

Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 11 May 2020

Environment fortnightly meeting Monday 11 May 5.00-5.30pm

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment
Janine Smith, Deputy Secretary, Natural and Built System
Jo Gascoigne, Director, Natural and Built System
Matthew Barbati-Ross, Manager, Natural and Built System

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Jo Gascoigne	Verbal update	10
2.	Update on NPSIB	Matthew Barbati-Ross	Verbal update	10

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1. Actions and decisions

1.1. Decisions on the National Policy Statement for Indigenous Biodiversity (NPSIB)

Meeting with Officials 30 April

After your meeting with officials on 30 April to discuss options for progressing the proposed National Policy Statement for Indigenous Biodiversity (NPSIB), you expressed a preference for the second of two options; to progress and finalise the NPSIB by April 2021. Doing so enables the maintenance of momentum that has recently been achieved on the NPSIB. This will also enable;

- a comprehensive approach to the finalisation of the NPSIB which builds on the strengths of the Biodiversity Collaborative Group (BCG);
- the development of an implementation plan over 12 months, including targeted regional pilot projects, alongside Treaty Partners, stakeholders and councils, which would not have been possible with a 2020 finalisation date; and
- the NPSIB to be introduced later in the COVID-19 economic recovery period, allowing a greater understanding of potential interactions and implications.

Next steps

Officials have been receiving external interest in what the updated timeframes for the development of the proposed NPSIB will be in light of COVID-19. Officials will be looking to communicate these changes in timeframes with key stakeholders to keep them updated. Key stakeholders will include groups such as; the BCG members, Treaty Partners, councils and agricultural organisations, among others.

Do you agree with officials communicating timeframe changes with key stakeholders?

Yes/No

Officials will also be working with these key stakeholders, Treaty Partners and councils, to develop the implementation package previously mentioned. The collaborative development will help ensure support for the package as well as provide information on priority areas and pilot regions.

Do you agree with officials working with key stakeholders, Treaty Partners and councils to develop an implementation and support package?

Yes/No

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2. Briefing notes

May 2020

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06701 Talking points for meeting with North Canterbury Fish and Game	MfE	Talking points for your meeting with Canterbury Fish and Game.	7 May
2020-B-06412: Developing the proposed National Environmental Standard for wastewater discharges and overflows: proposed process and timeframes	MfE	This briefing provides you with advice on the process and timeframes for developing the proposed National Environmental Standard for wastewater discharges and overflows (wastewater NES). It seeks your initial decision on the approach to progressing the NES.	15 May
2020-B-06718 Talking points for your meeting with Minister Sage	MfE	Talking points to support your conversation with Minister Sage to update her on progress with the proposed NPSIB	15 May

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3. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date sent to your office	Date due for proactive release	Date published
2019-C-06170 Approval to release discussion document - amendments to National Environmental Standard for Air Quality: particulate matter and mercury emissions	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality.	24 February CAB-20-MIN-0052	28 Jan	To be published to coincide with the release of the discussion document	TBC

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	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. <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-proactiverelease-pdf -actual figure was \$154.641 million</i>	The Ministry for the Environment (the Ministry) supports the Ministry of Building, Innovation and Employment (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 Ministry 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.

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.	<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	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.	The Ministry 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	<p>Marine risk & liability: 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 addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas.</p> <p>Onshore risk & liability: The discussion document does not test policy settings for the long term liability for abandoned onshore wells.</p>	<p>The Ministry 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 areas. <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>The Ministry has largely provided 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>

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.	The Ministry is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	The paper notes that the policy is still embedding but already producing results with regard to the number of papers released. s 9(2)(f)(iv)	The Ministry 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.	The Ministry broadly supports the changes that have been made since consultation in April. s 9(2)(g)

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
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 TAs would also be updated.	The Ministry is comfortable with this paper and has provided comments to 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 Statistics NZ (StatsNZ) 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. 	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.
Hector's and Maui Dolphin Threat Management Plan Review – Fisheries	MPI	DEV	This paper provides measures that the Minister of Fisheries considers necessary to support a revised Hector's and Maui Dolphin Threat Management Plan. It provides a suite of new restrictions on set	The Ministry is broadly comfortable with the paper but noted that any proposals to provide ex gratia payments to affected fishers and businesses have the potential to set a precedent and therefore

