

Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 3 February 2020

There is no meeting scheduled this week

The next meeting will be on 18 February, 9:00am – 9:30am

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1. Strategic priorities

1.1. Consultation on National Policy Statement for Indigenous Biodiversity

Consultation on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) is on-going with Treaty Partners, councils and key stakeholders:

In late 2019 you met with stakeholders from Beef & Lamb, Federated Farmers, the Queen Elizabeth II National Trust and Ngā Whenua Rāhui to begin the conversation about protecting and maintaining our indigenous biodiversity.

In early 2020, officials completed the road-testing phase of engagement, meeting with 16 regional and district councils around the country to talk about how the proposed NPSIB, as currently drafted, would affect them.

Engagement will continue into February with 15 Treaty Partner Hui planned. Officials will attend to discuss the possible effects of the proposed NPSIB and how aspirations of tangata whenua could be supported by the NPSIB or complementary measures. Officials are indicatively planning to meet with more stakeholders, including farmers, industry groups, energy generators, utilities groups and ENGOS.

Officials have also recently met with stakeholders from the aggregate and quarry association, beef and lamb landowners as well as regional and district councils from 12 regions to discuss on the proposed NPSIB.

Consultation closes on 14 March 2020, after which we will provide you with a summary of submissions before final ministerial decisions and gazettal by mid 2020.

1.2 National Direction - upcoming decisions

In the upcoming months there are a number of decisions required by you, the Minister for the Environment and Associate Minister Sage, on the development of national direction instruments. These are listed chronologically in the table provided in appendix one.

We have also updated the national direction page on the Ministry website (<https://www.mfe.govt.nz/rma/national-direction/national-direction-instruments>) to provide stakeholders more information on the proposed timing and status of national direction instruments.

2. Updates for noting

2.1. National Environmental Standard for wastewater discharges and overflows

In late 2019, the urban water team met with you to discuss our work programme including the development of the new National Environmental Standard for wastewater discharges and overflows (wastewater NES), which has been delegated to you as associate Minister for the Environment.

As noted in the meeting, we are currently considering the best approach for engaging key stakeholders in the process for developing the wastewater NES, including engagement with Māori as Treaty partners. We consider this project an opportunity for the Ministry to develop a strong partnership approach to engaging with Māori in the policy development process, and we intend to discuss this with Treaty partners, including a meeting with Waikato-Tainui in mid-February.

We are also scoping the data and research requirements that are needed to inform the development of the wastewater NES. This is likely to include an assessment of current and emerging issues facing the wastewater sector that need to be considered in the design of this new regulation.

We will provide you with further information on the proposed engagement strategy and the data and research requirements in late February-early March.

2.2. Wastewater flows in summer

A number of wastewater overflows have occurred over the summer holiday period. In some cases these have affected areas used for swimming or harvesting kai moana resulting in complaints to councils and media coverage.

Wastewater overflows typically occur as a result of:

- significant rainfall events where high volumes of stormwater enters the wastewater system causing it to exceed its capacity. All wastewater systems are designed to overflow into the environment to avoid wastewater from entering houses and businesses.
- wastewater pipes cracking or breaking as they become outdated or are damaged by natural hazards or surrounding activities, e.g. earthworks.

Examples of overflow events over the 2019/20 summer period include:

- Wellington Harbour, 21 to 26 December. A large wastewater pipe burst and wastewater was discharged into Wellington Harbour. People were unable to swim for several days as a result. Wellington Water responded quickly and put in place a temporary measure. Works to repair the break are ongoing.
- multiple popular beaches in Auckland and several in Gisborne and Bay of Plenty were deemed unsafe due to overflows from rain events.

Most councils will monitor the area affected by wastewater overflows and put in place measures to make people aware of when it is not safe to swim. Councils will also attempt to address the source of the overflows, particularly if it occurred as a result of a broken pipe.

In the long term, most councils are looking at options to reduce overflows by increasing network capacity and replacing aged or at risk infrastructure. However, for many councils funding and capability challenges are limiting their ability to implement sustainable solutions.

During large overflow events like the Wellington harbour event the Ministry for the Environment will typically contact the wastewater operator and regional council to receive updates on what is occurring.

