisory Group. The first meeting will be on 18 and 19 October. You have indicated an interest in speaking at the first meeting; we are working with your Office to make the arrangements for this. The second meeting will be on 29 November. All members have been invited to the Essential Freshwater launch.

The first meeting will include an overview of the Essential Freshwater work, as well as discussion on technical issues, as follows:

- policy-evidence needs and managing uncertainty;
- options for managing stressors;
- work to date on National Policy Statement – Freshwater Management attribute development;
- sediment; and
- wetlands.

Confirmed group members

Ken Taylor (Chair)	Landcare Research; Director, Our Land and Water National Science Challenge
Prof. Jenny Webster-Brown	University of Canterbury
Dr Bev Clarkson	Landcare Research
Prof. Ian Hawes	University of Waikato
Dr Bryce Cooper	NIWA
Graham Sevicke-Jones	Environment Southland
Dr Jon Roygard	Horizons Regional Council
Prof. Russell Death	Massey University
Dr Adam Canning	Fish & Game New Zealand
Dr Chris Daughney	GNS Science
Dr Mike Joy	Victoria University of Wellington
Dr Joanne Clapcott	Cawthron Institute
Dr Clive Howard-Williams	NIWA
Dr Marc Schallenberg	University of Otago - President of New Zealand Freshwater Sciences Society (also a member of the Freshwater Leaders Group)

Pending agreement

Rawiri Smith	Kahungunu ki Wairarapa
Dr Ian Kusabs	Ian Kusabs & Associates Ltd

Declined

s 9(2)(a)	

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3.2. Environment Select Committee request for oral evidence on water metering

The Chairperson of the Environment Select Committee (the Committee), Deborah Russell, has written to Vicky Robertson regarding the recommendations of the Office of the Controller and Auditor-General's report: *Monitoring how water is used for irrigation*, which was tabled in Parliament in May. The Committee notes that the report makes a number of recommendations, and has invited the Ministry to provide oral evidence on the report. Provisional dates to provide this evidence are either 18 or 25 October.

We worked with the Auditor General to provide our views to inform the report, as well as providing information, data and regional contacts. While we were not directly audited, three of the four recommendations relate to the Ministry. The recommendations are:

1. The Ministry reviews the part of the *Resource Management (Measurement and Reporting of Water Takes) Regulations 2010* (the 2010 Regulations) that allows for manual data collection and annual data provision; and work with councils that have oversight of water metering, to ensure that people and organisations holding water permits regularly submit accurate data using automated processes.
2. Councils continue to work with people and organisations holding water permits and intermediary data service providers to improve the timeliness and completeness of water-use data received.
3. The Ministry, councils that manage freshwater resources, and other interested groups, work together to use water use data to encourage compliance with water permits and the limits they impose, to enable effective and efficient use of freshwater resources.
4. The Ministry evaluates the benefits of water metering to understand how it has changed the way people and organisations holding water permits have used what they have been allocated.

We agree with the recommendations, and have undertaken scoping work to address them within the Essential Freshwater programme. We see that implementing the recommendations would:

- bolster the Compliance, Monitoring and Enforcement work the Ministry is undertaking;
- significantly improve the quality of water-use data used for policy development and reporting through the Environmental Reporting programme;
- enable future policy options for water management, such as water charges and/or trading.

In our view, the most important recommendation is the first. This would require updating the 2010 Regulations to require all metered water to be sent via automated data feeds over the cellular network. This would replace manual processes, such as using data loggers or hand-written records, which rely on water-users actively sending these records to regional councils. Our experience, which is also reflected in the report, is that non-automated processes for obtaining water metering data often result in poor quality data or significant data gaps. Non-automated processes also make the monitoring of compliance with consent conditions difficult, and often impossible in real-time, which is especially problematic during low-flow periods of high water demand.

3.3. Rotorua Lakes Plan Change 10 Appeal

The Mayor of Rotorua Lakes District Council, Steve Chadwick, has spoken and written to you requesting direct funding support for the provision of additional economic analysis relating to Plan Change 10. We also discussed this matter with you on 20 September, along with the potential to join the appeal of Plan Change 10. We have spoken to Rotorua Lakes District Council and Crown Law about these issues, and will provide you with further advice this week. Currently, we are trying to determine the value that this additional economic analysis would provide, and whether it would have any application on a national basis. Rotorua Lakes District Council has asked for a second discussion including their economists to cover some unresolved questions that we put to them.

3.4. Montreal Protocol on Substances that Deplete the Ozone Layer – National Report

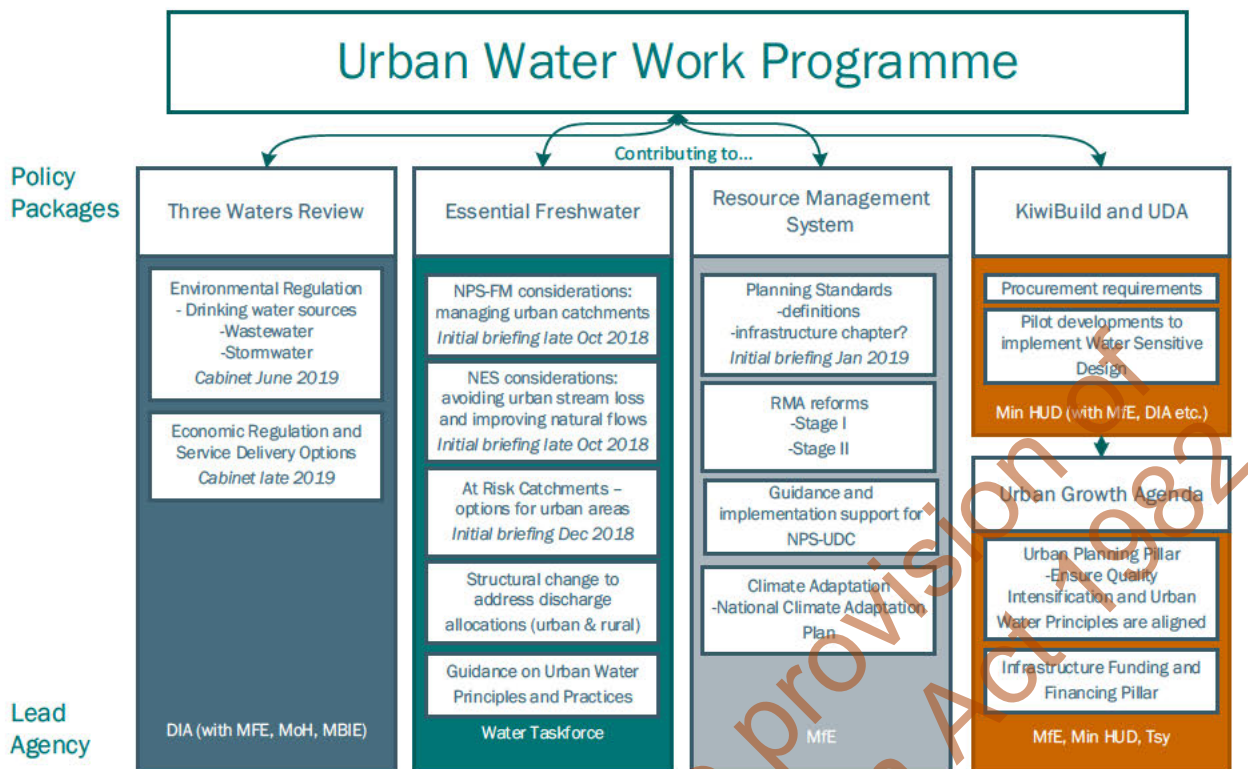
Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer are required to submit a National Report every year (Article 7 of the Protocol). This is a short annual report which provides national data about the import and export of ozone depleting substances. The data is used to assess each country's compliance with the phase-out schedules agreed under the Protocol, and to track overall progress in phasing-out ozone depleting substances. New Zealand remains compliant with its commitments under the Montreal Protocol.

We will submit New Zealand's 2017 National Report to the Ozone Secretariat by 30 September. Once submitted, National Reports will be publically available on the United Nations' *Ozone Secretariat* website.

In 2017, New Zealand imported 627.8 tonnes of methyl bromide. The figure for methyl bromide in your letter to the forestry industry has been updated to reflect this. New Zealand also imported 0.104 tonnes of hydrochlorofluorocarbons (HCFC) in 2017; an ozone depleting substance that has been banned for consumption in New Zealand since 2015. We understand that the HCFC was imported without a permit and was seized by Customs at the New Zealand border. We have been advised that the process for exporting the shipment is underway.

3.5. Urban Water Work Programme connections

At your recent meeting with Minister Mahuta, you both noted that the work within the Essential Freshwater, Urban Water and Three Waters work programmes should be clearly aligned. We see the urban water work as feeding into, and providing links between, a range of different ongoing projects. The following diagram shows how the Urban Water Work Programme currently contributes to the other work programmes mentioned above, as well as other aspects of work within the resource management system and Urban Growth Agenda.



