



## Weekly Update

**Hon Nanaia Mahuta, Associate Minister for the Environment**

**For the week starting 2 March 2020**

**There is no meeting scheduled this week**

**The next meeting will be on Tuesday 10 March**

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## **1. Updates for noting**

### **1.1. Recent engagement on the proposed National Policy Statement for Indigenous Biodiversity**

The Ministry and the Department of Conservation are continuing to engage with key stakeholders regarding the proposed National Policy Statement for Indigenous Biodiversity (NPSIB).

Hui have been held across New Zealand, including Whanganui, Tauranga, Auckland, Gisborne, Napier, New Plymouth, Wellington, Dunedin, Whangarei, Taupo, Rotorua, Hamilton and Nelson.

The Ministry has also over the last week, met with stakeholders and councils with a particular interest in the geothermal policies of the proposed NPSIB, with feedback continuing to be constructive.

Last week, Forest and Bird released a media statement in support of the proposed NPSIB and to dispel myths that have been circulating about the proposed NPSIB taking land away from New Zealanders. Support remains strong from interested stakeholders, especially those who were members of the Biodiversity Collaborative Group.

This week, the Ministry will meet with a group of ecologists to discuss the significant natural area criteria and to assess whether they strike the right balance to maintain biodiversity under the Resource Management Act 1991.

The Ministry is collating common themes heard from councils, stakeholders and Treaty Partners during the consultation period, which closes on 14 March, following which the submissions analysis phase of work will commence.

### **1.2. Urban water issues in the Wellington region**

#### *Breakages*

Since December last year, there have been several incidents of wastewater and water pipes breaking in Wellington. In response to these incidents there has been significant reporting on the failures across Wellington's three waters infrastructure over the last few months, as well as the associated environmental impacts.

#### *Mayoral Taskforce on Wellington City water infrastructure*

In response to the recent incidents, Mayor Foster has established a mayoral taskforce consisting of councillors, mana whenua, and independent experts to look into the state of Wellington city's three waters infrastructure, the requirements to deliver long term sustainable infrastructure, and Wellington Water's governance and management structure.

Wellington City councillors have also discussed an inquiry into the operation of Wellington Water and its relationship with the Council. Our understanding is that the decision to undertake an inquiry will be voted on by all councillors in the next two weeks.

The Ministry will continue to work closely with the Department of Internal Affairs over the coming months to test how our emerging regulatory proposals (including on and wastewater discharges) can best be informed by any inquiry, should this take place. We understand that the Department of Internal Affairs will be providing a briefing to you.



### 1.3. Response to Auditor-General's report on water management

The Auditor-General's report 'Reflecting on our Work about Water Management' was presented to the House of Representatives on 18 February 2020. In the report, the Auditor-General highlights issues that influence whether water is being managed well, and discusses the main areas he considers that the Government needs to prioritise to improve how water is managed. The report consolidates many of the earlier reports conducted by the Office of the Auditor-General.

The report signalled the need for a more strategic and integrated approach to address New Zealand's water management challenges. It notes that this approach needs to promote collaboration (in particular with Treaty partners) to build consensus on the main issues, and support the targeting of investment decisions. It also highlights the need to gather additional information on the state of our water resources at the national level to better understand where the risks lie, so regulatory intervention and investment can be targeted. Though the focus of this report is on water management, the issues it raises are broadly reflected across New Zealand's resource management system.

The report acknowledges the Ministry's work under way that addresses some of these challenges – in particular, the Action for Healthy Waterways, Three Waters Review, Environmental Monitoring and Reporting project, and the review of the Resource Management Act 1991. However, the Auditor-General considers that there is still need for greater national leadership to achieve agreement on a shared vision that sets out the strategic objectives and priorities for water management more generally, and how public organisations and others will collectively deliver this.

The report is substantive and raises some significant issues that require detailed analysis, which the Ministry will undertake and report back to you with suggestions on how the government may respond. This advice will also highlight opportunities where the Auditor-General's report may inform the Ministry's work programme, and wider government strategy on water management. The recommendations are consistent with overall direction of our resource management and water programmes.