2.3. Hui with Whareroa Collective on air quality issues in Mt Maunganui

We are currently planning a two-day visit to Tauranga and Mt Maunganui, on 18 and 19 February. The primary purpose of the visit is to meet with the Whareroa Collective (the Collective), iwi, hapū and Bay of Plenty Regional Council (the Council) staff to follow up on the Council's steps to address air quality issues in the Mt Maunganui port area (briefing 2019-B-06011 refers).

We also intend to meet with local government organisations, councillors and Port of Tauranga businesses who have been involved in addressing industrial and shipping emissions in the area.

We will update you on outcomes of the visit.

2.3 Hui with local iwi

The Ministry is about to begin a series of hui with local iwi that will take place over the month of February. Ministry staff and members of the Resource Management Review Panel are travelling together with a combined agenda.

Most hui will focus on the Resource Management System Reform (RM), Issues and Options in the morning followed by work programme updates from the Ministry in the afternoon. This includes focused items on Indigenous Biodiversity (IB), National Climate Change Risk Assessment and the Essential Freshwater programme. Agendas vary slightly depending on location.

A full list of dates, locations and agenda items are outlined in the following table.

Date	Location	Agenda items
3 February	Whanganui	Joint Agenda - RM, IB, Freshwater & National Climate Change Risk Assessment
10 February	Tauranga	
12 February	Auckland	
13 February	Gisborne	
14 February	Napier	
17 February	New Plymouth	
18 February	Hokitika	Joint Agenda - IB, Freshwater & National Climate Change Risk Assessment
19 February	Wellington	Joint Agenda - RM, IB, Freshwater & National Climate Change Risk Assessment
	Waikato - Tanui	National Climate Change Risk Assessment
20 February	Christchurch	Joint Agenda - RM, IB, Freshwater & National Climate Change Risk Assessment
	Te Arawa	National Climate Change Risk Assessment
21 February	Dunedin	Joint Agenda - RM, IB, Freshwater & National Climate Change Risk Assessment
24 February	Whangarei	
25 Tuesday	Taupo	
	Bay of Plenty (Rotorua)	Bi-monthly Bay of Plenty Regional Council Komiti Māori (Council & Iwi - MfE update)
26 February	Rotorua	Joint Agenda - IB, Freshwater & National Climate Change Risk Assessment
27 February	Hamilton	Joint Agenda - RM, IB, Freshwater & National Climate Change Risk Assessment

3. Cabinet material

3 February – 6 March

Paper number and name	Committee	What this paper covers	Our Suggested timeframes
2019-C-06170 Approval to release Discussion Document – Amendments to the National Environmental Standard for Air Quality	ENV	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality	Note, this paper has already been lodged Due to Committee: 20 February Due to Cabinet: 24 February

4. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori. We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.	MfE is comfortable with the proposal and had no comments on this paper.
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV TBC	<u>Marine risk & liability:</u> policy development for decommissioning offshore oil and gas installations is out of scope. MBIE intends this to be a separate programme. Mining policies are inconsistent for offshore and onshore areas of conservation value. MBIE has not addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas. <u>Onshore risk & liability:</u> the discussion document does not test policy settings for the long term liability for abandoned onshore wells.	MfE broadly supports the strategy and discussion document. We consider that the review scope should include: <ul style="list-style-type: none"> residual liability for offshore oil and infrastructure mining restrictions in benthic protection areas Greater liability for longer term cost, clean up and prosecution of future sites should be placed with industry rather than relying on the taxpayer-funded contaminated sites remediation fund. We have largely been providing technical advice to MBIE on compliance and enforcement issues such as setting penalties, court functions and other regulatory mechanisms. Engagement with MBIE is ongoing.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Bill to amend the Greater Christchurch Regeneration Act 2016: Accelerating transition to local government leadership	DPMC	DEV TBC	The paper seeks agreement to a narrowly scoped bill to amend the Greater Christchurch Regeneration Act 2016 to speed up the transition of certain powers to local leadership. Key changes include revoking some of the planning powers early (prior to the 30 June 2021 expiry) so that standard RMA processes would apply and a limited extension of powers associated with completing the reconfiguration of land titles.	MfE is comfortable with the proposal, supportive of the transition back to local leadership and had no comments on this paper.
Ahuriri Hapū Claims Settlement Bill: Approval For Introduction	Te Arawhiti	LEG TBC	This paper seeks approval to introduce the Ahuriri Hapū Claims Settlement Bill when the Minister for Treaty of Waitangi Negotiations considers it appropriate. This will likely occur when the Waitangi Tribunal issues a decision relating to Wai 2573 (relating to the mandate of Ahuriri Hapū). The Bill gives effect to the Ahuriri Hapū Deed of Settlement, signed by the Crown, Ahuriri Hapū and the post-settlement governance entity, Mana Ahuriri Trust.	MfE supports the proposal to introduce the Ahuriri Hapū Claims Settlement Bill when the Minister for Treaty of Waitangi Negotiations considers it appropriate. MfE have sought clarity as to the process for possible changes to the Bill in response to any decision from the Waitangi Tribunal.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	s 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			s 9(2)(f)(iv)	
Railways Amendment Regulations 2019	MoT	LEG TBC	This paper proposes to amend annual fees and charges that fund NZTA's rail safety regulatory function to address historical under-recovery, and ensure sufficient funding for this function.	MfE is comfortable with the proposal and had no comments on this paper.
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. s 9(2)(g)(i)

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Airport Authorities Act: Order in Council Approval – Auckland Transport and West Auckland (Parakai) Airport 2019	MoT	LEG TBC	These papers proposes to confer airport authority status by Order in Council under the Airport Authorities Act 1966 to Auckland Transport and West Auckland (Parakai) Airport. This will also enable the airport company to become a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace.	MfE is comfortable with the proposals and does not have any additional comment on these papers. It is worth noting that Auckland Transport is already deemed requiring authority under the Local Government (Auckland Council) Act 2009.
Amendments to the Tax Rules for Land	DIA	LEG TBC	This paper intends to firm up current law so it applies as originally intended. The changes do not intend to tax additional land. The changes recommend <ul style="list-style-type: none"> • closing a loophole that currently allows for individuals and trusts working together, to purchase improve and sell land and businesses (habitual buyers and sellers) without paying the intended tax. • introducing an 'intention test' - a measurement of whether or not a property was purchased with the intent to then 'dispose' as a determinant of whether taxes should apply (I assume a statement of intent is the mechanism for ensuring this but that is not explicit). • ensuring that the law is fair so there are no unintended consequences that would see 'genuine' homes and business premises captured by the tax. 	MfE is comfortable with this paper and has provided comments to the DIA.
Building Consent Exemptions in Schedule 1 of the Building Act 2004.	MBIE	DEV TBC	This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports,	MfE is comfortable with this paper and has provided comments to the MBIE.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders Guidance to TA's would also be updated.	

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Appendix one

Item 2.1 National Direction - upcoming decisions

Instrument	Current status	Anticipated advice date	Responsible Minister/s & Portfolio/s
NES for Outdoor Storage of Tyres	Cabinet approval being sought for public consultation on new thresholds	s 9(2)(f)(iv)	Sage / Parker Associate Environment / Environment
NES Sources of Human Drinking Water - proposed amendments	Policy options being considered		Parker Environment
NES for Air Quality - proposed amendments	Seeking approval to consult		Mahuta Associate Environment
NPS for Urban Development (replacing NPS Urban Development Capacity)	Analysing submissions/ Technical Advisory Panel meetings		Parker / Twyford Environment / Urban Development
NPS for Historic Heritage	Policy documents being developed		Parker / Ardern Environment / Culture and Heritage
NPS for Highly Productive Land	Analysing submissions		Parker / O'Connor Environment / Agriculture
Essential Freshwater (amended NPS for Freshwater/ new NES/ new Stock Exclusion regulations)	Analysing submissions/ Expert Advisory Panel meetings.		Parker Environment

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Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 17 February 2020

Environment fortnightly meeting Wednesday 19 February 5.30 – 6.00pm

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment
Amanda Moran, Deputy Secretary, Natural and Built System

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Amanda Moran	Verbal update	10
2.	2020 deliverables	Amanda Moran	Verbal update	10
3.	Update on consultation on the National Environmental Standard Air Quality proposals	Amanda Moran	Verbal update	10

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1. Strategic priorities

1.1. Consultation on the National Environmental Standard Air Quality proposals

The discussion document proposing amendments to the Air Quality National Environmental Standard is on the agenda to be considered at the Environment Cabinet Committee meeting on Thursday 20 February 2020.

