

Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 4 November 2019

Environment fortnightly meeting 5.30 – 6.00pm, Wednesday 6 November

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment

Jo Gascoigne, Director, Natural and Built Systems

Liz Moncrieff, Manager, Natural and Built Systems

Erica Sefton, Senior Policy Advisor, Natural and Built Systems

Katherine Lay, Senior Policy Advisor, Natural and Built Systems

Lillian Fougere, Team Leader (DoC)

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Jo Gascoigne	Verbal update	10
2.	National Policy Statement for Indigenous Biodiversity	Jo Gascoigne	Verbal update	10
3.	Air Quality NES policy package update	Jo Gascoigne	Verbal update	10

Released under the provision of
the Official Information Act 1982

1. Strategic priorities

1.1. Parliamentary Commissioner for the Environment (PCE) – release of the review of the Environmental Reporting system

The PCE has undertaken a review of the Environmental Reporting system. On 6 November he will hold embargoed briefings with the Ministry and other stakeholders. On 7 November at 2pm, he will release the findings at a press event at his office. We will be issuing a press release on 7 November (joint with Statistics New Zealand), in support of the review.

The review is likely to comment on the roles and responsibilities under the Environmental Reporting Act 2015, its purpose and its framework, the cycle for reporting, and the data and science that supports Environmental Reporting. There will very likely be overlaps between the findings of this review and the review of the Resource Management system, particularly around environmental monitoring.

The Ministry and many other stakeholders were consulted during the review process.

2. Updates for noting

2.1. Lodging of National Policy Statement for Indigenous Biodiversity (NPSIB)

The NPSIB Cabinet paper, proposed NPSIB and other related consultation documents will be ready to lodge on 7 November, for the ENV committee meeting on 14 November and Cabinet on 18 November.

On 4 November we will provide you with a briefing note, talking points and the full package of documents (Cabinet paper, proposed NPSIB, discussion document, regulatory impact statement and section 32 evaluation report).

On 6 November we will discuss these with you and also provide an overview of the communications and engagement approach.

2.2. Impact of Sky City fire on receiving environments

The large fire at the construction site for the Sky City's Convention Centre last week had impacts on Auckland air and water quality.

Effects on air quality

The Auckland Council issued an advisory as to the concentrations of particulate matter in the air during the fire were elevated and likely to cause an exceedance of the 24-hour average particulate matter (PM₁₀) standard in the National Environmental Standards for Air Quality (NES:AQ).

Information released to the public indicated that:

- following the fire at the NZICC, levels of PM₁₀ were likely to exceed NES:AQ by around 20 percent.
- unverified data showed that PM₁₀ concentrations were 60 to 70 micrograms per cubic metre (µg/m³) as a 24-hour average, compared to the NES:AQ PM₁₀ standard of 50 µg/m³ as a 24-hour average.
- if confirmed, this would be the first exceedance of the NES:AQ PM₁₀ standard at the Queen St monitoring site in the last decade.
- the Queen St monitor, located near the Wyndham St intersection, gives an indication of smoke exposure at a fixed point in the city centre. The air pollutant concentrations recorded there depend on how the wind directed the plume of smoke since the fire started. The measured PM₁₀ levels dropped significantly at this location in the afternoon on 23 October.
- generally, air quality outside of the smoke plume was not worse than prior to the fire.

- data from the Queen St monitor is publicly available online, including at LAWA and Environment Auckland. Further details regarding Auckland's air quality are available at Knowledge Auckland.

Auckland Council officers have since advised that the final 24-hour average PM₁₀ concentration recorded was in the order of 92 µg/m³ (an exceedance of approximately 80 percent above the NES:AQ PM₁₀ standard). Further information from the Council will be available following more in depth analysis of the data from relevant air quality monitoring sites.

The Council has indicated it intends to apply to you for a decision that the exceedance was the result of exceptional circumstances. If granted, the exceedance will not count towards a classification of the Auckland Urban Airshed as a 'polluted airshed'. In accordance with the NES:AQ, the Council has three months from the date of the exceedance to submit an application.