3.6. Update on the Coastal Hazards and Climate Change guidance roadshow

Since July, we have been conducting a roadshow with councils and communities around New Zealand on the updated Coastal Hazards and Climate Change guidance (the Guidance). The final workshop is on 1 October in New Plymouth.

The roadshow has involved workshops with council staff and other practitioners, evening meetings open to the general public, and presentations to elected council members. Feedback on the Guidance has been generally positive from all audiences. Common themes/questions have included:

- Who pays for adaptation?
- What is the best way to talk about managed retreat? What is needed to make managed retreat a reality?
- How to reflect different cultural viewpoints when having a conversation about values? How to balance different values in the community?
- How to embed adaptive planning in law/policy, to ensure that it remains live over a long period of time?

We plan to share some of the feedback and observations from the roadshow at the New Zealand Coastal Society Conference in November. We have committed to reviewing the Guidance on an annual basis, and feedback from the roadshow will inform the next review.

3.7. Proposal for permanent Ngāi Tahu representation on Environment Canterbury

The Prime Minister has received a joint letter from Ngāi Tahu and Environment Canterbury (ECan) informing her of their proposal to retain the two current Ngāi Tahu councillor positions on ECan once the Council returns to fully elected membership through local government elections in October 2019. Ngāi Tahu and ECan intend to pursue the change through a local bill, to be promoted by ECan, and supported through the House by a Member of the House. We understand that the Minister of Local Government intends to take an oral item to the Cabinet Crown/Māori Relations Committee (CMR) on 18 October. We expect that the Minister will want to test the possibility of adopting the local bill as a Government bill.

You and the Minister of Local Government are jointly responsible for the current ECan legislation that expires in October 2019. The proposal from Ngāi Tahu and ECan may also set a precedent with implications for the resource management system more broadly. You may wish to be involved in the consideration of any statutory changes to the make-up of ECan, and we can provide you with further advice if required.

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the Official Information Act 1982

4. Briefing notes

1 October – 26 October

Title	Lead agency	What this briefing covers	Due to your office
s 9(2)(f)(iv)			
s 9(2)(f)(iv)			
Maintaining water quality	MfE	Provides advice related to provisions to maintain water quality under the Freshwater NPS.	5 October
Proposed sediment policy package	MfE	Provides an overview of our proposed package related to managing sediment.	5 October
National Planning Standards – zone framework and spatial planning tools standards	MfE	Provides update and advice on two draft planning standards following formal public consultation.	5 October
Urban Growth Agenda: Scope of the Legislative Reform pillar	MfE and MBIE	Provides options for the approach to legislative reform under the Urban Growth Agenda and seeks direction on your preference for the nature and scope of possible reform.	17 October
Avoiding further loss of wetlands	MfE	Explicit direction to avoid further loss of these water bodies. Prohibiting (or setting conditions) on takes and diversions to prevent loss.	24 October
System Reform and the EEZ Act	MfE	Provides you with advice on system reform and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.	26 October
Managing urban catchments	MfE	Preliminary options paper to improve urban water management.	26 October
Avoiding further loss of urban streams	MfE	Preliminary options paper related to NES provisions.	26 October
Managing heavy metals	MfE	Options for managing metals (copper and zinc) including possibility of source control.	26 October

5. Cabinet material

1 October – 26 October

Paper name	Committee	What this paper covers	Our Suggested timeframes
Proposed Resource Management Act Amendment Bill 2018	(ENV) Cabinet Environment, Energy and Climate Committee	Seeks agreement to a narrowly scoped RMA Amendment Bill to be progressed in 2018 as stage one of a two stage approach to RMA Reform.	Due to Cabinet 1 October
Fiordland Marine Guardians - Crown Appointments	(APH) Appointments and Honours, Committee	Will support you at Appointment and Honours Committee to make your recommendations to the Fiordland Marine Guardians. Appointing two new members and reappointing one member to the Guardians.	Due to Cabinet: 1 October
Essential Freshwater: Freshwater Leaders Group: Appointment of members Kahui Wai Māori: Appointment of Members	(APH) Appointments and Honours, Committee	Outlines your intention to appoint members of the Freshwater Leaders Group and Kahui Wai Māori for a term of one year.	Due to Cabinet 1 October
Listing Chemicals in the schedules of Hazardous Substances and New Organisms Act 1996 and the Imports and Exports Order to comply with international obligations under the Stockholm and Rotterdam Conventions	(DEV) Cabinet Economic Development Committee	This paper proposes that New Zealand formally accept the listings by amending legislation and notifying the convention secretariat.	Due to lodge: 11 October Due to DEV Committee: 17 October Due to Cabinet 23 October
Establishing a national urban development authority	(DEV) Cabinet Economic Development Committee	This paper focusses on where the urban development authority (UDA) will draw its capability from and its organisational design. It also discusses establishing the UDA as a Crown agent.	Due to you: 4 October Due to lodge: 1 November Due to DEV Committee: 7 November Due to Cabinet: 12 November
Legislating complex urban development projects: Governance, financing and territorial authority involvement	(DEV) Cabinet Economic Development Committee	This paper covers the governance, financing and arrangements for territorial involvement in complex development projects formally established under the proposed urban development legislation.	Due to you: 4 October Due to lodge: 1 November Due to DEV Committee: 7 November Due to Cabinet: 12 November

Reclassifying five organisms as "not new" under the Hazardous Substances and New Organisms Act 1996	(ENV) Cabinet Environment, Energy and Climate Committee	Paper proposing that five organisms be reclassified as "not new" under the Hazardous Substances and New Organisms Act 1996.	TBC
Options for a royalty on bottled water	(ENV) Cabinet Environment, Energy and Climate Committee	s 9(2)(f)(iv)	TBC

6. Cabinet material we have been consulted on

Paper name	Agency	Committee and Timeframe	Our advice on the paper
Living Standards Framework and Living Standards Dashboard	Treasury	Cabinet Economic Development Committee Aiming for 24 October Committee	This is a noting paper only. We have no concerns with the overall direction and description of the Living Standards Framework or the Living Standards Dashboard. The Framework and Dashboard have been developed under very short timeframes, and further development is supported. We suggest that Treasury undertake a wider consultation program for future iterations.
Conservation (Process and Decision making) Bill: Proposed policy changes.	Department of Conservation	Cabinet Environment, Energy and Climate Committee Aiming for the 30 October Committee	The Cabinet paper seeks agreement to rescind Cabinet decisions on particular policy directions, and to replace them with new policy directions. The proposed changes will: <ul style="list-style-type: none"> • extend timeframes for development and review of statutory plans • extend the submission period for partial review of statutory plans • extend the submission period for notified concession applications • remove the detailed requirements for the appointment of independent commissioners to hear notified concession applications • remove the ability for new submissions when reconsidering concession decisions • set a \$500,000 threshold before reserve administering bodies have to be audited. <p>We raised no concerns with the policy direction of the proposals.</p> <p>Although the proposal to extend time frames removes consistency with Resource Management Act processes, increased opportunities for public participation is supported and the Department of Conservation and councils still have the ability to agree on time frames for concurrently processed applications.</p>

Paper name	Agency	Committee and Timeframe	Our advice on the paper
Urban development legislation: Māori interests and the Māori Crown relationship	Ministry of Justice and the Ministry of Business Innovation and Employment	(DEV) Cabinet Economic Development Committee Aiming for 31 October Committee	This Cabinet paper proposes how to provide for Māori interests in the urban development legislation, including Māori participation in UDA decision-making, engagement on UDA projects, and fulfilling the Crown's Treaty obligations to Māori. We are broadly supportive of the paper.