We will discuss our proposed consultation approach with you at the weekly meeting. Given the delays to this work, we propose releasing the discussion document for consultation at the earliest feasible date following Cabinet approval. Pending Cabinet approval on Monday 24 February this would be Wednesday 26 February.

We propose an eight week consultation period, opening with a soft-launch with a media release, supported by consultation documents published on the Ministry website and an online submissions tool.

We will also undertake targeted engagement during consultation with iwi/Māori and key stakeholders.

1.2. Recent engagement on the proposed National Policy Statement for Indigenous Biodiversity

The Ministry for the Environment and the Department of Conservation are currently engaging with Treaty Partners on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

Since the start of February we have engaged with Treaty Partners in Whanganui, Tauranga, Auckland, Gisborne, Napier and New Plymouth. We have further hui planned in Wellington, Christchurch, the West Coast, Dunedin, Whangārei, Taupō, Rotorua, Hamilton and Nelson.

In December 2019 and January 2020 we conducted targeted consultation with a number of local authorities across the country. We have also met with the mining, forestry, infrastructure, and agriculture sectors, environmental non-governmental organisations, the Environmental Institute of Australia and New Zealand, and Local Government New Zealand. Additional engagement is being explored with pan Māori groups and a geothermal focus group in the Waikato.

To date, we have received positive feedback for the intent of the proposed NPSIB, while the balance between protection of biodiversity and enabling land use is an area of ongoing discussion.

2. Updates for noting

2.1. Otago Regional Council will monitor air quality at Port Chalmers

Otago Daily Times has reported on Port Chalmers' air quality and included brief comments from the Ministry. The article responded to a report from Otago Regional Council chairperson, Hon Marian Hobbs, which mentioned there are significant air quality issues at Port Chalmers, particularly caused by cruise ships. She noted that ports are exempt from the National Environmental Standard Air Quality and stated she would pursue this with central government. We have not yet received any correspondence from the chair or the council relating to this issue.

The article stated that the Port will start to measure its air quality this year. The Ministry confirmed in the article that coastal marine contaminants derived from exhaust are permitted under the Resource Management Act.

The article also noted new global sulphur emissions standards for cruise ships that were introduced on 1 January 2020. We expect the new standards will bring environmental and health benefits and that the article will increase public awareness generally of pollution and potential impacts on air quality.

Otago Regional Council will be monitoring this area going forward, and we will follow up later in the year.

Ships may respond to the new emission standards by use of exhaust gas cleaning systems (scrubbers), which may result in a discharge to water. Officials are currently considering the potential environmental effects of scrubbers, and will advise Ministers of any potential implications over the next few months.

3. Briefing notes

17 February –20 March

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412 Initial briefing on wastewater NES: scope, process, and timeframes	MfE	Initial briefing on the wastewater NES setting out scope, process, and timeframes	27 February
2020-B-06431 - Essential Freshwater, Policy decisions following consultation	MfE	This briefing advises you on the outcome of consultation, and the report and recommendations of the Independent Advisory Panel. This includes recommendations on how (if at all) proposals could change to address identified issues before seeking Cabinet agreement to create/amend national direction.	6 March

4. Cabinet material

17 February –20 March

Paper number and name	Committee	What this paper covers	Our Suggested timeframes
2019-C-06170 Approval to release discussion document - amendments to National Environmental Standards for Air Quality: particulate matter and mercury emissions	ENV	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality	Due to Committee: 20 February Due to Cabinet: 24 February

5. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Airport Authorities (West Auckland Airport Company Limited) Order 2020	MoT	Cabinet 17 February	These papers proposes to confer airport authority status by Order in Council under the Airport Authorities Act 1966 to Auckland Transport and West Auckland (Parakai) Airport. This will also enable the airport company to become a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace.	MfE is comfortable with the proposals and does not have any additional comment on these papers. It is worth noting that Auckland Transport is already deemed requiring authority under the Local Government (Auckland Council) Act 2009.
Crown's approach to decommissioning the Tui Oil Field in response to operator Tamarind liquidation	MBIE	DEV 19 February	This DEV paper seeks to appropriate \$173.3 million to begin decommissioning the Tui oil field as a result of the Tamarind liquidation. It also outlines the legal options available to the Crown. <i>* Note: Paper published at https://www.mbie.govt.nz/dmsdocument/11505-the-crowns-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactiverelase-pdf -actual figure was \$154.641 million</i>	MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning. The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori. We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.	MfE is comfortable with the proposal and had no comments on this paper.
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV TBC	<u>Marine risk & liability</u> : policy development for decommissioning offshore oil and gas installations is out of scope. MBIE intends this to be a separate programme. Mining policies are inconsistent for offshore and onshore areas of conservation value. MBIE has not addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas. <u>Onshore risk & liability</u> : the discussion document does not test policy settings for the long term liability for abandoned onshore wells.	MfE broadly supports the strategy and discussion document. We consider that the review scope should include: <ul style="list-style-type: none"> residual liability for offshore oil and infrastructure mining restrictions in benthic protection areas Greater liability for longer term cost, clean up and prosecution of future sites should be placed with industry rather than relying on the taxpayer-funded contaminated sites remediation fund. We have largely been providing technical advice to MBIE on compliance and enforcement issues such as setting penalties, court functions and other regulatory mechanisms. Engagement with MBIE is ongoing.
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	s 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. We made minor comments on the text and also asked that reference to exploratory activities being "more risky" than other activities be removed.
Building Consent Exemptions in Schedule 1 of the Building Act 2004	MBIE	DEV TBC	This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports, single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders. Guidance to TA's would also be updated.	MfE is comfortable with this paper and has provided comments to the MBIE.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
<p>Data and Statistics Legislation: Paper 1 – Overview of policy decisions</p> <p>Paper 2 - Official statistics system</p> <p>Paper 3 – Research and Analysis</p> <p>Paper 4 – Obligations and sanctions</p>	Statistics NZ	GOV TBC	<p>New data and statistics legislation will:</p> <ul style="list-style-type: none"> • modernise roles and responsibilities for the Minister and Government Statistician • recognise the Māori-Crown relationship and what this means for Māori data and statistics • acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics • recognise the variety of data sources for official statistics (surveys, administrative data, other data sources) • enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections) • expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori) • modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches. 	<p>The Ministry is generally comfortable with this paper and provided comments to StatsNZ. We are discussing with StatsNZ the operational implications proposed changes might have for data reuse (eg, for Environmental Reporting or our policy work) and continuing the strength of the independence of the Government Statistician.</p>

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Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 24 February 2020

There is no meeting scheduled this week

The next meeting will be on Monday 10 March

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1. Updates for noting

1.1. Recent engagement on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB)

The Ministry for the Environment and the Department of Conservation are continuing to engage with Treaty partners and key stakeholders on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB). Following our meeting with you on 20 February we are also preparing further material to ensure that all aspects of the proposal are well socialised and understood by stakeholders, including the general public.

Since the start of February we have held hui in Whanganui, Tauranga, Auckland, Gisborne, Napier, New Plymouth, the West Coast, Wellington, and Dunedin. Further hui are planned this week in Whangarei, Taupō, Rotorua, Hamilton and Nelson.

Additionally, officials will meet with stakeholders and councils with an interest in the geothermal policies of the proposed NPSIB this week.

In early March, a small group of ecologists will be taking an in-depth look at the significant natural area criteria and whether they strike the right balance to maintain biodiversity under the Resource Management Act.

Officials will begin to collate common themes from councils, stakeholders and Treaty Partners during the consultation period. This is the first step towards transitioning into submissions analysis (submissions close on 14 March 2020).