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Measures			netting and trawl fisheries in areas of dolphin habitat, and seeks the authorisation of Cabinet to draft new regulations. It also notes the Minister's intention to consult on aspects of the proposals (for the South Island Hector's population) that were not previously consulted on.	require careful consideration.
Mangatū Crown Forest Licenced land remedies inquiry: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(j)	The Ministry does not have any comments on this paper at this stage.
Improving the allocation and transfer process provided in the Māori Commercial Aquaculture Claims Settlement Act 2004		DEV 8 April	This paper seeks Cabinet approval to amend the Act that enables settlement under regional agreements between iwi and the Crown. In some cases, some iwi of a region refuse to enter the negotiations, or the court cannot resolve disputes raised in the negotiation. In these cases, the Trustee can still receive the settlement assets but cannot currently transfer them to any of the iwi. The amendment enables the assets to be transferred to iwi who claim them.	The Ministry supports the paper to enable settlement assets to be transferred to iwi who claim the assets within a reasonable timeframe. Iwi submitters and the Trustee (Te Ohu Kai Moana Limited) also support the amendment.
Te Korowai O Wainuiarua: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(j)	The Ministry supports the proposed changes in this paper.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Overhaul of the Biosecurity Act: Cabinet paper and attached Discussion Document	MPI	DEV	<p>This paper seeks Cabinet's approval to release a public discussion document as part of overhauling the Biosecurity Act 1993 (the Act).</p> <p>The purpose of the discussion document is to test the Ministry for Primary Industries' (MPI) preliminary analysis and understanding of the issues with the Act and the biosecurity system. The document does not present options for change.</p> <p>The proposed consultation period is from 7 May to 18 June 2020.</p>	<p>The Ministry considers the discussion document provides a good summary of the state of our biosecurity system and the key issues that a review should address. We commented that the discussion on legislative alignment was overly simplistic, and focused almost exclusively on the interaction of the Biosecurity Act and the Hazardous Substances and New Organisms Act. This was also raised by other agencies, and MPI has acknowledged the need to resolve this issue.</p>
Facilitation of Christ Church Cathedral Reinstatement	DPMC	DEV 29 April	<p>The paper seeks cabinet's approval to draft an Order in Council (OiC) under the Christ Church Cathedral Reinstatement Act 2017</p> <p>The proposal would substitute for the normal resource consent processes under district and regional plans an expedited process that removes local agency discretion and curtails public notification and appeals. The activities that would ordinarily be discretionary activities under the existing plans include the removal of a heritage-scheduled war memorial and three scheduled heritage trees. The proposal also suggests unspecified overrides to any discretionary consents under the NES-Contaminated Soil.</p>	<p>The Ministry broadly supports the use of an OiC to facilitate the reinstatement works, as was envisioned in the Christ Church Cathedral Reinstatement Act 2017.</p> <p>We made comment about the need to ensure adverse impacts to Cathedral Square were considered and remedied in the OiC in the drafting stage, as well as the need to provide for public participation and coordination with the local authorities. These comments were largely taken on board.</p>
Dam Safety Regulations: Policy Decisions	MBIE	DEV 29 April	<p>s 9(2)(f)(iv)</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			s 9(2)(f)(iv)	
Draft Cabinet paper- Strengthening decommissioning requirements and expanding enforcement tools under the Crown Minerals Act 1991.	MBIE	DEV June (TBC)	MBIE provided the Ministry with a draft Cabinet paper (due with your office from 12 May onwards) which seeks to strengthen decommissioning requirements and expand enforcement tools under the Crown Minerals Act 1991 to avoid operators defaulting on their decommissioning obligations.	The Ministry supports strengthening the regime and agree with many of the proposals within the paper, including that the regulator should have powers to conduct regular financial capability assessments in a flexible and case-by-case approach. The Ministry agree that better enforcement and compliance measures are necessary to strengthen the regime. However, the Ministry did question whether some of the proposed penalties were sufficient to achieve the purpose set out in the paper. The Ministry also consider the paper needs to make the connection to the decommissioning regulations under the EEZ Act clearer, given both are part of a wider regime seeking to strengthen decommissioning.

