



Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 14 April 2020

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1. Updates for noting

1.1. Release of Our Freshwater 2020 – Thursday 16 April 2020

The Ministry and Statistics New Zealand will release Our Freshwater 2020 (OFW2020), the latest in the series of reports produced under the Environmental Reporting Act 2015, on Thursday 16 April. This is a week later than previously scheduled, because of the current COVID-19 situation.

In line with the requirements of the Act, you will receive the report and supporting material 24 hours ahead of release at 10.45am on Wednesday 15 April, the same time as selected stakeholders and media. A combined Ministerial briefing has been scheduled for 3pm that day.

Given the situation with COVID-19, there will be no media launch event on the day of report release as there has been with past reports, although we will issue a media statement and media will still receive the report under embargo.

OFW2020 provides an overview of the state of New Zealand's freshwater environment, how it is changing and what the consequences are likely to be. It builds on the freshwater information presented in Environment Aotearoa 2019, presenting some new data and insights.

The new or updated indicators in the report are:

- consented freshwater lakes
- conservation status of indigenous freshwater species
- freshwater physical habitat
- deposited sediment in rivers
- modelled lake water quality
- groundwater quality
- lake submerged plant index
- River water quality heavy metals.

The science and data used in this report is largely consistent with the Essential Freshwater policy work, but some differences in approach do exist. We will provide you with a briefing on how the two compare alongside the report.

1.2. Wet wipes campaign

Last week Minister Sage requested that the Ministry create a campaign, as part of the government's overall COVID-19 response, to encourage proper disposal of wet wipes and prevent flushing; and the subsequent issues that are occurring for local government and wastewater systems.

We are releasing that campaign today, with online advertising and paid social media advertising.

The COVID Public Information Manager confirmed the need for the campaign and requested the Ministry lead it. They requested that it sit alongside/separately from the main campaign so it doesn't distract from their main messages (e.g. stay home). However they have allowed us to utilise the distinct yellow that had been used in the COVID-19 campaign to denote that it is a message from Government.

In creating the campaign we have reached out to a number of stakeholders including Department of Internal affairs (DIA), councils, Local Government New Zealand (LGNZ), Water NZ, Countdown and Foodstuffs.

DIA shared their campaign materials with their Response Unit's wastewater leads and it was met with general approval.

We are obtaining translations into several languages and these will be ready next week.

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2. 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

3. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Crown's approach to decommissioning the Tui Oil Field in response to operator Tamarind liquidation	MBIE	DEV TBC	<p>This DEV paper seeks to appropriate \$171.1 million to begin decommissioning the Tui oil field as a result of the Tamarind liquidation. It also outlines the legal options available to the Crown.</p> <p><i>* Note: Paper published at https://www.mbie.govt.nz/dmsdocument/11505-the-crowns-approach-to-decommissioning-the-tui-oil-field-in-response-to-operator-tamarind-liquidation-proactiverelease-pdf -actual figure was \$154.641 million</i></p>	<p>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.</p> <p>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.</p>

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. § 9(2)(f)(iv) [Redacted] [Redacted]	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 § 9(2)(g)(i) [Redacted]

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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 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

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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)(h), s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(j), s 9(2)(h)	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: Deed Of Settlement	Te Arawhiti	MCR TBC	s 9(2)(j), s 9(2)(h)	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 TBC	<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>
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Weekly Update

Hon Nanaia Mahuta, Associate Minister for the Environment

For the week starting 28 April 2020

Environment fortnightly meeting Thursday 30 April 9.30am

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

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Stephen Walter	Verbal update	10

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1. Updates for noting

1.1. Update on the impacts of COVID-19 on your work programmes

As a result of COVID-19, a number of your work programmes have been impacted which officials wish to raise with you at the next Ministry officials meeting. You will receive a briefing next week that outlines these impacts, including recommendations for an alternative approach for progressing the National Policy Statement for Indigenous Biodiversity that officials will discuss with you.

1.2. Changes in air quality since lockdown began on 25 March

Media outlets across New Zealand have reported improvements in air quality since the lockdown began on 25 March 2020. Many articles cite data analysed by the National Institute of Water and Atmospheric Research (NIWA) principal scientist, Ian Longley, which notes drops in NO₂ levels in Auckland, Christchurch, and Wellington of up to 91% compared to levels in previous years. However, NIWA's data is unverified. Routine automated air quality monitoring is conducted by regional councils, and we are working over the coming weeks to analyse council data and verify changes in levels of particulate matter.

While the air quality improvements during the past few weeks have been significant, New Zealand has unique circumstances. Changes in NO₂ levels have been considerable because we receive little to no pollution from neighbouring countries, our lockdown has been comprehensive and met with widespread compliance. The country-wide lock down has meant that people have been able to experience improved air quality in their towns and cities. While any lock-down will necessarily be short term, with the media publicity about this, it may incentivise people to continue some behaviours they have adopted during lockdown, such as video conferencing instead of travelling by car or plane and enjoying exercise in their own neighbourhoods.

We will continue to monitor news articles and reports on air quality improvements. We intend to notify Ministers of impacts to air quality caused by the level 4 lockdown by mid-May and continue to monitor any changes during level 3 lockdown. We will notify Ministers of any implications of these air quality changes.

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