1.2. Consultation on proposed amendment to the Air Quality National Environmental Standard (NES)

Cabinet will consider your NES Air Quality paper on Monday 24 February, following consideration by the Environment Cabinet Committee. In the interim, we are working with your office to progress consultation.

The consultation will be open for eight weeks from Wednesday 26 February, at this stage the expected closing date is Friday 24 April 2020.

The consultation documents and submission forms will be made available on the Ministry's website. We will notify iwi partners, councils and key stakeholders once they are available. Direct engagement is planned with regional councils, iwi partners and the Home Heating Association. All other engagement will be reactive to stakeholder requests.

We will also work with your office to prepare the Cabinet paper for proactive release soon after the consultation documents become available.

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2. Briefing notes

24 February –27 March

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412 Initial briefing on wastewater NES: scope, process, and timeframes	MfE	Initial briefing on the wastewater NES setting out scope, process, and timeframes	3 March

3. Cabinet material

24 February –27 March

Paper name	Committee	What this paper covers	Our Suggested timeframes
2019-C-06170 National Environmental Standards for Air Quality: Particulate Matter and Mercury Emissions: Release of Discussion Document	ENV	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality	Due to Cabinet: 24 February

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4. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Crown's approach to decommissioning the Tui Oil Field in response to operator Tamarind liquidation	MBIE	DEV TBC	<p>This DEV paper seeks to appropriate \$171.1 million to begin decommissioning the Tui oil field as a result of the Tamarind liquidation. It also outlines the legal options available to the Crown.</p> <p><i>* Note: Paper published at https://www.mbie.govt.nz/dmsdocument/11505-the-crown-s-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactiverelease-pdf -actual figure was \$154.641 million</i></p>	<p>MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning.</p> <p>The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.</p>
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	<p>This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.</p>	<p>The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori.</p> <p>We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.</p>
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	<p>This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.</p>	<p>MfE is comfortable with the proposal and had no comments on this paper.</p>
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV TBC	<p><u>Marine risk & liability</u>: policy development for decommissioning offshore oil and gas installations is out of scope. MBIE intends this to be a separate programme.</p> <p>Mining policies are inconsistent for offshore and onshore areas of conservation value. MBIE has not</p>	<p>MfE broadly supports the strategy and discussion document. We consider that the review scope should include:</p> <ul style="list-style-type: none"> residual liability for offshore oil and infrastructure mining restrictions in benthic protection

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			<p>addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas.</p> <p><u>Onshore risk & liability</u>: the discussion document does not test policy settings for the long term liability for abandoned onshore wells.</p>	<p>areas</p> <p>Greater liability for longer term cost, clean up and prosecution of future sites should be placed with industry rather than relying on the taxpayer-funded contaminated sites remediation fund.</p> <p>We have largely been providing technical advice to MBIE on compliance and enforcement issues such as setting penalties, court functions and other regulatory mechanisms. Engagement with MBIE is ongoing.</p>
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	s 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.

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New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. s 9(2)(g)(i)
Building Consent Exemptions in Schedule 1 of the Building Act 2004	MBIE	DEV TBC	This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports, single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders. Guidance to TA's would also be updated.	MfE is comfortable with this paper and has provided comments to the MBIE.
Data and Statistics Legislation: Paper 1 – Overview of policy decisions Paper 2 - Official statistics system Paper 3 – Research and Analysis Paper 4 – Obligations and sanctions	Statistics NZ	GOV TBC	New data and statistics legislation will: <ul style="list-style-type: none"> • modernise roles and responsibilities for the Minister and Government Statistician • recognise the Māori-Crown relationship and what this means for Māori data and statistics • acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics • recognise the variety of data sources for official statistics (surveys, administrative data, other data sources) • enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, 	The Ministry is generally comfortable with this paper and provided comments to StatsNZ. We are discussing with StatsNZ the operational implications proposed changes might have for data reuse (eg, for Environmental Reporting or our policy work) and continuing the strength of the independence of the Government Statistician.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			joint collections) <ul style="list-style-type: none"> expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori) modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches. 	

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