Effects on water quality

Council officers have advised that traces of arsenic were detected in the firefighting water discharged from the NZICC construction site, but the diluted concentrations at the point of discharge to the Waitemata harbour were undetectable.

We understand that because the discharge of the contaminated stormwater was associated with emergency firefighting works it does not require a resource consent under the RMA (s330). Steve Pearce, Auckland Council's regulatory compliance manager reflected this in public statements.

PFAS

Fire and Emergency New Zealand (FENZ) have informed the Ministry that, as far as they are aware at this time, no firefighting foam was used during the Sky Convention Centre response, either Class A or Class B - which may contain poly or per - fluorinated alkyl substances (PFAS), because of environmental concerns. FENZ should be able to confirm this next week following a formal Command Debrief.

2.3. Sustainable Finance Forum Interim Report released

On 31 October the Aotearoa Circle (which the Ministry is a founding partner of) released the first deliverable from its flagship project, the Sustainable Finance Forum (SFF).

The SFF brings together key players in New Zealand's financial system - including Māori leadership, representatives from banks, insurance companies, industry, professional services, civil society, academia, and government - to explore how to re-design our current financial system to meet the challenges and identify opportunities.

The aim of the SFF is to understand and provide recommendations on how to shift New Zealand to a sustainable financial system – from one which focuses primarily on (often short-term) financial wealth creation, to one that supports long-term social, environmental, and economic wellbeing and prosperity for all New Zealanders, protecting natural resources for future generations. At the same time, this will strategically position New Zealand for continued access to international markets. The Roadmap will include specific recommendations on re-shaping the current financial policy, regulatory and market framework.

The Forum has produced an interim report that explores the drivers and barriers to a sustainable financial system and proposes focus areas and potential solutions. The report is available at www.theaotearoacircle.nz/sustainablefinance.

The Forum is now inviting public feedback (until February 2020) on the interim report. Feedback will be used to strengthen a final report and roadmap for action due to be released in mid-2020. We are working on preparing a government response to this report. The Ministry has set up a cross agency working group to look at this.

A number of countries are also undertaking a similar approach, including the European Union, the United Kingdom, Canada, Luxembourg, China, Japan, Australia, Argentina, Chile, India, Kenya and Morocco, among others.

3. Briefing notes

4 November – 6 December

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2019-B-06171 Approval to release Discussion Document – Amendments to the National Environmental Standard for Air Quality	MfE	Seeks approval to the consultation package for the NES-AQ amendments and includes a draft cabinet paper for consideration	15 November

4. Cabinet material

4 November – 6 December

Paper number and name	Committee	What this paper covers	Our Suggested timeframes
2019-C-05845 Cabinet paper for the National Policy Statement for Indigenous Biodiversity	ENV	This paper seeks Cabinet approval for consultation of the National Policy Statement for Indigenous Biodiversity	Due to lodge: 7 November Due to Committee: 14 November Due to Cabinet: 18 November
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	Due to lodge: 28 November Due to Committee: 5 December Due to Cabinet: 9 December

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5. Cabinet material we have been consulted on

Reference number and paper name	Agency & Committee	Committee and date due there	Risk/issue/opportunity	MfE comments
Exempting Fox Glacier Landfill Waste from the New Zealand Emissions Trading Scheme	MfE	LEG 12 November	This paper that will provide Regulations to exempt persons from NZ ETS obligations for disposing waste from the Fox Glacier Landfill.	Minister Shaw will take this Cabinet paper that will provide Regulations to exempt persons from NZ ETS obligations for disposing waste from the Fox Glacier Landfill
Urban Development Bill: Approval for Introduction	HUD	LEG 14 November	This paper seeks approval to introduce the Urban Development Bill that will provide Kainga Ora – Homes and Communities with a toolkit of powers to assist in the delivery of its urban development function.	MfE have provided HUD with some technical comments for accuracy but are otherwise comfortable with the contents of this paper. We are continuing to work closely with HUD to refine the drafting of the RMA-related aspects of the Urban Development Bill prior to its introduction.
Railways Amendment Regulations 2019	MoT	LEG Mid-November	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.
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR 10 December	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.