7. Official Information Act requests

7.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<ul style="list-style-type: none"> The PFAS weekly briefing / update dated May 18, May 28, June 1, June 8, June 15, June 22, June 29 Update on proposed Ohakea water scheme (11/06/18) genetic technology - overview and next steps (07/06) May 10 - request to undertake public consultation on the regulatory matters to ratify the Minamata convention 18 May - the 2017 report on the enforcement of the Hazardous substances and new organisms act the briefing on ministers meeting with Te Ohu Kaimoana Trustee LTD and Te Wa Maori trust 13 June - litigation on the interface of the resource management act 1991 and the fisheries act 1996 EEZ amendment - information for second reading and committee (29 June) <p>"- a list of all reports and briefings, by title and date, received from any government</p>	s 9(2)(a) Stuff	18-O-01725 / 18-O-01726 / 18-O-01727	17 September	1 October
<ul style="list-style-type: none"> Any documents relating to advice, verbal or written, that the Ministry for the Environment has received on the proposed Kahui Wai Maori forum by date. Any documents relating to any cabinet papers or other advice, verbal or written provided by the Ministry for the Environment in relation to the proposed Kahui Wai Maori Forum 	s 9(2)(a) National Party	18-O-01943	1 October	8 October

Request	Correspondent	Reference	At your office	Due to send
I request a copy of the agenda, minutes and any briefing papers from meetings he attended with the Farming Leaders Group held on 14 February 2018 and 23 May 2018.	s 9(2)(a) National Party	18-O-02002	11 October	18 October

7.2. Departmental

Request	Correspondent	Reference	Due to send
I'd like the results generated by the Contaminated Sites Remediation Prioritisation Tool, which the Ministry uses to allocate funding to contaminated site clean-ups. I understand the results were updated earlier this year. Please provide those results, as a ranked list, in a spreadsheet format, as it appears in the attached image, taken from the tool's user manual. Please provide the entire document, including all contaminated sites subjected to the tool.	s 9(2)(a) Stuff.co.nz	18-D-01914	1 October
I have the following information request relating to the Royal Commission on Genetic Modification. When was Sir Thomas Eichelbaum appointed to chair the inquiry and when were inquiries first made of his availability? Please send me all records relating to this request. How much was he paid, what was his rate of payment and on what dates did he work on the inquiry? Was Sir Thomas asked to declare any conflicts of interest or potential conflicts of interest? Please send me a copy of any such declaration by him, and a copy of his employment contract.	s 9(2)(a)	18-D-01996	9 October
13/07/2018 Improvements to the NZ Emissions Trading Scheme	s 9(2)(a) Newsroom	18-D-01979	15 October
<ol style="list-style-type: none"> Data coordinates on the locations of drinking water sources for each region in New Zealand, so that I can include it in a national GIS map. Data coordinates on the locations of water treatment plants in New Zealand, so that I can include it in a national GIS map. How each region monitors and tests drinking water? The regulations different regions in New Zealand have in place to monitor and maintain the communities' drinking water. How many areas in New Zealand have fluoride present in their drinking water? The cost for drinking water for each region, if any for some. 	s 9(2)(a) University of Auckland	18-D-01975	15 October
Please advise the revenues (rates and lease payments) received by Auckland Council/Panuku Development Auckland for marina land Lots 1 and 2 in financial year 2016/2017, 2017/2018 and projected for 2018/2019.	s 9(2)(a)	18-D-01971	15 October

Request	Correspondent	Reference	Due to send
All correspondence, briefings, emails, texts, electronic communications, advice and reports she has received or initiated relating to the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill.	s 9(2)(a) National Party	18-D-01995	16 October
<p>1. The total amount spent by the Ministry on hold music. Please ensure to disclose any subscription fees, licensing fees, and any one-off/recurring payments made to the Ministry's service provider(s).</p> <p>2. The name of the service provider(s) engaged by the Ministry to provide hold music.</p> <p>3. The full playlist of songs which are used as hold music.</p>	Tax Payers Union	18-D-01994	16 October
Any documents relating to advice, verbal or written, that the Ministry for the Environment has received on the proposed Kahui Wai Maori forum by date. Any documents relating to any cabinet papers or other advice, verbal or written provided by the Ministry for the Environment in relation to the proposed Kahui Wai Maori Forum. Where information is withheld, I request you provide the title and date of the communication/document withheld.	s 9(2)(a) National Party	18-D-01840	16 October

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Weekly Update – Hon David Parker, Minister for the Environment

For the week starting 8 October 2018

Environment weekly meeting 12.00pm – 12.45pm, Thursday 11 October

Attendees: Hon David Parker, Minister for the Environment

Vicky Robertson, Secretary for the Environment

James Walker, Deputy Secretary, Partnerships and Customers

Natasha Lewis, Deputy Secretary, Environmental Stewardship and Strategy

Glenn Wigley, Acting Deputy Secretary, Natural and Built System

Attendee for specified Agenda Items only:

Bryan Smith, Chief Advisor, Water

Jo Gascoigne, Director, Natural and Built System

Lorena Stephen, Director, Natural and Built System

Neil Hurley, Director, People and Culture

Jo Burton, Manager, Water

Robert McClean, Manager, Resource Management Practice

	Agenda Item	Lead	Verbal update / paper	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	5
2.	Water <ul style="list-style-type: none"> • Setting limits • Environmental flows • Review of the Dairy Industry Restructuring Act 	Bryan Smith	Verbal update / 2018-B-04801 2018-B-04892	10
3.	Resource Management Amendment Bill	Jo Gascoigne / Jo Burton	Verbal update	5
4.	Resource efficiency <ul style="list-style-type: none"> • Establishment costs in product stewardship schemes 	James Walker	Verbal update	5
5.	Versatile soils	Lorena Stephen	Verbal update	5
6.	Burkhart Fisheries	Robert McClean	Verbal update / 2018-B-04828	5
7.	Asbestos	Glenn Wigley	Verbal update / MBIE briefing 0797 18-19	5
8.	Budget - 2019 Vote Environment	Neil Hurley	Verbal update	5

Upcoming meetings

10 October	8.30am	Minister Twyford - light rail
15 October	3.00pm	Minister Mahuta and MfE officials - Air Quality policy
17 October	12.30pm	Our Air 2018 report - oral briefing
	5.30pm	MfE officials – budget
30 October	4.30pm	Minister Shaw and representatives from industry – Kigali Amendment implementation in New Zealand (TBC)

Upcoming Events

8 October	Essential Freshwater Agenda launch Ministerial Round Table with members of Kahui Wai Māori and Freshwater Leaders Group
10 October	Speech at Australia New Zealand Climate Change and Business Conference - EDS BIOTECH VIP function - Auckland
11 October	VUW Biotech lecture
12 October	Rocket Lab factory opening (MBIE lead) - Auckland
18 October	Release of Our Air 2018 report
19 October	Sustainable Wealth Initiative launch – Auckland

Upcoming travel

21 - 28 October	United States of America and Canada
4 - 9 November	China
14 - 16 November	Papua New Guinea
21 - 26 November	Peru

1. Progress towards Government's strategic priorities

1.1. Urban

The SmartGrowth partners in the Bay of Plenty are consulting their communities on their Future Development Strategy (FDS) from 5 October. This is the first FDS to be consulted on under the National Policy Statement on Urban Development Capacity other than the Auckland Development Strategy.

The FDSs must demonstrate where and how the demand for housing and business space will be accommodated over the long term (30 years). A critical element is aligning land use planning with infrastructure planning, as well as considering key environmental issues. We are continuing to provide guidance and support to SmartGrowth and other councils in high growth areas.

s 9(2)(f)(iv)

Our work on strengthening spatial planning frameworks under the Urban Growth Agenda shows this tool can potentially play an important role in achieving a wide range of policy objectives. We have accordingly provided content for your 10 October speech at the Australia New Zealand Climate Change and Business Conference on the role that spatial planning could play in reducing emissions and building climate resilience.

2. Actions and decisions

2.1. Ministry for the Environment's Certified Emission Measurement and Reduction Scheme

We have achieved Certified Emission Measurement and Reduction Scheme (CEMARS) certification for our 2017/18 financial year emissions inventory. Our emissions for this period totalled 1,324.12 tCO₂e.

As part of our wider sustainability strategy we set a goal to measure, report and externally certify our organisational emissions inventory and then put in place targets to reduce our emissions. We engaged Enviro-Mark Solutions to do this under the CEMARS certification programme, as they offer a world leading certification that is science-based, meets best practice International Organisation for Standardisation 14065:2013, and is used by many New Zealand organisations. CEMARS is one of several certification programmes available in New Zealand. We now join the Energy Efficiency and Conservation Authority (EECA) as the only central government agencies to have certified emissions inventories and public reduction targets. We are sharing our experience and advice with other interested agencies.

We will be awarded the CEMARS certification certificate at a low key event in the next month that ties in with an all staff meeting shortly after. It would be great if one or more of our Ministers could attend the certification event.

If available, would you be interested in attending the event?

Yes/No

3. Updates for noting

3.1. Consultation on proposals for decommissioning regulations under the Exclusive Economic Zone and Continental Shelf Act

The consultation on proposals for decommissioning regulations under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act (EEZ Act) closed on 21 September. Nine submissions were received; four from industry, three from iwi, one from a non-governmental organisation and one from a regional council. Following analysis of the submissions, we will brief you on final policy recommendations to take to Cabinet for approval.

3.2. Review of the Dairy Industry Restructuring Act

The Ministry for Primary Industries (MPI) has produced a final discussion document, and an associated Cabinet paper, as part of its preparation for the statutorily-required review of the Dairy Industry Restructuring Act. Minister O'Connor intends to circulate and discuss these documents with his colleagues early this month. Consultation is currently expected to begin in November (and run through to 2019). We can meet with you to discuss these documents.

The Cabinet paper seeking agreement to release the discussion document is expected to be taken to the Economic Development Committee on 24 October, and to Cabinet on 29 October.