## 2. Briefing notes

2 March - 3 April

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06438 – Talking points for your meeting with Te Rūnanga o Ngāti Waewae	MfE	Talking points for your meeting with representatives from Te Rūnanga o Ngāti Waewae from the West Coast.	2 March
2020-B-06431 Essential Freshwater, Policy decisions following consultation	MfE	This briefing advises you on the outcome of consultation, and the report and recommendations of the Independent Advisory Panel. This includes recommendations on how (if at all) proposals could change to address identified issues before seeking Cabinet agreement to create/amend national direction.	6 March
2020-B-06412 Initial briefing on wastewater National Environmental Standard (NES): scope, process, and timeframes	MfE	Initial briefing on the wastewater NES setting out scope, process, and timeframes.	10 March



### 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 due to your office	Date due for proactive release	Date published
2019-C-06170 Approval to release discussion document - amendments to National Environmental Standards 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		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	<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 <a href="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">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</a> - actual figure was \$154.641 million</i></p>	<p>MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning.</p> <p>The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.</p>

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



Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
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)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
New Zealand's financial security regime for offshore installations-Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. s 9(2)(g)(i)

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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"> <li>• modernise roles and responsibilities for the Minister and Government Statistician</li> <li>• recognise the Māori-Crown relationship and what this means for Māori data and statistics</li> <li>• acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics</li> <li>• recognise the variety of data sources for official statistics (surveys, administrative data, other data sources)</li> <li>• enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections)</li> <li>• expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori)</li> <li>• modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches.</li> </ul>	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.



## Weekly Update

**Hon Nanaia Mahuta, Associate Minister for the Environment**

**For the week starting 9 March 2020**

### **Environment fortnightly meeting 9.00 – 9.30am, Tuesday 10 March**

Attendees: Hon Nanaia Mahuta, Associate Minister for the Environment

Amanda Moran, Deputy Secretary, Natural and Built System

Jo Gascoigne, Director, Natural and Built System

Stephen Walter, Manager Water, Climate Change

Matthew Barbati-Ross, Manager Natural and Built System

Liz Moncrieff, Manager Natural and Built System

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Amanda Moran	Verbal update	10
2.	2020 priorities	Jo Gascoigne	Verbal update	10
3.	NES waste water approach	Stephen Walter	Verbal update	10



## 1. Updates for noting

### 1.1. Work programme update

Next week you will be meeting with officials responsible for work across your Associate Environment portfolio. We have appended to this report an A3 timeline for the year ahead for that discussion.

### 1.2. Public consultation for the National Policy Statement for Indigenous Biodiversity

Public consultation for the proposed National Policy Statement for Indigenous Biodiversity closes on 14 March. The Ministry held regional engagement hui with Iwi/Māori in February 2020. A number of parties indicated that they would be requesting more time to provide feedback. Officials will discuss your preferred approach at our meeting.

### 1.3. Air quality National Environment Standard consultation update

Following the consultation launch last week of the proposed Air Quality NES amendments, we have now formally notified all councils and iwi of the proposed amendments as required under the Resource Management Act.

We sent targeted letters to iwi in areas where the Ministry has Treaty settlement relationship agreements and in areas where there are known polluted urban environments. The letters highlighted the environmental and health outcomes being sought with the proposed amendments. The letters also provided information about air quality in the local environment and, where relevant, how air quality is currently managed by regional councils in that area.

We will update you on our plans to hold hui as we hear back from iwi. Regional councils are expressing interest in the proposals. We will have to opportunity to workshop these at the National Air Quality working group meeting in late March.

We have received a small amount of general queries from the members of the public.