Reference number and paper name	Agency & Committee	Committee and date due there	Risk/issue/opportunity	MfE comments
Substantial Alterations: Amendments to Earthquake-prone Buildings (EPB) 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	<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. 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><u>Onshore risk & liability:</u> the discussion document does not test policy settings for the long term liability for abandoned onshore wells.</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 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>

Released under the Official Information Act 1982

Reference number and paper name	Agency & Committee	Committee and date due there	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	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.

Released under the Official Information Act 1982

6. Official Information Act requests

6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>I write to request the following information under the Official Information Act 1982 (OIA);</p> <ul style="list-style-type: none"> • A copy of the “Three Waters Review: Institutional Arrangements for a Drinking Water Regulator” as listed in WPQ 33996 • A copy of any advice, briefings or aides memoire provided to you regarding the National Policy Statement for Freshwater Management and the cost of this on councils (all types – regional, rural and urban) • A copy of your weekly reports for the month of August and September 	<p>s 9(2)(a)</p> <p>Office of Hon Jacqui Dean</p>	19-O-02336	31 October	7 November
<p>Please can you send me a copy of all communications (emails, correspondence, memos, meeting notes, workshops notes etc) you and/or your offices (Local Govt or Environment) has had from the Whakatane District Council and the Bay of Plenty Regional Council regarding managed retreat at Awatarariki Matata. From the dates of 20 July 2018 up until the current time.</p>	<p>s 9(2)(a)</p>	19-O-02450	18 November	25 November

Released under the provision of the Official Information Act 1982

Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 18 November 2019

Environment fortnightly meeting 4.00 – 4.30pm, Wednesday 20 November

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment
 Amanda Moran, Deputy Secretary, Natural and Built Systems
 Jo Gascoigne, Director, Natural and Built Systems
 Liz Moncrieff, Manager, Natural and Built Systems
 Sophie Lord, Senior Policy Analyst, (for item 3)
 Tamsin Vuetilovoni, Principal Communications Advisor (for item 3)
 Lillian Fougere, Team Leader (DoC) (for item 3)

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Jo Gascoigne	Verbal update	10
2.	Air Quality National Environmental Standard	Liz Moncrieff	Verbal update	10
3.	National Policy Statement – Indigenous Biodiversity – engagement plan	Jo Gascoigne	Verbal update	10

1. Strategic priorities

1.1. Delegated functions and responsibilities for the proposed National Environmental Standard for Wastewater Discharges and Overflows (Wastewater NES)

On 12 November Minister Parker signed a letter delegating ministerial responsibilities to you relating to the development of the proposed National Environmental Standard for Wastewater Discharges and Overflows (Wastewater NES).

We have started scoping the process and timeframes to develop the Wastewater NES in consultation with the Department of Internal Affairs. We plan to provide you with an update on the proposed process and timeframes in December.

2. Updates for noting

2.1. Mount Maunganui airshed update

The Mount Maunganui airshed you approved recently was gazetted on 31 October 2019 and will come into force on 28 November 2019.

You received a letter from the Bay of Plenty Regional Council (dated 4 November 2019) which acknowledged your decision to grant the airshed application. The Council said they would now progress work on identifying options for area specific rules for the airshed, and agreed to report to you on a six monthly basis. They also noted your confidence in them working with the Whareroa community, but acknowledged this is a challenging issue and will need the support from a range of agencies.

We plan to visit the Council before the end of the year to discuss what the next steps can be in working with the Whareroa community as well as Tauranga City Council, the local district health board and industry. We will also consult with the Bay of Plenty Regional Council on the proposed amendments to the NES for Air Quality.

2.2. Hearing on Queenstown Lakes District Council's application for a discharge consent for wastewater network overflows

In April 2019, Queenstown Lakes District Council lodged an application with Otago Regional Council to discharge wastewater from overflow structures in its wastewater network.