3.3. Update on progress to ratify the Kigali Amendment to the Montreal Protocol

On 13 August, Cabinet agreed to amend the Ozone Layer Protection Regulations 1996 to create a permitting system for the import and export of hydrofluorocarbons (HFCs) [CAB-18-MIN-0379 refers]. The permitting system is required to phase down HFCs and implement New Zealand's obligations under the Kigali Amendment to the Montreal Protocol. Cabinet agreed that New Zealand should ratify the Amendment on 3 October 2019.

We are releasing an exposure draft of the regulations for targeted consultation with interested iwi and industry representatives from 8 to 19 October, to seek feedback on the workability of the proposed regulations and permitting system. We will hold a workshop in Auckland on 11 October as part of the consultation.

We are also preparing a briefing note on the issues raised at your meeting with the HFC Phase-down Committee on 26 September, including export of recycled HFCs, transfer of permits, and including pre-charged products in New Zealand's HFC phase-down. We are working with your Office to organise a time to meet with you to discuss the briefing ahead of your meeting with Minister Shaw and industry on 30 October.

The Environment Select Committee completed its Parliamentary Treaty Examination of the Kigali Amendment on 3 October. The Committee's report encouraged ratification of the Kigali Amendment to "support global efforts to reduce human's impact on the world's climate." The Committee made no recommendations to the Government and noted that it looks forward to seeing the results of the current consultation process that the Ministry of Business, Innovation and Employment is undertaking on health and safety regulations to manage the risks of HFC alternatives.

3.4. Trans-Tasman Resources Limited appeal to Court of Appeal in respect of the High Court decision

In the Weekly Update dated 3 September we noted that the High Court had quashed the Environmental Protection Authority's (EPA) decision to grant consent to Trans-Tasman Resources Limited (TTRL) to extract and process iron ore from the seabed and discharge remaining material into the sea.

TTRL have now sought leave from the Court of Appeal in respect of the High Court decision, on the basis that the EPA followed a legally correct approach in its decision to grant consent. Appeals to the Court of Appeal in this instance can only be on questions of law. We will provide a further update once the Court of Appeal has determined whether to grant leave to appeal.

Whilst the matter is before the Court we will defer any substantive advice on the next steps for the TTRL consent application, unless requested by you.

3.5. Environment Court decision on converting cross lease to freehold title

On 25 September, the Environment Court issued a decision on a declaration confirming that converting a cross leased property to separate freehold title is a subdivision of land, and requires a resource consent under the section 218 of the RMA.

We consider that cross leases can be problematic by hindering the development of land but the issue and any solutions require further investigation. It is likely that a legislative change would be required but the issue is complex and we do not consider it should be included in the Resource Management Amendment Bill. If we were to work on this we would need to reprioritise resources.

3.6. One year review of the National Environmental Standard for Plantation Forestry

The National Environmental Standard for Plantation Forestry (NESPF) has been operational since 1 May and we are currently preparing the terms of reference for its one year review [2018-B-04423 refers]. This review will be carried out jointly by the Ministry for the Environment, Te Uru Rākau (MPI) and the Department of Conservation.

The initial purpose of the one year review was to focus on particular aspects of its implementation, including the use of charging to monitor permitted activities. However, the review will also examine the impact of other potentially relevant activity since 1 May, such as the development of the 1 billion trees programme and experiences at Tolaga Bay.

This review may lead to recommendations to strengthen the existing NESPF, specifically on native biodiversity issues, wilding conifer control and forestry practice on highly erodible land. We will also take the opportunity to look at what more might be done to support spatial planning that ensures 'right tree, right place, right purpose'. We may also need to consider the NESPF in relation to the recommendations of the BCG; that is, how policies for significant Natural Areas effect plantation forestry.

3.7. Progressing the Resource Management Amendment Bill

We are progressing the Resource Management Amendment Bill following consideration at Cabinet Environment, Energy and Climate Committee on 25 September. We will provide you with a briefing note on the timing of the Bill's introduction, options for advancing the outstanding policy areas, and a recommended approach to stakeholder engagement. This briefing note will also seek your direction on release of the Cabinet paper and regulatory impact statement.

We are working closely with officials from MPI on the revised proposal to regulate high-risk land use activities and are also meeting with other agencies that expressed interest in this proposal on Monday 8 October.

3.8. Progressing the Vote Environment Budget 2019 Package

We will provide you with a briefing on Friday 12 October that outlines our advice to you on the Budget 2019 Vote Environment Package.

We will meet with you on Wednesday 17 October to discuss the content of the briefing and seek your agreement to the key components of a Budget 2019 Vote Environment Package to support the next steps in the Budget 2019 process.

The immediate next steps in the Budget process include providing high-level submissions to the Treasury on proposed new spending (and prioritisation) initiatives by 23 October, to be followed by Cabinet committee discussions in the week of 5 November. Specifically, agencies are required to provide the Treasury with the following high-level indicative information for each new spending (and reprioritisation) initiative:

- a meaningful title and description, that is outcomes-focussed;
- a brief outline of the different agencies, Ministers and other groups who have been engaged with through the initiative development phase; and
- an indicative estimate of the operating and/or capital cost of the initiative.

This information will be collated and assessed by the Treasury, for Cabinet committees to discuss in the week of 5 November.

3.9. Meeting with regional councils to discuss Boffa Miskell-GHD report

A Boffa Miskell-GHD Report (the Report) commissioned by the Department of Internal Affairs (DIA) provides an estimate of the national and regional costs of upgrading wastewater treatment plants to meet the 'B band' requirements of the National Policy Statement for Freshwater Management (Freshwater NPS).

On 4 October we, alongside DIA, met to discuss the findings of the Report with representatives from six regional and unitary councils;

- Auckland Council
- Horizons Regional Council
- Hawke's Bay Regional Council
- Environment Canterbury
- Greater Wellington Regional Council
- Tasman District Council

The authors of the Report presented the key findings, followed by a discussion with councils on the assumptions made in the cost estimates and implications for wider freshwater and urban water outcomes.

There was broad support for the general findings of the Report, although council representatives felt that it would have benefitted from input from the regional sector. Councils offered to provide additional information to help establish a more nuanced understanding of the specific water quality challenges and cost implications associated with wastewater treatment plants in each region. Councils also agreed to provide feedback on a contextual statement to accompany the report upon its public release.

4. Briefing notes

8 October – 2 November

Title	Lead agency	What this briefing covers	Due to your office
2018 October Baseline Update Submission (excluding Climate Change related appropriations)	MfE	Provides an overview of changes to be incorporated to our Baseline through the 2018 October Baseline Update submission and seeks signature on the attached submission.	8 October
Essential Freshwater: Maintaining water quality	MfE	The Freshwater NPS includes an objective to at least maintain existing water quality. This paper outlines work to address two issues relating to the 'maintain' water quality objective.	8 October
Update on Air Domain work streams	MfE	Advice relating to the imminent release of the Our Air 2018 report. Includes an update on the targeted stakeholder consultation carried out on the review of the Air Quality National Environmental Standard.	8 October
Next steps for the Resource Management Amendment Bill	MfE	Details next steps for the Resource Management Amendment Bill including overall timing, upcoming briefings and communications strategy.	10 October
Restricting seabed mining in benthic protection areas	MfE	You have sought advice on whether there are options under the EEZ Act to restrict seabed mining in benthic protection areas that would also meet International Union for Conservation of Nature criteria for reporting on New Zealand's obligations under Aichi target 11.	11 October
Background advice on the design and origins of the EEZ Act	MfE	Provides background information on the design and origins of the current framework for managing New Zealand's EEZ and Continental Shelf, including rights and obligations under international law. This would inform any future consideration of amendments to the EEZ Act.	12 October
National Planning Standards – zone framework and spatial planning tools standards	MfE	Provides an update and advice on two draft planning standards following formal public consultation. These draft standards set out the function of spatial planning tools in RMA plans, and which zones councils can use in district plans, but do not include policy directions.	12 October
Horticulture NZ memo Freshwater NPS implementation concerns	MfE	Addresses concerns raised with you by Horticulture NZ in late August relating to the implementation of the Freshwater NPS. A draft response letter will be attached.	15 October
Natural environment negotiating brief for Te Whānau a Apanui	OTS / MfE	Seeks agreement to seek Cabinet approval to a natural environment negotiating brief for Te Whānau a Apanui. This will enable natural environment negotiations to occur in the new year prior to a Crown offer being made.	17 October
Urban Growth Agenda: Scope of the Legislative Reform pillar	MfE / MBIE	Provides options for the approach to legislative reform under the Urban Growth Agenda and seeks direction on your preference for the nature and scope of possible reform.	17 October
Update on progress to ratify the Kigali Amendment	MfE	Addresses questions raised following the HFC Phase-down Committee meeting on 26 September and in preparation for your meeting on 30 October.	23 October