## 2. Briefing notes

9 March – 6 April

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06361	MfE	Auckland Council exceptional circumstance application for breach of air quality standard in Auckland Urban airshed	12 March

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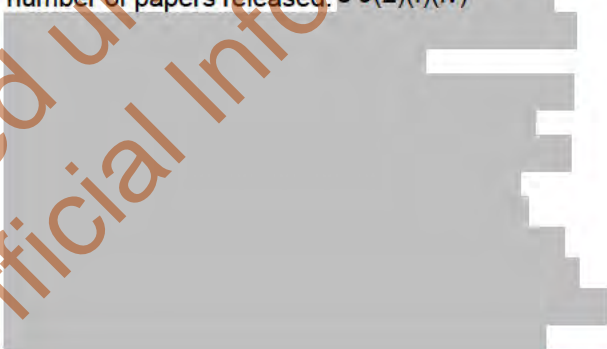
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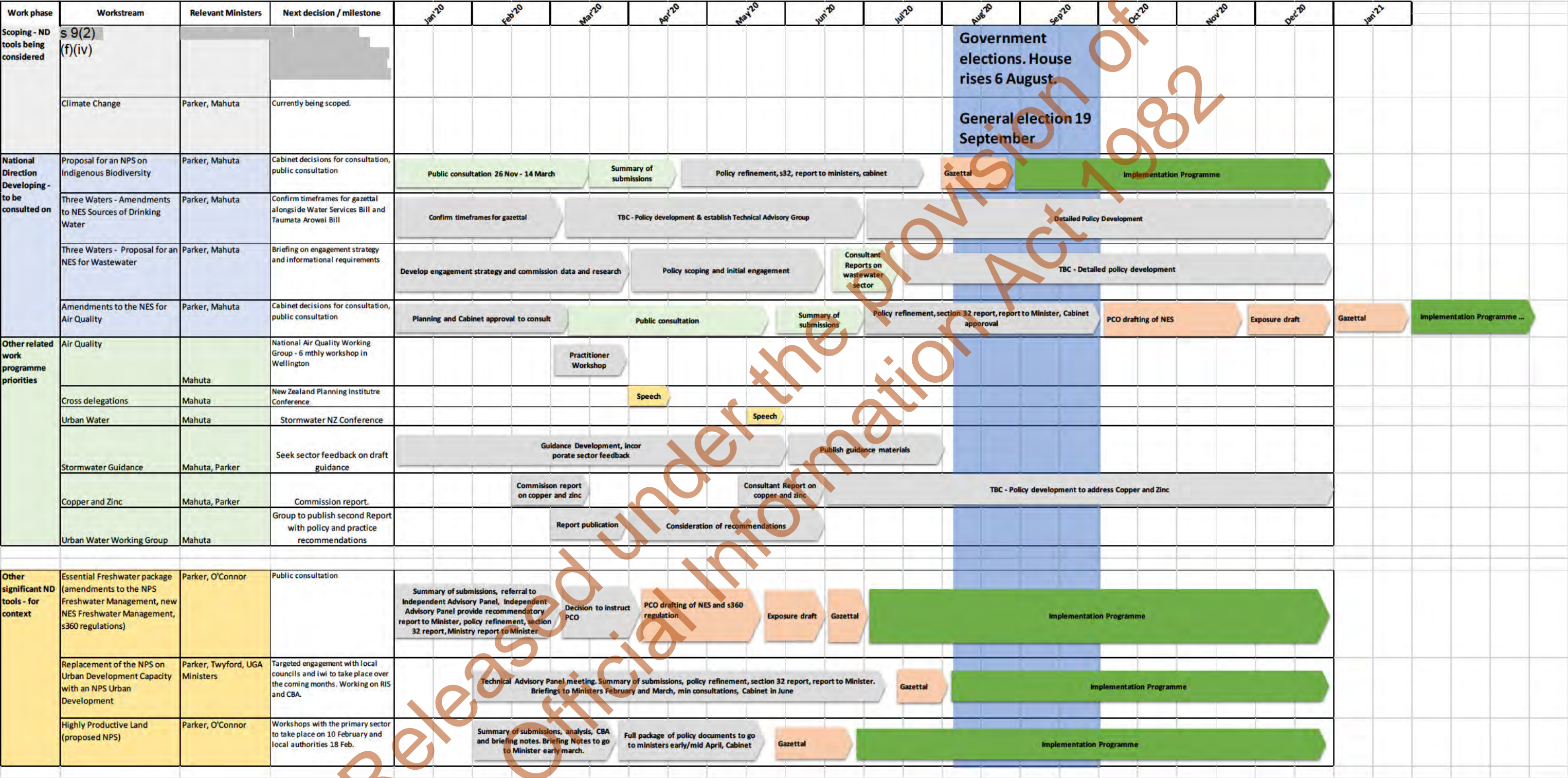
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			<p>research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori)</p> <ul style="list-style-type: none"> <li>• modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches.</li> </ul>	