The hearing for this application was held in Queenstown between 4 and 7 November 2019 with commissioners appointed by Otago Regional Council. Otago Regional Council recommended that the hearing panel decline the application. During the hearing the Queenstown Lakes District Council argued that granting the consent would enable a more transparent approach to managing wastewater overflows in the District. Queenstown Lakes District Council also tabled a number of variations to its proposed consent conditions. The hearing panel agreed to allow submitters and Otago Regional Council additional time to review these variations to the proposed consent conditions.

The hearing panel is expected to make its final decision on the application in early 2020.

3. Cabinet material

18 November – 22 December

Paper number and name	Committee	What this paper covers	Our Suggested timeframes
2019-C-05845 Cabinet paper for the National Policy Statement for Indigenous Biodiversity	ENV	This paper seeks Cabinet approval for consultation of the National Policy Statement for Indigenous Biodiversity	Due to Cabinet: 18 November
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	Due to lodge: 28 November Due to Committee: 5 December Due to Cabinet: 9 December

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

Paper number and name	What this paper covers	Date confirmed by Cabinet	Date due to your office	Date due for proactive release	Date published
2019-C-05845 Cabinet paper for the National Policy Statement for Indigenous Biodiversity	This paper seeks Cabinet approval for consultation of the National Policy Statement for Indigenous Biodiversity	18 November	TBC	23 January 2020	

5. Cabinet material we have been consulted on

Reference number and paper name	Agency & Committee	Committee and date due	Risk/issue/opportunity	MfE comments
Climate Change (General Exemptions) Amendment Order (No 2) 2019	MfE	Cabinet 18 November	This Cabinet paper will provide Regulations to exempt persons from NZ ETS obligations for disposing waste from the Fox Glacier Landfill.	Minister Shaw will take this Cabinet paper that will provide Regulations to exempt persons from NZ ETS obligations for disposing waste from the Fox Glacier Landfill.
Renewable Energy and Updated discussion document on Accelerating Renewable Energy and Energy Efficiency	MBIE	DEV 4 December	This cabinet paper seeks agreement to release for public consultation a discussion paper <i>Accelerating renewable energy and energy efficiency</i> , which is part of the Ministry of Business, Innovation and Employment's Renewable Energy Strategy work programme.	The updated discussion document, which MBIE's draft Cabinet Paper is seeking agreement to release for public consultation, provides initial advice and seeks public feedback on a wide range of policy options to encourage the use of renewable energy. It covers both supply and demand side measures across both process heat and electricity. MfE's Climate Change and National Direction teams have provided input and comment, which has been reflected in the draft. MBIE have been thorough in assessing the barriers and options in each area at a high level. The updated discussion document provides a sound basis for seeking a public response. We recommend that you support the paper.
Ngāti Maru Deed of Settlement Cabinet Paper update	Te Arawhiti	MCR 3 December	This paper seeks agreement to proposed changes to the Treaty settlement redress for Ngāti Maru ki Taranaki (Ngāti Maru) since their agreement in principle, to enable a deed of settlement to be initialled by the end of 2019.	MfE supports the paper's request that Cabinet agree proposed changes to the settlement redress, including: <ul style="list-style-type: none"> • Increase the total settlement value from \$30m to \$31.5m • Agree to vary aspects of commercial and cultural redress • Establish a joint management agreement over the Waitara River

Reference number and paper name	Agency & Committee	Committee and date due	Risk/issue/opportunity	MfE comments
				catchment, and authorisation of a Crown payment towards establishment costs <ul style="list-style-type: none"> • Offer Ngāti Maru statutory acknowledgments and deeds of recognition over named rivers and tributaries • Agree that government departments with a role in managing land and natural resources in the rohe must have regard to kaitiaki plans lodged with them.
Improving whitebait management draft cabinet paper	DOC	ENV 5 December	This paper seeks agreement to release a discussion document to support public consultation on management of the whitebait fishery. The proposals aim to achieve healthy and restored whitebait populations, and a sustainable fishery. Methods include regulating the timing of the season, refuge (no fishing areas), practices and export. A high level of interest in the proposals is expected. Threats to the fishery are not just fishing, but include water quality, habitat loss and general declines in freshwater ecosystem health. These additional threats are within scope of the Essential Freshwater work programme.	Whitebait comprises the young of six native fish species, four of which are classified as at risk or threatened. Your Essential Freshwater work programme will complement the aims of the proposal by addressing some of the threats to the fishery.