Title	Lead agency	What this briefing covers	Due to your office
Avoiding further loss of wetlands	MfE	Provides explicit direction to avoid further loss of water bodies; prohibiting (or setting conditions) on takes and diversions to prevent loss.	24 October
Package of national direction to support quality intensification	MfE	Provides advice on a package of national direction to support quality intensification including next steps.	25 October
Managing urban catchments	MfE	Preliminary options paper to improve urban water management. Part of the Essential Freshwater Programme. Joint paper to you and Minister Mahuta.	26 October
Avoiding further loss of urban streams	MfE	Preliminary options related to provisions for a National Environmental Standard. Part of the Essential Freshwater Programme. Joint paper to you and Minister Mahuta.	26 October
Managing heavy metals	MfE	Options for managing metals (copper and zinc) including possibility of source control. Part of the Essential Freshwater Programme. Joint paper to you and Minister Mahuta.	26 October

5. Cabinet material

8 October – 2 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
Proposed Resource Management Act Amendment Bill 2018		Seeks agreement to a narrowly scoped RMA Amendment Bill to be progressed in 2018 as stage one of a two stage approach to RMA Reform.	Due to Cabinet: 8 October
Listing Chemicals in the schedules of Hazardous Substances and New Organisms Act 1996 and the Imports and Exports Order to comply with international obligations under the Stockholm and Rotterdam Conventions	(DEV) Cabinet Economic Development Committee	Proposes that New Zealand formally accept the listings by amending legislation and notifying the convention secretariat.	Due to lodge: 11 October Due to DEV Committee: 17 October Due to Cabinet: 23 October
Establishing a national Urban Development Authority	(DEV) Cabinet Economic Development Committee	Focuses on where the Urban Development Authority (UDA) will draw its capability from and its organisational design. It also discusses establishing the UDA as a Crown agent.	Due to you: 4 October Due to lodge: 1 November Due to DEV Committee: 7 November Due to Cabinet: 12 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
Legislating complex urban development projects: Governance, financing and territorial authority involvement	(DEV) Cabinet Economic Development Committee	Covers the governance, financing and arrangements for territorial involvement in complex development projects formally established under the proposed urban development legislation.	<p>Due to you: 4 October</p> <p>Due to lodge: 1 November</p> <p>Due to DEV Committee: 7 November</p> <p>Due to Cabinet: 12 November</p>
Reclassifying five organisms as "not new" under the Hazardous Substances and New Organisms Act 1996	(ENV) Cabinet Environment, Energy and Climate Committee	Proposing that five organisms be reclassified as "not new" under the Hazardous Substances and New Organisms Act 1996.	TBC
Options for a royalty on bottled water	(ENV) Cabinet Environment, Energy and Climate Committee	s 9(2)(f)(iv)	TBC

6. Cabinet material we have been consulted on

Paper name	Agency	Committee and Timeframe	Our advice on the paper
Local governance for community wellbeing	Department of Internal Affairs	(CBC) Cabinet Business Committee Scheduled for the 8 October committee	<p>The Minister of Local Government is now seeking Ministerial feedback on this paper, previously titled <i>Re-imagining local governance</i>.</p> <p>The paper seeks agreement to have a strategic conversation about how central and local government work together and the future role of local governance in New Zealand.</p> <p>The paper is largely unchanged from the previous version released for departmental consultation. The main change is seeking agreement to reprioritise funding from the Rates Rebate Scheme to support the work of the Central/Local Government Partnerships Group.</p> <p>s 9(2)(f)(iv)</p>

Paper name	Agency	Committee and Timeframe	Our advice on the paper
Conservation (Process and Decision making) Bill: Proposed policy changes.	Department of Conservation	(ENV) Cabinet Environment, Energy and Climate Committee Aiming for the 30 October Committee	<p>This paper seeks agreement to rescind Cabinet decisions on particular policy directions, and to replace them with new policy directions.</p> <p>The proposed changes will:</p> <ul style="list-style-type: none"> • extend timeframes for development and review of statutory plans • extend the submission period for partial review of statutory plans • extend the submission period for notified concession applications • remove the detailed requirements for the appointment of independent commissioners to hear notified concession applications • remove the ability for new submissions when reconsidering concession decisions • set a \$500,000 threshold before reserve administering bodies have to be audited. <p>We raised no concerns with the policy direction of the proposals.</p> <p>Although the proposal to extend time frames removes consistency with RMA processes, increased opportunities for public participation is supported, the Department of Conservation and Councils still have the ability to agree on time frames for concurrently processed applications.</p>
Sea Change Hauraki Gulf Marine Spatial Plan	Fisheries, Department of Conservation	(DEV) Cabinet Economic Development Committee Agency feedback due 9 October	<p>This paper seeks agreement to establish a Ministerial Advisory Committee to assist the Government to develop a Response Strategy for the Sea Change Report (which outlines a marine spatial plan for the Hauraki Gulf).</p>
Future State of Three Waters Regulation and Service Delivery	Department of Internal Affairs	(DEV) Cabinet Economic Development Committee	<p>This paper seeks agreement on the scope and timeframes for decisions on potential changes to regulatory and service delivery arrangements for Three Waters infrastructure. We are working with the Department of Internal Affairs to determine the scope of the environmental regulation workstream and ensure the alignment with our existing work programmes on Freshwater and the Resource Management System.</p>

7. Official Information Act requests

7.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>•Any documents relating to advice, verbal or written, that the Ministry for the Environment has received on the proposed Kahui Wai Maori forum by date.</p> <p>•Any documents relating to any cabinet papers or other advice, verbal or written provided by the Ministry for the Environment in relation to the proposed Kahui Wai Maori Forum</p>	s 9(2)(a) National Party	18-O-01943	1 October	8 October
I request a copy of the agenda, minutes and any briefing papers from meetings he attended with the Farming Leaders Group held on 14 February 2018 and 23 May 2018.	s 9(2)(a) National Party	18-O-02002	11 October	18 October

7.2. Departmental

Request	Correspondent	Reference	Due to send
<p>I have the following information request relating to the Royal Commission on Genetic Modification.</p> <p>When was Sir Thomas Eichelbaum appointed to chair the inquiry and when were inquiries first made of his availability? Please send me all records relating to this request.</p> <p>How much was he paid, what was his rate of payment and on what dates did he work on the inquiry?</p> <p>Was Sir Thomas asked to declare any conflicts of interest or potential conflicts of interest? Please send me a copy of any such declaration by him, and a copy of his employment contract.</p>	s 9(2)(a)	18-D-01996	9 October
13/07/2018 Improvements to the NZ Emissions Trading Scheme	s 9(2)(a) Newsroom	18-D-01979	15 October
The regulations different regions in New Zealand have in place to monitor and maintain water quality in waterbodies used as a source of drinking water supply.	s 9(2)(a) University of Auckland	18-D-01975	15 October
All correspondence, briefings, emails, texts, electronic communications, advice and reports she has received or initiated relating to the Thames-Coromandel District Council and Hauraki District Council Mangrove Management Bill.	s 9(2)(a) National Party	18-D-01995	16 October

Request	Correspondent	Reference	Due to send
<p>1. The total amount spent by the Ministry on hold music. Please ensure to disclose any subscription fees, licensing fees, and any one-off/recurring payments made to the Ministry's service provider(s).</p> <p>2. The name of the service provider(s) engaged by the Ministry to provide hold music.</p> <p>3. The full playlist of songs which are used as hold music.</p>	Tax Payers Union	18-D-01994	16 October
<p>Any documents relating to advice, verbal or written, that the Ministry for the Environment has received on the proposed Kahui Wai Maori forum by date. Any documents relating to any cabinet papers or other advice, verbal or written provided by the Ministry for the Environment in relation to the proposed Kahui Wai Maori Forum. Where information is withheld, I request you provide the title and date of the communication/document withheld.</p>	s 9(2)(a) National Party	18-D-01840	16 October
<p>Please provide the locations of all 1080 poison dumpsites in NZ where amounts 100kgs and greater have been disposed of due to ordering errors, expired stock, cancelled drops or other reasons.</p> <p>Please include private and public dumping facilities and facilities which are now closed, and what monitoring these sites have to ensure leachate does not occur.</p>	s 9(2)(a)	18-D-02057	29 October

Released under the provision of
the Official Information Act 1982

Weekly Update – Hon David Parker, Minister for the Environment

For the week starting 29 October 2018

Environment weekly meeting 10.00am – 10.45am, Monday 29 October

Attendees: Hon David Parker, Minister for the Environment

Vicky Robertson, Secretary for the Environment

Cheryl Barnes, Deputy Secretary, Water and Climate Change

Shaun Lewis, Acting Deputy Secretary, Partnerships and Customers

Natasha Lewis, Deputy Secretary, Environmental Stewardship and Strategy

Amanda Moran, Deputy Secretary, Natural and Built System

Glenn Wigley, Director, Natural and Built System

Bryan Smith, Chief Advisor, Water

Apologies: James Walker, Deputy Secretary, Partnerships and Customers

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	10
2.	Water	Cheryl Barnes	Verbal update	10
3.	Urban/RMA	Amanda Moran	Verbal update	10
4.	Compliance monitoring	Glenn Wigley	Verbal update	5
5.	One Billion Trees Fund	Bryan Smith	Verbal update	10