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Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 18 May 2020

The next meeting will be on Monday 25 May

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment
Janine Smith, Deputy Secretary, Natural and Built System
Jo Gascoigne, Director, Natural and Built System

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1. Strategic priorities

1.1. Update on National Policy Statement for Indigenous Biodiversity (NPSIB)

Development of summary of submissions report

The public consultation period for the NPSIB closed on 14 March 2020 at 5pm. Department of Conservation (DOC) and Ministry officials are currently analysing submissions. We aim to provide you with a draft summary of submissions report in late June/early July. All individual submissions will be published on the Ministry's public website and there is also an option to publish the summary of submissions report.

Preliminary findings – overall levels of support for the proposed NPSIB

A total of 7308 submissions were received. 6575 of these were based on a form submission provided by Forest and Bird members.

There are varying levels of support for the proposed NPSIB, with a majority of submissions in support (in full or in part). Opposition for the proposed NPSIB had its greatest numbers in individual landowners (eg, farmers) and business/industry. This is illustrated in the graphs and tables below. We have presented information with and without the Forest and Bird form submissions to provide insight into the breakdown of different perspectives.

Note; the numbers outlined below are provisional and subject to change. More detail will be provided on submitter categories and specific views in the summary of submissions report.

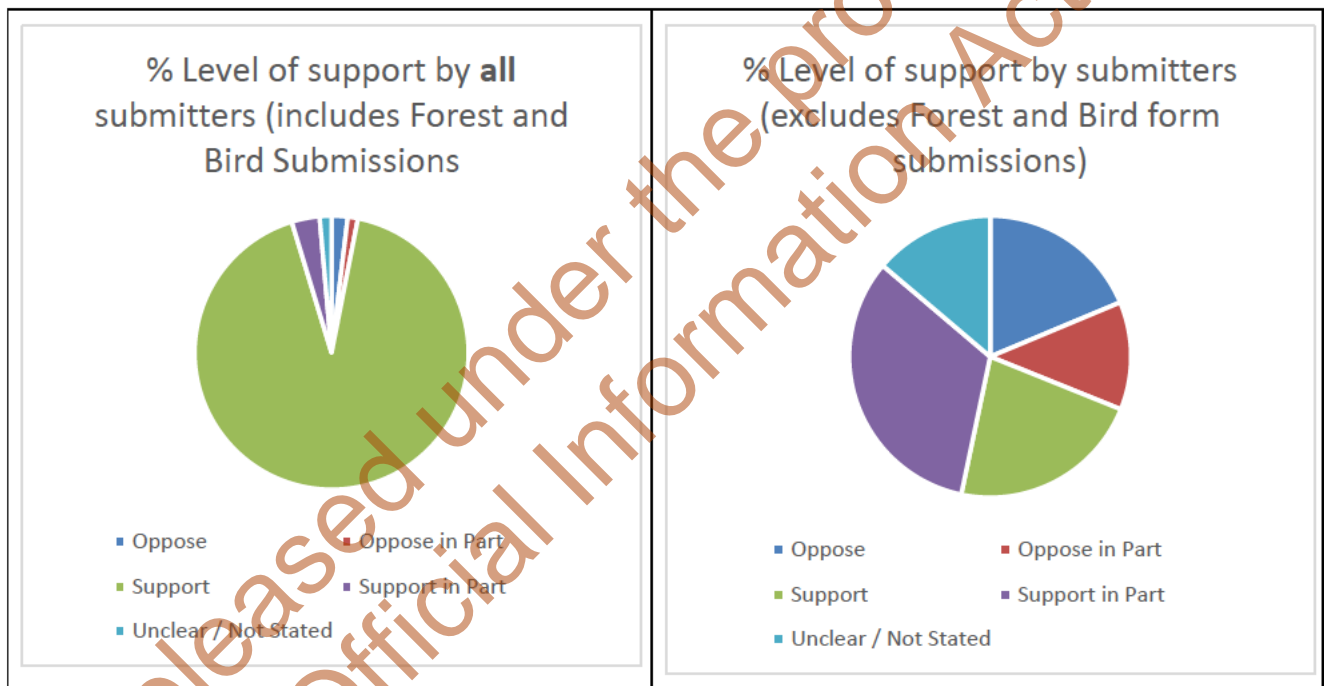
Overall levels of support for the proposed NPSIB

	Oppose	Oppose in part	Support	Support in part	Unclear/not stated	Total number of submitters included in this category
% level of support by all submitters (includes Forest and Bird form submissions)	1.9%	1.2%	92.2%	3.3%	1.4%	7308
% level of support by submitters (excludes Forest and Bird form submissions)	18.7%	12.4%	22.2%	32.9%	13.8%	733