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Timeline





## Weekly Update

**Hon Nanaia Mahuta, Associate Minister for the Environment**

**For the week starting 16 March 2020**

**The next meeting will be at 9am on 31 March.**

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## 1. Actions and decisions

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

#### Close of submissions

The consultation period for the NPSIB came to a close on 14 March 2020 at 5pm. As at 11 March 2020 more than 4,500 submissions had been received. A large portion of these are form submissions from Forest and Bird members and Federated Farmers members. There are also a number of substantial submissions from conservation groups, councils and industry representatives.

We suggest providing a public statement noting that the public consultation period is now closed, thanking people for their input into the consultation process and providing a short update on the next immediate stages in the policy development process.

Would you like to provide a statement?

Yes/No

#### Media messages

Officials have been working to clarify policy intent given some media has provided misinformation about what the NPSIB will require from landowners and councils. A table with frequently asked questions and answers has been added to the consultation home page on the Ministry's website and promoted through social media. Officials have also been working closely with the communications team from Beef and Lamb and Federated Farmers to ensure consistent messaging reaches members.

#### Key themes from engagement to date

We would like to meet with you to discuss the key themes from engagement and consultation, and the timing of the next phase of work. While engagement and consultation meetings have been constructive, there are key themes that have arisen where a possible policy response may be appropriate. These themes include:

- the relative balance between biodiversity protection and private land-use flexibility. This includes the thresholds between high and medium attributes in Significant Natural Areas, and the related effects management provisions.
- how to address the challenges and provide support for parts of the country with small ratepayer bases and large regions or a large proportion of public conservation land.
- better reflecting the policy intent in the restoration and highly mobile fauna provisions, so they are more enabling rather than restrictive.
- the importance of implementation measures to support councils, private landowners and iwi/Māori.
- questions about how the NPSIB fits into the wider consideration of the Treaty of Waitangi and Treaty Partner engagement, for example: the Resource Management Act reform and Wai 262 report.

## 2. Updates for noting

### 2.1. Our Freshwater 2020 report and indicators used

The environmental domain report *Our Freshwater 2020* is due for public release on 8 April. On the day before the report is released, Ministers Parker and Shaw will jointly host a pre-release briefing for you and other invited Ministers. We will provide you with a report summary and a copy of the embargoed report then.

On 11 March, Statistics NZ published online the list of environmental reporting indicators that will be used in the *Our Freshwater 2020* report. It is available on their website at <https://www.stats.govt.nz/methods/outline-of-upcoming-indicators-for-our-freshwater-2020>. We have informed our stakeholders about the list.

More broadly we are leading a cross-sector process, working alongside other agencies (including the Department of Conservation, Statistics New Zealand, the Treasury, Land Information New Zealand, and the Ministry of Business, Innovation and Employment) to scope the work involved in implementing an integrated Environmental Monitoring and Reporting System. The need for this was outlined in *Environment Aotearoa 2019* and reinforced by the Parliamentary Commissioner for the Environment (PCE) report *Focusing Aotearoa New Zealand's Environmental Reporting System*, released in November 2019. This work is in its early stages and will consider operational improvements to New Zealand's monitoring and reporting system and potential changes to the Environmental Reporting Act 2015.

### 2.2. Exceedances of the National Environmental Standards for Air Quality during the Australian bushfires

In the week beginning 24 February 2020, Auckland Council, Bay of Plenty Regional Council, Tasman District Council and Waikato Regional Council submitted applications to Minister Parker under regulation 16A of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004. The applications seek decisions that exceedances of the daily average PM10 standard recorded during the Australian bushfires in early December 2019 were caused by exceptional circumstances. The evidence for these applications is similar, so the four councils have worked together to co-ordinate their approach.