Upcoming meetings

29 October	11.00am	MfE officials weekly update
	4.30pm	Meeting with MfE officials in advance of industry meeting regarding implementation of the Kigali amendment
30 October	12.00pm	Ministers Twyford, Davis re Queenstown Lakes regional investment plan
	3.00pm	Minister Robertson re budget initiatives
	3.30pm	Minister Sage regular meeting
	4.30pm	Minister Shaw and refrigerant industry representatives re Kigali amendment
	5.00pm	ENV Committee
1 November	7.30am	Minister Twyford re UGA costs of growth work
	8.00am	UGA Ministers meeting
	11.00am	Ministers Mark and Woods re 1080 alternative
	12.00pm	MfE officials meeting re next year's RMA review
12 November	TBC	MfE officials weekly update
20 November	6.30pm	Ohakea community water scheme meeting

Upcoming Events

13 November	7.15pm	NZ River Awards (introducing Simon Upton)
22 November	12.00pm	12th Otago Energy Research Centre Energy & Climate Change Symposium 2018 (speech)
4 December	11.30am	Dairy NZ Environmental Leaders Forum (speech)

Upcoming travel

4-7 November	China
14-16 November	Port Moresby

1. Progress towards Government's strategic priorities

1.1. Urban

Urban Growth Agenda (UGA) Ministers are scheduled to meet on Thursday 1 November. The focus of the meeting will be discussing the recommended package of national direction on quality intensification.

s 9(2)(f)(iv)

1.2. Water

Advisory networks update

Freshwater Leaders Group

The Freshwater Leaders Group (FLG) held their first full meeting under John Penno's Chair on 23 October. Whilst much of the discussion was process orientated about how the group will function, they did explore issues around their work programme and the focus for their next meetings. On 19 November the FLG plans to discuss in detail at-risk catchments and interventions for activities including stock exclusion, intensification, winter grazing and farm planning. In early December the FLG plans to discuss issues related to proposed changes to the Freshwater Management National Policy Statement (NPS-FM) including sediment, eco-system health, wetland and ecological flows. There was strong interest in working closely with the other groups; Kahui Wai Māori, Science and Technical Advisory Group, regional councils and the Primary Sector Council.

Science and Technical Advisory Group

The Science and Technical Advisory Group (STAG) met on 18 and 19 October, chaired by Ken Taylor. The group appreciated the opportunity to meet and have a Q&A session with you. The meeting kicked off with discussions about the scope and purposes of the group, different management options for stressors, and evidence requirements for policy development, before moving on to the feedback received on the NPS-FM. The group discussed in detail the Biophysical Ecosystem Health Framework recently commissioned by the Ministry for the Environment, as well as the research towards a sediment attribute in the NPS-FM. Officials updated the group on progress on the At-Risk Catchments project and management of wetlands. The group will next meet on 29 November to discuss wetlands, maintaining and improving water quality, sediment, and state and trends of fresh waters.

Kahui Wai Māori

Kahui Wai Māori will meet on Thursday 1 and Friday 2 November. The agenda includes At-Risk Catchments and potential changes to National Direction.

Each meeting of each group will include an update from other groups, and we are working towards an opportunity for members to meet together in early December.

2. Updates for noting

2.1. Auckland Mayoral Housing Taskforce meeting

We attended the Auckland Mayoral Housing Taskforce meeting on 12 October. The agenda traversed a range of matters including; building consents, infrastructure funding and financing, and quality intensification. The following issues raised are worth noting, as they are relevant to work under the UGA:

- the need for a common understanding across central and local government of what housing affordability is and how to measure it,
- the need for central government to take a more proactive role in spatial planning and infrastructure (social and physical) investment, and
- re-examination of affordable housing provisions including “inclusionary zoning” and “retained affordable housing”.

We will continue to update you on the progress of the Taskforce and on opportunities for alignment between work programmes.

2.2. Rotorua Te Arawa Lakes Programme - update on Independent Quality Assurance review

In June we provided a briefing recommending that you do not change the purpose and methodology of the Rotorua Lakes Incentives Fund until the scheduled three-yearly Independent Quality Assurance Review (the Review) of all interventions within the Programme had been completed.

The Review has now been finalised and recommendations are being considered by the Programme's governance group. While some recommendations to strengthen reporting and increase the visibility of delivery have been made, the Review has predicted that the Programme is likely to meet its objectives and recommends that the Programme continue with the current agreed interventions.

Given the findings of the Review, we do not recommend making any changes to the Programme (including the Incentives Fund) as this risks not meeting the agreed water quality target for the lakes.

2.3. Otago Regional Council – deemed permits

Otago Regional Council (ORC) were proposing to notify a plan change to set minimum flows in the three catchments with the greatest numbers of deemed permits (mining privileges). This would enable efficient processing of resource consent applications replacing the deemed permits. You enquired about this process.

At the Council meeting on 12 September, Councillors resolved not to proceed with the proposed plan change but passed a motion to follow the full process of the NPS-FM, including identifying Freshwater Management Units and allocation limits. ORC are still to determine how such a process can be delivered, but are clear this will affect the timeframes for processing the transfer of deemed permits.

The discussion within ORC continues to develop a plan to give effect to the Council resolution. We have asked for a revised timeframe for addressing the deemed permits, but this is unlikely until they have addressed the implications of the Council's resolution.

In the meantime ORC have invited Ministry officers and officers from three councils (Environment Southland, Greater Wellington and Gisborne District Council) to present at a councillor workshop in late November about processes, experiences, lessons and outcomes implementing the NPS-FM.

2.4. Wairakei Pastoral Application for land use change

Following representations to you raising concerns about consent applications from Wairakei Pastoral Ltd (WPL) for a large farming operation north of Taupo, you asked if it is possible to intervene in the decision by Waikato Regional Council (WRC) on whether or not to notify the applications.

Answer:

The Minister for the Environment cannot direct a council to notify a consent. This is because the Resource Management Act (RMA) sets out, in sections 95A – 95G, the statutory process by which local authorities determine whether an application for consent is publicly notified, limited notified or non-notified.

However, if an application for consent is deemed to be a nationally significant proposal, you may call it in and then it would be publicly notified by the Environmental Protection Authority.

Current status of the application:

The applications are in abeyance and the timeframe for processing has been extended under RMA s37A(5)(a) (ie applicant agreement to more than double the timeframe) as the Council raised concerns about the detail of the applications. WPL is now in the process of addressing those matters.

There has been considerable interest in the applications from Pāmu, Fish and Game, the Environmental Defence Society and Farmers for Positive Change.

WRC expect to receive a re-submitted application in a few weeks. At that time, they will be in a position to continue processing the application, providing they are satisfied that there is sufficient and adequate information. They will determine notification (whether the application will be processed with public notification, limited notification or non-notified).

If WRC proceed to notify the applications this would address the concerns raised and the applications will follow due process. If WRC determine to proceed without notification, an assessment could be made as to the level of national interest and whether or not the applications should be called in. We will continue to advise you on developments.

2.5. Montreal Protocol Meeting of the Parties (5 to 9 November)

The 30th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer will be held in Quito, Ecuador, from 5 to 9 November. New Zealand is a Party to the Protocol, which came into force in 1989 and aims to protect the ozone layer by requiring Parties to phase out the production of and certain uses of ozone-depleting substances. The Meeting of the Parties occurs annually. New Zealand will be represented at the meeting by a delegation from the Ministry for the Environment.

A key agenda item for the meeting will be the progress of Parties towards ratification of the Kigali Amendment to phase out the use of hydrofluorocarbons (HFCs, potent greenhouse gases) agreed to by Parties, including New Zealand, in 2016. Officials will be able to report progress on New Zealand's domestic ratification.

As at prior Montreal Protocol meetings, New Zealand may receive some criticism for its use of the fumigant methyl bromide. New Zealand's use of methyl bromide for quarantine and pre-shipment purposes adheres to the requirements, but usage has been increasing while the Montreal Protocol encourages reduction. If asked, the New Zealand delegation will note that we are actively looking into alternative substances and techniques for fumigation. In addition, from 2020 all methyl bromide fumigations will be subject to 'recapture' as a method to help reduce emissions.

2.6. Aqualinc Report on implementation of drinking water 'source protection zones'

We commissioned Aqualinc to undertake an assessment of the potential impacts of implementing 'source protection zones' for municipal drinking water supplies. Source protection zones are a risk management tool that can be used by water suppliers and regional councils to help identify and manage risks to drinking water sources as part of a multi-barrier approach to drinking water safety.

Aqualinc used GIS modelling techniques to develop generic source protection zones for each municipal drinking water supply in New Zealand and then assessed the potential risk of contamination posed by existing land-use activities occurring within these zones.