Levels of support by submitters for the proposed NPSIB (by submitter category, excluding Forest and Bird form Submissions)

Submitter category	Oppose	Oppose in part	Support	Support in part	Unclear/not stated	Total
Business/industry	39 (31%)	28 (23%)	8 (6%)	32 (26%)	17 (14%)	124
Crown/public organisation	2 (10%)	1 (5%)	12 (60%)	3 (15%)	2 (10%)	20
Individual (landowner)	65 (23%)	33 (13%)	22 (8%)	127 (44%)	38 (13%)	285

Individual (other)	10 (8%)	11 (9%)	64 (53%)	21 (17%)	15 (12%)	121
Iwi/Māori	12 (31%)	4 (10%)	9 (23%)	10 (26%)	4 (10%)	39
NGO	3 (7%)	6 (14%)	22 (51%)	8 (19%)	4 (9%)	43
Professional body	2 (8%)	3 (12%)	6 (24%)	7 (28%)	7 (28%)	25
Regional/unitary council	0 (0%)	1 (5%)	6 (33%)	7 (39%)	4 (22%)	18
Science/research organisation	1 (7%)	2 (14%)	4 (29%)	5 (36%)	2 (14%)	14
Territorial authority	3 (8%)	2 (5%)	9 (23%)	17 (44%)	8 (21%)	39
Grand total						733



2. Updates for noting

2.1. Update on Watercare's application for permits to abstract water from the Waikato River

The Auckland Region is facing potentially severe water shortages due to ongoing drought conditions, leading to heightened media intensity and mayoral interest. A number of water storage lakes have been reduced to less than half capacity, and Watercare has initiated demand management measures. Several thousand private rainwater users are also required to buy water from Watercare filling stations, which is putting additional pressure on the reticulated supply.

We are updating you on this issue as it relates to the management and planning of urban water infrastructure.

The Auckland Mayor recently wrote to Minister Parker seeking intervention to expedite applications to the Waikato Regional Council (WRC) to take additional water from the Waikato River: one lodged seven years ago for summer take and another lodged last week for winter take. Watercare has since signalled its desire to extend an existing permit for winter take into the summer, which would likely require a new application.

Water is currently over-allocated in summer when demand is highest and so applications are processed under a 'first come, first served' basis. Watercare's pending summer take application is number 99 in the queue and is expected to take 6-24 months to be processed.

Minister Parker has written to Mayor Goff acknowledging his concerns and reassuring him that he is considering what options are available. Ministry officials have advised Minister Parker that a number of issues need to be considered before any recommendations on ministerial action are made. For example, it may be difficult to obtain iwi agreement to ministerial intervention and any "queue jumping" actions may set an unfortunate precedent. Immediate water shortage might also become less urgent in three months' time, when new storage infrastructure for winter flow is able to be used. Ministry officials have discussed this issue directly with Watercare, Waikato Regional Council, and Hamilton City Council, and have identified potential practical solutions that could be implemented within the next few months.

We note that although the consenting issue falls under Minister Parker's responsibility, there are wider urban water considerations here, including how councils and council-controlled organisations are planning for growth and ensuring their water supply networks are resilient to drought and climate change.

We will continue to update you on any developments that are relevant to your portfolio.

3. Briefing notes

May 2020

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412: Developing the proposed National Environmental Standard for wastewater discharges and overflows: proposed process and timeframes	MfE	This briefing provides you with advice on the process and timeframes for developing the proposed National Environmental Standard for wastewater discharges and overflows (wastewater NES). It seeks your initial decision on the approach to progressing the NES.	21 May

4. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date sent to your office	Status of paper	Date due for proactive release	Date published
2019-C-06170 Approval to release discussion document - amendments to National Environmental Standard for Air Quality: particulate matter and mercury emissions	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality.	24 February CAB-20-MIN-0052	28 Jan	Waiting for confirmation on the release of the discussion document	To be published to coincide with the release of the discussion document	TBC

5. Cabinet material we have been consulted on

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Improving the allocation and transfer process provided in the Māori Commercial Aquaculture Claims Settlement Act 2004		DEV 8 April	This paper seeks Cabinet approval to amend the Act that enables settlement under regional agreements between iwi and the Crown. In some cases, some iwi of a region refuse to enter the negotiations, or the court cannot resolve disputes raised in the negotiation. In these cases, the Trustee can still receive the settlement assets but cannot currently transfer them to any of the iwi. The amendment enables the assets to be transferred to iwi who claim them.	The Ministry supports the paper to enable settlement assets to be transferred to iwi who claim the assets within a reasonable timeframe. Iwi submitters and the Trustee (Te Ohu Kai Moana Limited) also support the amendment.