For efficiency, we are combining our analysis of the four applications into a single briefing. We intend to provide the briefing to you by the end of April 2020, in order to seek your decisions on the applications by 25 May 2020.

Council	Date of exceedance(s)	Application received	Written decision due
Auckland Council	6-7 Dec 2019	25 Feb 2020	25 May 2020
Bay of Plenty Regional Council	6 Dec 2019	27 Feb 2020	27 May 2020
Tasman District Council	7 Dec 2019	27 Feb 2020	27 May 2020
Waikato Regional Council	6 Dec 2019	25 Feb 2020	25 May 2020



### 3. Briefing notes

16 March – 13 April

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2020-B-06412 Initial briefing on wastewater NES: scope, process, and timeframes	MfE	Initial briefing to you on the wastewater NES setting out scope, process, and timeframes	31 March

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New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	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)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April § 9(2)(g)(i)



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 TA's would also be updated.	MfE is comfortable with this paper and has provided comments to the MBIE.
Data and Statistics Legislation: Paper 1 – Overview of policy decisions Paper 2 - Official statistics system Paper 3 – Research and Analysis Paper 4 – Obligations and sanctions	Statistics NZ	GOV TBC	New data and statistics legislation will: <ul style="list-style-type: none"> <li>• modernise roles and responsibilities for the Minister and Government Statistician</li> <li>• recognise the Māori-Crown relationship and what this means for Māori data and statistics</li> <li>• acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics</li> <li>• recognise the variety of data sources for official statistics (surveys, administrative data, other data sources)</li> <li>• enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections)</li> <li>• expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori)</li> <li>• modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches.</li> </ul>	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.
Mangatū Crown Forest Licenced land remedies inquiry: s 9(2)(h), s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(h), s 9(2)(j)	The Ministry does not have any comments on this paper at this stage.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
s 9(2)(h), s 9(2)(j)			s 9(2)(h), s 9(2)(j)	

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## 6. Official Information Act requests

### 6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
I have been directed to inquire into the Streamline Planning Process regarding any advice Hawke's Bay Regional Council sought from MfE and the Ministers and Associate Ministers back in 2019 and 2020 in regards to the TANK plan change pathway for notification. Please forward all information pertaining to this matter as soon as possible.	s 9(2)(a)	20-O-00397	30 March	6 April

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the Official Information Act 1982



## **Weekly Update**

**Hon Nanaia Mahuta, Associate Minister for the Environment**

**For the week starting 23 March 2020**

**The next meeting will be at 9am on 31 March**

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the Official Information Act 1982



## 1. Updates for noting

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

Officials have shifted into the submissions analysis phase of the work programme with the closing of the consultation period on Saturday 14 March. We are still to receive a handful of submissions from those who were granted timeframe extensions. The total received so far plus those we are yet to receive suggest there will be over 7100 submissions. Of the 7100 submissions:

- 6400 form submissions from Forest and Bird members.
- 700 substantive submissions from councils, iwi/Māori, farmers and landowners.

Officials will be analysing these submissions for common themes and creating a summary of submissions document. This analysis will inform the policy development process.

A substantive briefing note will be provided to you in the coming weeks which will provide you with a summary of the common themes from our consultation meetings. It will also require some decisions to be made regarding policy development and the response options to matters arising through the consultation process.

### 1.2. Update on the Drinking Water National Environmental Standard amendments timeframes and Critical Friends group

The Ministry is progressing work on amendments to the National Environmental Standard for Sources of Human Drinking Water (Drinking Water NES), as part of system-wide reforms to the drinking water regulatory system.

We have updated the timeframes and planned engagement process for the Drinking Water NES to allow for more robust analysis, engagement and consultation. This timeframe aligns with changes to the drinking water regulatory system being progressed through the Water Services Bill and Te Arowhā. Information gathered during the establishment of Te Arowhā and as the Water Services Bill moves through the Select Committee process, it will be informative for the refinement of the Drinking Water NES amendments.