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Substantial Alterations: Amendments to Earthquake-prone Buildings (EPB) 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	<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. 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>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 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. 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>

Reference number and paper name	Agency & Committee	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.

Reference number and paper name	Agency & Committee	Committee and date due	Risk/issue/opportunity	MfE comments
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. It proposes further monitoring and additional advice next year, once reporting on the policy commences. It does propose a reporting regime which we are seeking Cabinet approval for. It recommends collecting information from agencies six monthly with OIA statistics. This would simply be the number of papers released on behalf of their minister(s) in the six month period, which would then be aggregated by SSC into portfolio counts, combined with Cabinet Office data on submissions, and reported to the Minister of State Services.	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
Urban Development Bill: Approval for Introduction	HUD	LEG TBC	This paper seeks approval to introduce the Urban Development Bill that will provide Kāinga Ora – Homes and Communities with a toolkit of powers to assist in the delivery of its urban development function.	MfE have provided HUD with some technical comments for accuracy but are otherwise comfortable with the contents of this paper. We are continuing to work closely with HUD to refine the drafting of the RMA-related aspects of the Urban Development Bill prior to its introduction.
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.

6. Official Information Act requests

6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>I would like to request under the Official Information Act the following reports:</p> <ul style="list-style-type: none"> • 'Crown Law feedback and Ministerial delegations for the National policy Statement for Indigenous Biodiversity'. Received 6 August 2019, • On 24 July 2019, 'The New Zealand Biodiversity Strategy and the National Policy Statement for Indigenous Biodiversity'. Received On 24 July 2019 	s 9(2)(a)	19-O-02511	13 November	ASAP
<p>I write to request the following information under the Official Information Act 1982 (OIA):</p> <ul style="list-style-type: none"> • A copy of the "Three Waters Review: Institutional Arrangements for a Drinking Water Regulator" as listed in WPQ 33996 • A copy of any advice, briefings or aides memoire provided to you regarding the National Policy Statement for Freshwater Management and the cost of this on councils (all types – regional, rural and urban) • A copy of your weekly reports for the month of August and September 	s 9(2)(a) Office of Hon Jacqui Dean	19-O-02336	14 November	21 November
<p>Please can you send me a copy of all communications (emails, correspondence, memos, meeting notes, workshops notes etc) you and/or your offices (Local Govt or Environment) has had from the Whakatane District Council and the Bay of Plenty Regional Council regarding managed retreat at Awatarariki Matata;. From the dates of 20 July 2018 up until the current time.</p>	s 9(2)(a)	19-O-02450	18 November	25 November

Released under the provision of the Official Information Act 1982

Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 25 November 2019

The next meeting will be on Wednesday 4 December

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the Official Information Act 1982

1. Updates for noting

1.1. Auckland Council's Stormwater Network Discharge Consent is now operative

On 30 October the Environment Court granted Auckland Council's Stormwater Network Discharge Consent (NDC). The NDC permits Auckland Council to discharge stormwater from current and future areas throughout the Auckland region. This gives Council the opportunity to take a more integrated approach to stormwater management and gives effect to policy direction in the Auckland Unitary Plan.

The NDC is an example of a comprehensive stormwater consent (CSC) which permits the discharge of stormwater from multiple locations within a defined area or catchment. CSCs are an emerging best practice in New Zealand as they allow for a more integrated approach to be taken, and can improve environmental outcomes. We understand that CSCs are a preferred approach to consenting by many regional councils and stormwater providers.

We are developing guidance on CSCs to assist councils and stormwater providers when consenting stormwater discharges. We will engage with Auckland Council and other councils who hold CSCs while developing this guidance.