The report indicates that s 9(2)(f)(iv) regions are likely to face the biggest challenges (and relative costs) of implementing source protection zones due to s 9(2)(f)(iv)

. However, this assessment is not definitive and all regions are likely to face challenges in implementing source protection zones, particularly in areas dominated by intensive urban or agricultural land-use. We also note that regional councils already have policies and rules that seek to address certain contamination risks, and some councils have taken steps to develop source protection zones for their region.

We will use this information to inform options for strengthening the regulatory framework for managing risks to drinking water sources. We will also seek further input from councils on the specific challenges in implementing source protection zones and managing risks in each region. This work forms part of the regulatory workstream of the Three Waters Review and is an important link between drinking water regulation under the Health Act and environmental regulation of Three Waters infrastructure under the RMA.

2.7. Weekly PFAS Updates – Minister's Visit, Detailed Design Report and Workshops for Palmerston North Airport Results and Risks to the Ohakea Community

A date of 20 November at 6.30pm has been agreed with your Office for you to visit the Ohakea Community. The PFAS Programme will liaise with the local councils and community to organise this.

The detailed design report for the Ohakea Water Scheme is due back this week. The PFAS Programme will brief you on this report in advance of your visit. We will provide you with advice on the process to reach agreement as to how the Scheme will be funded.

The PFAS Programme is organising a workshop to discuss the risks associated with PFAS (human health, environmental, economic, social/cultural) with local stakeholders on the week commencing 29 October.

The PFAS Programme is attending a workshop on 30th October regarding the results of further testing in and around Palmerston North Airport. These results have not yet been provided to the Programme.

2.8. Freshwater Improvement Fund – funding Taranaki Regional Council

We have provided you with advice on funding Taranaki Regional Council (TRC) to deliver 'Te Wai Koirā Waitotara' (the Project), a joint project with Ngāa Rauurū Kīitahi, through the Freshwater Improvement Fund (FIF). Up to \$2 million from the FIF has been approved in principle for the Project, subject to TRC meeting specified funding conditions. We have been in negotiation with TRC for over 13 months; despite presenting a range of options we have been unable to agree on an approach which will ensure that the Project meets the FIF's Cabinet approved eligibility criteria (which requires projects to have a minimum of 50% co-funding from other sources).

The Project would result in significant benefits to the local community. There has been significant collaborative investment by TRC and Ngāa Rauurū Kīitahi to get to this point. However, given the Project does not meet the FIF eligibility criteria, we are providing you with options this week on whether to proceed with funding the Project, as you are the delegated decision-maker for this Fund.

2.9. Horizons Regional Council approach to managing intensive land uses

Facilitated workshop with Horizons, New Zealand Fish and Game and the Environmental Defence Society

A facilitated workshop was held on 18 October between Horizons, New Zealand Fish and Game, and the Environmental Defence Society to discuss independent advice prepared by planning and legal experts. Advice provided information on the operation of the restricted discretionary consenting pathway in rules 14.2 and 14.4 of the Horizons One Plan for intensive land uses. The independent advisers concluded that overall, there is no practical consenting pathway for farmers and growers who cannot meet the discharge figures in the plan (even after amendment).

There was generally constructive dialogue between the experts and the three parties. The approach experts took in reaching conclusions appeared to be generally well received. However, Fish and Game raised concern about Horizons' proposal to use a Streamlined Planning Process to amend the table 14.2 and a longer process to address inconsistencies between the plan and policy statement. Fish and Game considered this approach inadequate and indicated withdrawing from any future discussion.

Following workshop discussions, minor clarifications and amendments are being made to the independent interim advice. Final advice will be provided to us by 30 October and in turn a briefing for you.

2.10. 2019 Legislation Bids

Bids for the 2019 Legislative Programme are due at Cabinet Office on 30 November. On 19 November we will brief you on your proposed bids, including their proposed rank and priority. We will consult with Parliamentary Council Office (PCO) when preparing the bids.

At this stage, we propose the following bills in the ranking and categories shown:

1. Resource Management Amendment Bill (subject to the Court of Appeal decision on pest control) – Category 2 (must be passed in the year);
2. Resource Management Amendment Bill – Category 3 (to be passed if possible in the year);
3. Hazardous Substances and New Organisms Amendment Bill – Category 5 (instructions to be provided to PCO in the year);
4. Water Bill – Category 5 (instructions to be provided to PCO in the year) and
5. Kermadec Ocean Sanctuary Bill – Category 6 (on hold).

Please note the priority categories are as follows:

- Category 1 must be passed or introduced in the year as a matter of law
- Category 2 must be passed in the year
- Category 3 to be passed if possible in the year
- Category 4 to be referred to a select committee in the year
- Category 5 instructions to be provided to PCO in the year
- Category 6 on hold
- Category 7 not to proceed.

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the Official Information Act 1982

3. Briefing notes

29 October – 23 November

Title	Lead agency	What this briefing covers	Due to your office
Freshwater Improvement Fund Project - Te Wai Kōiora Waitōtara	MfE	Seek a decision on funding Taranaki Regional Council to deliver Te Wai Kōiora Waitōtara, a joint project with Ngāa Raukōi, through the Freshwater Improvement Fund.	29 October
Urban Growth Agenda: November Ministers meeting	MfE/ MHUD	Outlines the agenda for the Urban Growth Agenda Ministers meeting on 1 November, including the key decision points being sought by officials.	29 October
Auckland Unitary Plan Greenfield Development and Business and Mixed Use Zone residential development factsheets	MfE	Two further factsheets in the series of factsheets about Auckland Unitary Plan rules and residential development.	2 November
Further policy decisions on the Resource Management Amendment Bill – regulation on high-risk land use activities.	MfE	Provides advice on the regulation of high risk land use activities to achieve water quality outcomes.	31 October
Policy options for highly productive soils	MPI	Seeks Minister O'Connor's and your decision on the policy approach for highly productive soils and agreement on the proposed consultation and development timeframes.	31 October
Scope of the Comprehensive Review of the RM System	MfE	Provides advice to support your discussion with officials on 1 November regarding the comprehensive review of the resource management system.	31 October
Review of the first two RMA Streamlined Planning Processes	MfE	Response to your request for our reflections on how the first two completed Streamlined Planning Processes went as well as any feedback we may have on the process or changes that could be made.	1 November
Essential Freshwater: Maintaining water quality	MfE	Outlines work to address two issues relating to the "maintain" water quality objective in the Freshwater National Policy Statement including: <ul style="list-style-type: none"> • how can regional councils demonstrate water quality is at least maintained? and, • when should regional councils be required to at least maintain water quality from? 	2 November
National Environmental Standard for Marine Aquaculture: draft Cabinet documents regarding final policy provisions	MfE with MPI as policy lead	Presents the final policy for the National Environmental Standard for Marine Aquaculture (NES-MA), and a Cabinet paper for the Environment, Energy and Climate Committee on 27 November 2017, for your decision (in consultation with the Ministers for Fisheries and Conservation) that the NES-MA meets RMA requirements. If you agree to the policy, and Cabinet also agrees, then Parliamentary Counsel Office would commence to draft the NES-MA regulations.	2 November

Title	Lead agency	What this briefing covers	Due to your office
Background advice on the design and origins of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act (EEZ Act)	MfE	Provides background information on the design and origins of the current framework for managing New Zealand's Environmental Effects rights and obligations under international law. This would inform any future consideration of amendments to the EEZ Act.	2 November
NZ Landcare Trust - current status and next steps.	MfE	Chairman of NZ Landcare Trust wrote to you in September requesting a meeting to discuss matters relating to future funding of the Trust. (The date of this meeting is yet to be confirmed.) This paper will provide you with background information and advice on next steps.	6 November
Approval to amend the Ozone Layer Protection Regulations to implement the Kigali Amendment to the Montreal Protocol	MfE	Summarises the outcome of the targeted consultation on an exposure draft of the Ozone Layer Protection Amendment Regulations required to implement the Kigali Amendment, and provides you with a Cabinet paper seeking approval from the Legislation Committee to submit the Regulations to the Executive Council.	7 November
Submissions and options for the implementation of the first set of National Planning Standards	MfE	Informs you of the submissions received on the proposed implementation timeframes of the first set of national planning standards and gives options to amend these timeframes to be more efficient.	9 November
Essential Freshwater Avoiding Further Loss of Wetlands	MfE	Provides preliminary options for avoiding further loss and degradation of wetlands. This will provide recommendations of options for discussion and continued development with Kahui Wai Māori, Freshwater Leaders Group and others.	9 November
Essential Freshwater: National direction on urban water	MfE	Advice to Minister Mahuta and you on the potential scope of work to provide national direction on urban water	9 November
National Environmental Standards for Plantation Forestry One Year Review	MfE	Sets out the proposed terms of reference for the one year review of the National Environmental Standards for Plantation Forestry.	9 November
Further policy decisions on the Resource Management Amendment Bill: EPA powers	MfE	Seeks your agreement to further policy decisions necessary for the Resource Management Amendment Bill relating to enabling the Environmental Protection Authority to take enforcement action.	15 November
Further policy decisions on the Resource Management Amendment Bill: Environment Court policies - outstanding matters	MfE	Alternative option for the Environment Court declarations – mechanisms, and giving special advisors to the Environment Court legal immunity.	15 November
Renewable Electricity Generation and the RMA	MfE/ MBIE	Provides advice on utilising the RMA to accommodate future demand for renewable electricity generation.	15 November
Overview of decision-making processes and costs under the RMA	MfE	Provides you with overview information, including costs of different decision-making processes under the RMA.	16 November