#### Timeframes for Drinking Water National Environmental Standard (Drinking Water NES) amendments

March 2020 – June 2020

- establish a Technical Advisory Group to test and refine proposed amendments.
- early engagement with iwi/Māori and key stakeholders.

July 2020 – December 2020

- refine and develop the policy, using the advice from the TAG and our early engagement programme.
- review submissions on the Water Services Bill to identify any implications for Drinking Water NES amendments and impacts on regulated parties.
- consultation on draft amended Drinking Water NES in late 2020 or early 2021.

Early 2021

- analysis of submissions and refinement of amended Drinking Water NES.
- final policy recommendations reviewed by independent commissioner or panel.
- anticipated gazettal of amended Drinking Water NES by mid-2021.

We are on track with the above timeframe. The Critical Friends group has been established and held their first workshop. The group comprises members from industry, local government, and Crown Research Institutes and experts in Te Ao Māori. The meeting was very constructive and there is a high degree of engagement.

We note that the current situation with COVID-19 presents challenges, particularly in respect to iwi and Māori engagement. Officials are developing contingency plans to ensure delivery. We are working with Te Arawhiti to continue to prioritise engagement with iwi/Māori.

## 2. Briefing notes

23 March – 20 April

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412 Initial briefing on wastewater NES: scope, process, and timeframes	MfE	Initial briefing to you on the wastewater NES setting out scope, process, and timeframes	31 March

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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	<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 <a href="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">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</a></i></p>	<p>MfE support MBIE exploring all legal avenues to hold Tamarind and its directors accountable for the costs of decommissioning.</p> <p>The paper sets out a plan to begin decommissioning. MBIE has addressed previous MfE concerns by noting that the marine consent process has the potential to extend their 2021/2022 timeline to begin decommissioning activities. MBIE has also confirmed that marine consenting costs to agencies are included in their costing.</p>

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR TBC	This paper reports on the implementation of the refreshed monitoring approach of Te Puni Kōkiri.	The Ministry supports a monitoring approach that increases transparency in state sector performance for Māori. We agree the state sector must draw on evidence of what works for Māori and whānau, and at the same time be prepared to innovate, and partner with Māori.
Substantial Alterations: Amendments to Earthquake-prone Buildings Regulations	MBIE	LEG TBC	This paper proposes to change the definition of a 'substantial' alteration to an earthquake prone building, to add a minimum dollar value of \$150,000, as the previous definition (25% of the building's dollar value) had a disproportionate impact on provincial and small towns with low value properties.	MfE is comfortable with the proposal and had no comments on this paper.
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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]	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. § 9(2)(g)(i) [Redacted]

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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"> <li>• modernise roles and responsibilities for the Minister and Government Statistician</li> <li>• recognise the Māori-Crown relationship and what this means for Māori data and statistics</li> <li>• acknowledge the role and responsibilities other agencies play in collecting and sharing data for production of official statistics</li> <li>• recognise the variety of data sources for official statistics (surveys, administrative data, other data sources)</li> <li>• enable Stats NZ to continue sharing data collected for official statistics with other government agencies for specific purposes (eg, joint collections)</li> <li>• expand provisions that enable data access for research and analysis (eg, reflecting tikanga framework developed by Stats NZ in partnership with Māori)</li> <li>• modernise obligations and sanctions with new lower level enforcement tools and sanctions for less serious breaches.</li> </ul>	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)(h), s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(h), 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.	MfE 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 Wainuiārua: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(h), s 9(2)(j)	

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 MPI's 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 2020 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 8 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>However, we expressed concerns with a number of details and cautioned against using the OiC to enable activities with significant adverse effects to occur without meaningful public engagement or management by the consent authority.</p> <p>DPMC have come back and noted that the minister is now considering public engagement at the OiC drafting stage and will agree consent timeframes and process with CCC and ECan. The Ministry will see a revised cabinet paper and are on the panel to evaluate the RIS.</p>



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## Weekly Update

**Hon Nanaia Mahuta, Associate Minister for the Environment**

**For the week starting 30 March 2020**

### **Environment fortnightly meeting (TBC)**

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

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## 1. Actions and decisions

### 1.1. Update on National Environment Standard (NES) - Air Quality engagement activities and proposal to amend the submission deadline

Our engagement activity to support the proposed amendments to the NES for air quality has been delayed due to the Covid-19 pandemic but we are working on alternative plans to meet with stakeholders via virtual means.