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Dam Safety Regulations: Policy Decisions	MBIE	DEV 29 April	[REDACTED]	[REDACTED]

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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-crowns-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactive-release-pdf - actual figure was \$154.641 million</i></p>	<p>The Ministry support the Ministry for Business, Innovation and Employment (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 the Ministry's previous 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	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	<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	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.	The Ministry 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	<p>Marine risk & liability: 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 addressed this issue or indicated that it will be</p>	<p>The Ministry 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 areas <p>Greater liability for longer term cost, clean up and</p>

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			<p>reviewing permit processes for benthic protection areas.</p> <p>Onshore risk & liability: the discussion document does not test policy settings for the long term liability for abandoned onshore wells.</p>	<p>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.	The Ministry is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released, § 9(2)(f)(iv)	The Ministry 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.	The Ministry broadly supports the changes that have been made since consultation in April. s (2) (g)
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.	The Ministry 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 Statistics NZ to continue sharing data collected for official statistics with 	The Ministry is generally comfortable with this paper and provided comments to Statistics NZ. We are discussing with Statistics NZ the operational implications proposed changes might have for data reuse (e.g. 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
			<p>other government agencies for specific purposes (e.g. joint collections)</p> <ul style="list-style-type: none"> • expand provisions that enable data access for research and analysis (e.g., reflecting tikanga framework developed by Statistics NZ in partnership with Māori) • modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches 	
Hector's and Maui Dolphin Threat Management Plan Review – Fisheries Measures	MPI	DEV	<p>This paper provides measures that the Minister of Fisheries considers necessary to support a revised Hector's and Maui Dolphin Threat Management Plan. It provides a suite of new restrictions on set netting and trawl fisheries in areas of dolphin habitat, and seeks the authorisation of Cabinet to draft new regulations. It also notes the Minister's intention to consult on aspects of the proposals (for the South Island Hector's population) that were not previously consulted on.</p>	<p>The Ministry is broadly comfortable with the paper but noted that any proposals to provide ex gratia payments to affected fishers and businesses have the potential to set a precedent and therefore require careful consideration.</p>
<p>Mangatū Crown Forest Licenced land remedies inquiry: s 9(2)(j)</p> <p>[REDACTED]</p>	Te Arawhiti	MCR TBC	<p>s 9(2)(j)</p> <p>[REDACTED]</p>	<p>The Ministry does not have any comments on this paper at this stage.</p>
<p>Te Korowai O Wainuiārua: s 9(2)(j)</p> <p>[REDACTED]</p>	Te Arawhiti	MCR TBC	<p>s 9(2)(j)</p> <p>[REDACTED]</p>	<p>The Ministry supports the proposed changes in this paper.</p>

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			s 9(2)(j)	
Draft Cabinet paper- Strengthening decommissioning requirements and expanding enforcement tools under the Crown Minerals Act 1991.	MBIE	DEV June (TBC)	MBIE provided the Ministry with a draft Cabinet paper (due with your office from 12 May onwards) which seeks to strengthen decommissioning requirements and expand enforcement tools under the Crown Minerals Act 1991 to avoid operators defaulting on their decommissioning obligations.	The Ministry supports strengthening the regime and agree with many of the proposals within the paper, including that the regulator should have powers to conduct regular financial capability assessments in a flexible and case-by-case approach. The Ministry agree that better enforcement and compliance measures are necessary to strengthen the regime. However, the Ministry did question whether some of the proposed penalties were sufficient to achieve the purpose set out in the paper. The Ministry also consider the paper needs to make the connection to the decommissioning regulations under the EEZ Act clearer, given both are part of a wider regime seeking to strengthen decommissioning.