Title	Lead agency	What this briefing covers	Due to your office
2019 Climate Change Legislation Bids	MfE	Bids for the 2019 Legislation Programme	19 November
Using a collaborative process to develop national direction	MfE	Reflections on the use of a collaborative process to develop national direction following the completion of the Biodiversity Collaborative Group report. Joint briefing to you and Minister Mahuta.	20 November

4. Cabinet material

29 October – 23 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
Fiordland Marine Guardians - Crown Appointments	(APH) Appointments and Honours, Committee	Will support you at Appointment and Honours Committee to make your recommendations to the Fiordland Marine Guardians. Appointing two new members and reappointing one member to the Guardians.	Due to APH Committee: 29 October Due to Cabinet: 5 November
Cabinet paper to seek policy decisions to enable regulation of high risk land use activities	(ENV) Cabinet Environment, Energy and Climate Committee	If changes to the Resource Management Act are considered necessary to enable the regulation of high-risk land use activities, this paper will seek policy approval to include this matter in the Resource Management Amendment bill	Due to lodge: 22 November Due to ENV Committee: 27 November Due to Cabinet: 1 December
Approval to amend the Ozone Layer Protection Regulations to implement the Kigali Amendment	(LEG) Cabinet Legislation Committee	Seeks Cabinet approval of amendments to the Ozone Layer Protection Regulations 1996 required to implement the Kigali Amendment to the Montreal Protocol, to phase down hydrofluorocarbons in New Zealand.	Due to you: 7 November Due to lodge: 6 December Due to LEG Committee: 13 December Due to Cabinet: 17 December
Listing Chemicals in the schedules of Hazardous Substances and New Organisms Act 1996 and the Imports and Exports Order to comply with international obligations under the Stockholm and Rotterdam Conventions	(DEV) Cabinet Economic Development Committee	Proposes that New Zealand formally accept the listings by amending legislation and notifying the convention secretariat.	Due to lodge: 6 December Due to LEG Committee: 13 December Due to Cabinet: 17 December

Paper name	Committee	What this paper covers	Our Suggested timeframes
Reclassifying five organisms as "not new" under the Hazardous Substances and New Organisms Act 1996	(ENV) Cabinet Environment, Energy and Climate Committee	Proposing that five organisms be reclassified as "not new" under the Hazardous Substances and New Organisms Act 1996.	TBC
Options for a royalty on bottled water	(ENV) Cabinet Environment, Energy and Climate Committee	s 9(2)(f)(iv)	TBC

5. Cabinet material we have been consulted on

Paper name	Agency	Committee and Timeframe	Our advice on the paper
Urban development legislation: Māori interests and the Māori Crown relationship	Ministry of Justice and Ministry of Business Innovation and Employment	Due to (DEV) Cabinet Economic Development Committee: 31 October	Proposes how to provide for Māori interests in the urban development legislation, including Māori participation in UDA decision-making, engagement on UDA projects, and fulfilling the Crown's Treaty obligations to Māori. This Cabinet paper has been distributed for ministerial consultation and we have provided you with comment on the proposals.
Establishing a national Urban Development Authority	Ministry of Business Innovation and Employment	Due to (DEV) Cabinet Economic Development Committee: 7 November	Focusses on where the UDA will draw its capability from and its organisational design. It also discusses establishing the UDA as a Crown agent. This Cabinet paper has been distributed for ministerial consultation and we have provided you with comment on the proposals.
Legislating complex urban development projects: Governance, financing and territorial authority involvement	Ministry of Business Innovation and Employment	Due to (DEV) Cabinet Economic Development Committee: 7 November	Covers the governance, financing and arrangements for territorial involvement in complex development projects formally established under the proposed urban development legislation. This Cabinet paper has been distributed for ministerial consultation and we have provided you with comment on the proposals.

6. Official Information Act requests

6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>1) The research and evidence behind the classification of 1080 and 1080 poison baits as deadly poisons with these warnings;</p> <p>2) Copies of all testing on humans to assess the levels at which sublethal effects are suspected to occur,</p> <p>3) Evidence to show the "safe" level of exposure to 1080 poison and poison baits for humans, including for children and foetuses and how this was assessed</p> <p>4) Any information to show what if any assessment has been done by the Minister and/or the EPA of the risk to humans and/or the environment from public claims that 1080 and 1080 poison baits are "safe" for humans, stock and/or wildlife</p> <p>5) What actions the Minister and/or the EPA has or will take where any public representative, and/or member of the public makes claims that 1080 is safe, including any corrective action</p> <p>6) What information the Minister and/or MPI holds about actions taken to correct public claims that deadly 1080 poison and/or 1080 poison baits are "safe".</p> <p>7) If the EPA is not responsible for addressing false claims about the safety of 1080 poison baits which organisation is, and what</p>	s 9(2)(a)	18-O-02078	24 October	31 October
All weekly briefings received for the "environment" portfolio from 1 April 2018 - 30 June 2018	s 9(2)(a)	18-O-02144	25 October	1 November
A copy of all advice, briefings, aides memoire, memos or reports on the Urban Growth Agenda he received in the months of August and September 2018.	s 9(2)(a)	18-O-02070	26 October	2 November

<p>Paragraph 53 of your Cabinet Paper Restoring our freshwater and waterways states "officials have provided initial advice on how to give effect to the Labour/New Zealand First coalition agreement to introduce a royalty on exports of bottled water. Work to date has involved information gathering and exploration of options."</p> <p>Under the Official Information Act 1982 I request a copy of the initial advice provided to your office by officials relating to the introduction of royalty on the export of bottled water.</p> <p>I also request details of the options relating to a royalty on the export of bottled that have been provided by officials to your office and/or that are being considered by Government.</p>	<p>s 9(2)(a)</p> <p>New Zealand Beverage Council</p>	18-O-02086	30 October	6 November
<p>Could I please have a copy of any papers you have taken to cabinet or any cabinet committee relating to the Resource Management Act since 1 September 2018</p> <p>Could I please have a copy of any draft cabinet papers you have received from officials relating to the Resource Management Act since 1 August 2018</p>	<p>s 9(2)(a)</p> <p>National Party</p>	18-O-02113	1 November	8 November

6.2. Departmental

Request	Correspondent	Reference	Due to send
<p>Please provide the locations of all 1080 poison dumpsites in NZ where amounts 100kgs and greater have been disposed of due to ordering errors, expired stock, cancelled drops or other reasons.</p> <p>Please include private and public dumping facilities and facilities which are now closed, and what monitoring these sites have to ensure leachate does not occur.</p>	<p>s 9(2)(a)</p>	18-D-02057	29 October
<p>I am requesting a copy of the recent (starting in 2017) application for funding made by the Whakamana Te Waituna Charitable Trust to the Ministry of the Environment Freshwater Fund.</p> <p>I also request a copy of the Ministry for the Environment decision and any conditions applied to this funding.</p>	<p>s 9(2)(a)</p>	18-D-02061	29 October
<p>I request under the OIA a copy of the file relating to the contamination of 230 Marsden Point Road, Ruakaka.</p> <p>I understand meetings were held on site in the last two months.</p>	<p>s 9(2)(a)</p>	18-D-02095	7 November
<p>Are you able to please advise if Sir Eddie Durie and/or Donna Hall, acting on behalf of the NZMC, made any nominations and if so who they were?</p>	<p>s 9(2)(a)</p>	18-D-02118	8 November
<p>PFAS All of Government weekly reports, specifically those dated 6, 13, 20 and 27 August 2018</p>	<p>s 9(2)(a)</p> <p>Stuff</p>	18-D-02147	13 November

Request	Correspondent	Reference	Due to send
<p>Substantial parts of "Document 1" have been redacted. The only reason given for redactions is "Section 9(2)(a) to protect the privacy of a natural person." The redactions undertaken appear to go way beyond that. Can you please provide Document 1 without redaction except for the names of people who need to be protected.</p> <p>Also, page 19 of Document 1 details the comments of the Panel who evaluated the TDC request.</p> <p>Can you please provide correspondence from the Ministry (including emails) that detail the supplementary information sought from TDC, along with a copy of the TDC responses.</p> <p>I am prepared to meet the reasonable costs of complying with this request. You may answer my request by email.</p>	<p>s 9(2)(a)</p>	<p>18-D-02157</p>	<p>14 November</p>

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