We are beginning to hear from our key stakeholders (in particular regional public health units and some regional councils) that in the context of the Covid-19 outbreak, they are concerned about their capacity to prepare submissions and have these approved for submitting by the 24 April deadline. We agree retaining the current deadline of 24 April is no longer appropriate.

Alternative options are considered in the table below. Our preference is Option 1 - set a new fixed date (e.g. 31 July 2020) to provide certainty for submitters, allowing them to manage their own work priorities accordingly. Both options would likely mean we are not able to seek policy decisions on this matter prior to the election. A revised timeline for gazettal of the NES is approximately April to June 2021.

Option	Analysis
1. Extend submissions period to a fixed date (e.g. 31 July 2020).	<ul style="list-style-type: none"><li>Provides certainty to stakeholders of new date, and allows stakeholders to make own decisions about relative priority of this work against other priorities in light of the new deadline.</li><li>Any date should anticipate that the current 4 week Covid-19 Level 4 status could be extended.</li><li>Still risk that a further extension may be required.</li></ul>
2. Communicate the submissions period is open indefinitely, until further notice. Any subsequent further notice would require 6 weeks' notice of the deadline closing.	<ul style="list-style-type: none"><li>Retains flexibility to set a closing deadline once we have more information about when Covid-19 Level 4 status is likely to be lifted. Indirect signal that submitters should, as much as possible, continue to prepare their submissions knowing that the closing date could happen with 6 weeks' notice.</li><li>The 6 weeks' notice period provides adequate time for councils to have this matter considered by relevant committees.</li></ul>

Once a decision is made, we will communicate this directly to key stakeholders, update our website and include in any other communications the Ministry makes about our work programme.

*Do you agree with Option 1, to extend the submission period for the NES-AQ consultation to a fixed date, e.g. 31 July 2020?*

**Yes/No**

## 2. Briefing notes

30 March – 27 April

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2020-B-06412 Initial briefing on wastewater NES: scope, process, and timeframes	MfE	Initial briefing to you on the wastewater NES setting out scope, process, and timeframes.	31 March

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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

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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.
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Report back on proactive release of Cabinet material policy	SSC	GOV TBC	<p>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.</p> <p>s 9(2)(f)(iv)</p> 	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.	<p>The Ministry broadly supports the changes that have been made since consultation in April. s</p>  <p>9(2) ) (g)</p>



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Mangatū Crown Forest Licenced land remedies inquiry: s 9(2)(h), s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(h), 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 Wainuiārua: s 9(2)(j)	Te Arawhiti	MCR TBC	s 9(2)(h), s 9(2)(j)	

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 8 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>However, we expressed concerns with a number of details and cautioned against using the OiC to enable activities with significant adverse effects to occur without meaningful public engagement or management by the consent authority.</p> <p>The Department of Prime Minister and Cabinet has noted that the Minister is now considering public engagement at the OiC drafting stage and will agree consent timeframes and process with CCC and ECan. The Ministry will see a revised cabinet paper and are on the panel to evaluate the Regulatory Impact Statement (RIS).</p>
Dam Safety Regulations: Policy Decisions	MBIE	DEV 29 April	s 9(2)(f)(iv)	



Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			s 9(2)(f)(iv)	

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the Official Information Act 1982

## 5. Official Information Act requests

### 5.1. Departmental

Request	Correspondent	Reference	Due to send
"I request under the OIA copies of the following briefings: Ministry for the Environment:  152 Twyford MfE 11-Dec-19 December 2019 update on the National Policy Statement on Urban Development	s 9(2)(a)  Political Reporter, Stuff	20-D-00389	6 April

Released under the provision of  
the Official Information Act 1982