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Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 25 May 2020

Environment weekly meeting Monday 25 May 4.30-5.00pm

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment
Janine Smith, Deputy Secretary, Natural and Built System
Jo Gascoigne, Director, Natural and Built System

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Jo Gascoigne	Verbal update	10

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1. Updates for noting

1.1. Targeted engagement on proposed amendments to National Environmental Standards for Air Quality

This week we completed a series of online workshops with all members of the National Air Quality Working Group (NAQWG). The NAQWG includes representatives from each of the 16 regional authorities in New Zealand.

Below are some key insights on the proposals from the four workshops.

- General support for the move towards PM2.5 standards, in particular the annual standard, but more mixed feedback on the daily standard:
 - it would be straightforward to achieve compliance with a 10µg/m³ annual average PM2.5 standard in most areas, and it could be set to a stricter level e.g., 8µg/m³
 - it would be more difficult to achieve the proposed 25µg/m³ daily average PM2.5 standard in many areas, so the number of allowable exceedances needs to be reasonable.
- The shift from PM10 to PM2.5, may feel like a backwards step for communities that have made significant gains in reducing PM10 since the NESAQ was introduced in 2004. This needs to be mitigated with clear, centralised communication to build community understanding about what these amendments mean in relation to community progress already made.
- Concern about the costs of new PM2.5 monitoring equipment, establishing new monitoring sites, and gazetting new air sheds, particularly in regions populated by rural communities. Support from central government may be needed.
- Feedback that regulations for domestic solid fuel burners such as a stricter emission standard, lower thermal efficiency standard than those proposed, and/or a ratio standard for emissions and efficiency (such as milligrams per megajoule) would help to drive innovation in burner design and manufacture.

Most councils also noted they did not face any issues with ongoing air quality monitoring during COVID-19 lockdown.

We are currently working with your office to contact iwi and hapū who have already expressed interest in hui with you and officials to discuss air quality issues in their areas and the proposed amendments. This includes discussions with hapū in Tauranga. We are also following up the letters we sent in February to iwi in areas of poor air quality to arrange discussions throughout June. Once we have confirmed these hui arrangements, we will work with your office on your availability to attend. At this stage, we anticipate engagement will be via online video conferencing.

2. Briefing notes

May 2020

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412 Developing the proposed National Environmental Standard for wastewater discharges and overflows: proposed process and timeframes	MfE	This briefing provides you with advice on the process and timeframes for developing the proposed National Environmental Standard for wastewater discharges and overflows (wastewater NES). It seeks your initial decision on the approach to progressing the NES.	27 May (extended to enable consultation with DIA)
2020-B-06781 Update on National Policy Statement for Indigenous Biodiversity work programme	MfE	This briefing note is to update you about agreed timeframes going forward as well as next steps and deliverables for the NPSIB.	05 June

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3. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date sent to your office	Status of paper	Date due for proactive release	Date published
2019-C-06170 Approval to release discussion document - amendments to National Environmental Standard for Air Quality: particulate matter and mercury emissions	This paper seeks Cabinet approval for consultation on amendments to the National Environment Standard for Air Quality.	24 February CAB-20-MIN-0052	28 Jan	Waiting for confirmation on the release of the discussion document	To be published to coincide with the release of the discussion document	TBC

4. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Improving the allocation and transfer process provided in the Māori Commercial Aquaculture Claims Settlement Act 2004		DEV 8 April	This paper seeks Cabinet approval to amend the Act that enables settlement under regional agreements between iwi and the Crown. In some cases, some iwi of a region refuse to enter the negotiations, or the court cannot resolve disputes raised in the negotiation. In these cases, the Trustee can still receive the settlement assets but cannot currently transfer them to any of the iwi. The amendment enables the assets to be transferred to iwi who claim them.	The Ministry supports the paper to enable settlement assets to be transferred to iwi who claim the assets within a reasonable timeframe. Iwi submitters and the Trustee (Te Ohu Kai Moana Limited) also support the amendment.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Facilitation of Christ Church Cathedral Reinstatement	DPMC	DEV 29 April	<p>The paper seeks Cabinet's approval to draft an Order in Council (OiC) under the Christ Church Cathedral Reinstatement Act 2017</p> <p>The proposal would substitute for the normal resource consent processes under district and regional plans an expedited process that removes local agency discretion and curtails public notification and appeals. The activities that would ordinarily be discretionary activities under the existing plans include the removal of a heritage-scheduled war memorial and three scheduled heritage trees. The proposal also suggests unspecified overrides to any discretionary consents under the NES-Contaminated Soil.</p>	<p>The Ministry broadly supports the use of an OiC to facilitate the reinstatement works, as was envisioned in the Christ Church Cathedral Reinstatement Act 2017.</p> <p>We made comment about the need to ensure adverse impacts to Cathedral Square were considered and remedied in the OiC in the drafting stage, as well as the need to provide for public participation and coordination with the local authorities. These comments were largely taken on board.</p>
Dam Safety Regulations: Policy Decisions	MBIE	DEV 29 April	<p>s 9(2)(f)(iv)</p> <p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>	<p>[Redacted]</p> <p>[Redacted]</p> <p>[Redacted]</p>