1.2. Reflections from a water sensitive urban design seminar in Tauranga

On 29 October officials from the Ministry for the Environment attended a seminar on water sensitive urban design (WSUD) in Tauranga. The seminar brought together urban water practitioners from around the North Island to discuss the implementation of WSUD in their local areas. The key themes discussed during this seminar were:

- WSUD is closely aligned with matauraunga Māori and is a developing interest for Māori.
- WSUD is about making our urban areas better places to live in. Some studies have shown that it is a more cost effective practice if we take an approach similar to the living standards framework.
- good WSUD requires input from a range of disciplines and provides an opportunity for councils to work better with Māori and the community.
- WSUD is an emerging practice in Aotearoa. While there has been research done into how we can improve its uptake, more research is required to make it a standard practice.

The themes align with advice we have received from the Urban Water Working Group. We will consider how best to incorporate them into the stormwater guidance we are developing this year.

1.3. Briefing to Minister Parker regarding the Drinking Water National Environmental Standard - timeframes and process for progression

On November 14 we provided Minister Parker with a briefing on options to progress the National Environmental Standard for Sources of Human Drinking Water (2019-B-06189 Drinking Water NES – Timeframes and next steps for progression).

The briefing outlined the processes and timeframes required to amend the Drinking Water NES this term of government and highlights the associated risks.

We recommended the briefing be forwarded to you in your capacity as Minister of Local Government and suggested a discussion on the contents be added to the agenda for your next meeting with Minister Parker.

1.4. Supporting negotiations on an international treaty on the conservation and sustainable use of marine biodiversity

The fourth negotiating session on a multilateral treaty (the treaty) on marine biodiversity is scheduled for March 2020. The Ministry of Foreign Affairs and Trade (MFAT) is leading the negotiations on the treaty (currently known as the Implementing Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction) for New Zealand. It is not yet clear if the March negotiations will result in a final agreed treaty text or whether a further round of negotiations will be needed in late 2020.

The treaty is concerned with the conservation and sustainable use of marine biodiversity in the high seas and deep seabed in areas beyond any state's jurisdiction. The treaty would complement the Convention on Biological Diversity which covers areas which are within states' jurisdiction. The negotiations are intended to fill gaps in the international framework governing marine biodiversity including on marine genetic resources, area based management tools, capacity building and marine technology, and environmental impact assessments (EIAs). We will not be attending the session, however, we will review the draft text on EIAs and contribute to other material developed for the negotiations.

MFAT intends to lodge a paper for the Cabinet External Relations and Security Committee for the week of 17 February 2020. Your office will be forwarded a draft of the paper for your comment in early 2020 prior to final lodgement.

2. Cabinet material

25 November – 22 December

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	Due to lodge: 28 November Due to Committee: 5 December Due to Cabinet: 9 December

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

Paper number and name	What this paper covers	Date confirmed by Cabinet	Date due to your office	Date due for proactive release	Date published
2019-C-05845 Cabinet paper for the National Policy Statement for Indigenous Biodiversity	This paper seeks Cabinet approval for consultation on the National Policy Statement for Indigenous Biodiversity	18 November	TBC	23 January 2020	

4. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Urban Development Bill: Approval for Introduction	HUD	Cabinet 25 November	This paper seeks approval to introduce the Urban Development Bill that will provide Kāinga Ora – Homes and Communities with a toolkit of powers to assist in the delivery of its urban development function.	MfE have provided HUD with some technical comments for accuracy but are otherwise comfortable with the contents of this paper. We are continuing to work closely with HUD to refine the drafting of the RMA-related aspects of the Urban Development Bill prior to its introduction.
Ngāti Maru Deed of Settlement Cabinet Paper update	Te Arawhiti	MCR 3 December	This paper seeks agreement to proposed changes to the Treaty settlement redress for Ngāti Maru ki Taranaki (Ngāti Maru) since their agreement in principle, to enable a deed of settlement to be initialled by the end of 2019.	MfE supports the paper's request that Cabinet agree proposed changes to the settlement redress, including: <ul style="list-style-type: none"> • Increase the total settlement value from \$30m to \$31.5m • Agree to vary aspects of commercial and cultural redress • Establish a joint management agreement over the Waitara River catchment, and authorisation of a Crown payment towards establishment costs • Offer Ngāti Maru statutory acknowledgments and deeds of recognition over named rivers and tributaries Agree that government departments with a role in managing land and natural resources in the rohe must have regard to kaitiaki plans lodged with them.
Renewable Energy and Updated discussion document on Accelerating Renewable Energy and Energy Efficiency	MBIE	DEV 4 December	This cabinet paper seeks agreement to release for public consultation a discussion paper <i>Accelerating renewable energy and energy efficiency</i> , which is part of the Ministry of Business, Innovation and Employment's Renewable Energy Strategy work programme.	The updated discussion document, which MBIE's draft Cabinet Paper is seeking agreement to release for public consultation, provides initial advice and seeks public feedback on a wide range of policy options to encourage the use of renewable energy. It covers both supply and demand side measures across both process heat and electricity.

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				MfE's Climate Change and National Direction teams have provided input and comment, which has been reflected in the draft. MBIE have been thorough in assessing the barriers and options in each area at a high level. The updated discussion document provides a sound basis for seeking a public response. We recommend that you support the paper.
Additional Appointment To The Sea Change Tai Timu Tai Pari Ministerial Advisory Committee	DOC and MPI	APH 4 or 11 December	This paper proposes to appoint a tenth member to the Ministerial Advisory Committee (MAC) on the Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan (Sea Change). The MAC reports to Ministers Nash and Sage and also to you in your Environment portfolio. The tenth member (Dirk Sieling) will represent the recreational fishing sector at the request of that sector. Mr Sieling is a member of the New Zealand Sport Fishing Council and assisted in development of Sea Change.	MfE is comfortable with appointment of a tenth MAC member, however, we note iwi are likely to raise that appointment reduces the mana whenua representation on the MAC from 4 out of 9 to 4 out of 10. MPI and DOC are aware of the need to manage this issue. DOC and MPI are working on a joint briefing to Ministers on the progress of the MAC that you should receive in late 2019. To date, the MAC has met four times and has focused on their own internal relationship building and considered information on marine protection, fisheries management and ahu moana (co-management areas).
Improving whitebait management draft cabinet paper	DOC	ENV 5 December	This paper seeks agreement to release a discussion document to support public consultation on management of the whitebait fishery. The proposals aim to achieve healthy and restored whitebait populations, and a sustainable fishery. Methods include regulating the timing of the season, refuge (no fishing areas), practices and export. A high level of interest in the proposals is expected. Threats to the fishery are not just fishing, but include water quality, habitat loss and general declines in freshwater ecosystem health. These additional threats are within scope	Whitebait comprises the young of six native fish species, four of which are classified as at risk or threatened. Your Essential Freshwater work programme will complement the aims of the proposal by addressing some of the threats to the fishery.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			of the Essential Freshwater work programme.	
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 (EPB) 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.	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

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			<u>Onshore risk & liability</u> : the discussion document does not test policy settings for the long term liability for abandoned onshore wells.	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.
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.

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
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	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released. It proposes further monitoring and additional advice next year, once reporting on the policy commences. It does propose a reporting regime which we are seeking Cabinet approval for. It recommends collecting information from agencies six monthly with OIA statistics. This would simply be the number of papers released on behalf of their minister(s) in the six month period, which would then be aggregated by SSC into portfolio counts, combined with Cabinet Office data on submissions, and reported to the Minister of State Services.	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
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.

5. Official Information Act requests

5.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
Please can you send me a copy of all communications (emails, correspondence, memos, meeting notes, workshops notes etc) you and/or your offices (Local Govt or Environment) has had from the Whakatane District Council and the Bay of Plenty Regional Council regarding managed retreat at Awatarariki Matata;. From the dates of 20 July 2018 up until the current time.	s 9(2)(a)	19-O-02450	18 November	25 November

Released under the provision of
the Official Information Act 1982