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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.	The Ministry 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	<p>Marine risk & liability: 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 addressed this issue or indicated that it will be reviewing permit processes for benthic protection areas.</p> <p>Onshore risk & liability: the discussion document does not test policy settings for the long term liability for abandoned onshore wells.</p>	<p>The Ministry 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 areas <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>

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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.	The Ministry is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released. s 9(2)(f)(iv)	The Ministry 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.	The Ministry broadly supports the changes that have been made since consultation in April. s 9(2)(g)

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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.	The Ministry 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 Statistics NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (e.g. joint collections) • expand provisions that enable data access for research and analysis (e.g., reflecting tikanga framework developed by Statistics NZ in partnership with Māori) • modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches. 	The Ministry is generally comfortable with this paper and provided comments to Statistics NZ. We are discussing with Statistics NZ the operational implications proposed changes might have for data reuse (e.g. for Environmental Reporting or our policy work) and continuing the strength of the independence of the Government Statistician.

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Hector's and Maui Dolphin Threat Management Plan Review – Fisheries Measures	MPI	DEV	This paper provides measures that the Minister of Fisheries considers necessary to support a revised Hector's and Maui Dolphin Threat Management Plan. It provides a suite of new restrictions on set netting and trawl fisheries in areas of dolphin habitat, and seeks the authorisation of Cabinet to draft new regulations. It also notes the Minister's intention to consult on aspects of the proposals (for the South Island Hector's population) that were not previously consulted on.	The Ministry is broadly comfortable with the paper but noted that any proposals to provide ex gratia payments to affected fishers and businesses have the potential to set a precedent and therefore require careful consideration.
Mangatū Crown Forest Licenced land remedies inquiry: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(j)	The Ministry does not have any comments on this paper at this stage.
Te Korowai O Wainuiārua: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(j)	The Ministry supports the proposed changes in this paper.
Draft Cabinet paper- Strengthening decommissioning requirements and expanding enforcement tools under the Crown Minerals Act 1991.	MBIE	DEV June (TBC)	MBIE provided the Ministry with a draft Cabinet paper (due with your office from 12 May onwards) which seeks to strengthen decommissioning requirements and expand enforcement tools under the Crown Minerals Act 1991 to avoid operators defaulting on their decommissioning obligations.	The Ministry supports strengthening the regime and agree with many of the proposals within the paper, including that the regulator should have powers to conduct regular financial capability assessments in a flexible and case-by-case approach. The Ministry agree that better enforcement and compliance measures are necessary to strengthen the regime. However, the Ministry did question whether some of the

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				proposed penalties were sufficient to achieve the purpose set out in the paper. The Ministry also consider the paper needs to make the connection to the decommissioning regulations under the EEZ Act clearer, given both are part of a wider regime seeking to strengthen decommissioning.
Revision of the Hector's and Maui Dolphin Threat Management Plan – the Management of Non-Fishing Threats	DOC	ENV 4 June	<p>This paper notes the changes being made to address non-fishing threats to Hector's and Maui Dolphin following recent consultation.</p> <p>The visions, goals, and population outcomes central to the Hector's and Maui Dolphin Threat Management Plan has been updated by the Minister of Conservation and Minister of Fisheries. The Department of Conservation has been instructed to develop and action a Toxoplasmosis Action Plan.</p> <p>The Ministers of Energy and Resources, Fisheries, Transport, and Conservation have consented to extensions of the West Coast North Island and the Bank Peninsula Marine Mammal Sanctuaries. Within these sanctuaries, seismic surveying and seabed mining will be prohibited (with some exemptions). These changes will be gazetted and subject to a 28-day period for public comment.</p>	The Ministry is supportive of the non-fishing measures being taken to protect these nationally critical and nationally vulnerable species.

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