

## Weekly Update

**Hon David Parker, Minister for the Environment**

**For the week starting 7 October 2019**

### **Environment weekly meeting 12.30 pm – 1.00pm, Monday 7 October**

Attendees: Hon David Parker, Minister for the Environment

Vicky Robertson, Secretary for the Environment

Cheryl Barnes, Deputy Secretary, Water and Climate Change

Amanda Moran, Deputy Secretary, Natural and Built System

Claire Richardson, Deputy Secretary, Organisational Performance

Anne Haira, Deputy Secretary, Partnerships and Customers

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	10
2.	Consultation update	Anne Haira	Verbal update	10
3.	s 9(2)(f)(iv)	Claire Richardson	Verbal update	10

## 1. Strategic priorities

### 1.1. Urban

#### ***National Policy Statement on Urban Development (NPS-UD) - Technical Advisory Panel (the Panel)***

Officials from the Ministry for the Environment and the Ministry of Housing and Urban Development have held the first workshop with three of the four NPS-UD Technical Advisory Panel members, Greg Hill (chair), Claire Kirman and Antoine Coffin last week. We are in the process of confirming a fourth panel member who will bring development sector expertise.

This initial workshop was an opportunity to meet with the NPS-UD panel and ensure that they have the information, support and clarity of process to carry out their functions. Officials provided a high level overview of policies and confirmed process and support for the next meetings.

The next step is to hold another workshop with the Panel in early December to provide initial input into the development of recommendations. We intend to confirm the final panel member before this workshop.

The Panel Chair, Greg Hill is available to meet with you, along with the officials, to provide an update on consultation findings, once initial submission analysis has been undertaken.

### 1.2. Water

#### ***Ngaruroro and Clive Rivers Water Conservation Order Update***

You received a final report from the Special Tribunal for the Ngaruroro and Clive rivers on 30 August 2019 (19-B-05948 refers). Submitters had 15 working days from the date they received the report to submit an appeal to the Environment Court. The following eight parties have submitted appeals:

- Hawke's Bay Regional Council
- The East Taupo Lands Trust
- Owhaoko B & D Lands Trust
- Jet Boating New Zealand Incorporated
- New Zealand Fish and Game Council
- Hawke's Bay Fish and Game Council
- Whitewater New Zealand Incorporated
- Royal Forest and Bird Protection Society of New Zealand Incorporated

Because appeals have been received, the Environment Court is now required to conduct an inquiry into the Special Tribunal's report under section 210 of the RMA. The water conservation order process in the Hawke's Bay proved to be contentious. Different perspectives are held by different parties, including iwi.

### 1.3. System Reform and Decisions

#### ***Questions from the Resource Management Review Panel***

Following their meeting on 25 September, the Resource Management Review Panel requested:

1. Clarification on what the decision in the Cabinet paper initiating the RM system review [ENV-19-MIN-0036 refers] means when it stated:

“The review should uphold the core principles in Part 2 of the RMA”.

The Panel understands that this means that they should retain the main concepts in Part 2, such as sustainability, inter-generational equity, providing for matters of national importance and recognising the Treaty of Waitangi. Within this, the Panel has scope to recommend how Part 2 is structured and drafted, including potentially adding new core principles and amending, moving or removing certain matters listed in Part 2.

**Do you agree with this clarification?**

**Yes / No**

2. Clarification on the extent of the Panel’s role in considering water allocation and Māori rights and interests in water.

The Panel understands that it can make recommendations relating to regulatory processes for allocating common pool resources, including water. However, recommendations on specific water allocation principles and national direction, and any consideration of Māori claims to water ownership or allocative rights is out of the review’s scope. These issues would instead be addressed through the Essential Freshwater Programme and later Crown-Māori discussions on water allocation rights in line with previous Cabinet decisions.

**Do you agree with this clarification?**

**Yes / No**

#### ***Reference groups and advisors to support the Panel***

You are currently consulting other Ministers on your preferred candidates for the three reference groups on environment, urban and te ao Māori topics to be established to support the Panel.

We understand that the Minister of Finance has received Treasury advice supporting the option of a chief economist appointed to attend Panel meetings as needed and advise the Panel directly. We support such an appointment.

Following discussions with Minister of Finance, **do you support the Panel having a chief economist advisor rather than specific economists within reference groups?**

**Yes / No**

#### ***Issues and options paper***

The Panel will review an early outline of a draft issues and options paper at their meeting on 8 and 9 October. We are currently contacting groups that we outlined to you in last week’s Weekly Update the Panel wishes to engage with as they are drafting this paper; this has generated high interest from those groups. The draft issues and options paper is due with you by 31 October.

## **2. Updates for noting**

### **2.1. Section 24A RMA investigation – Otago Regional Council**

Professor Peter Skelton's investigation report on freshwater management and allocation functions at Otago Regional Council (ORC) has been completed and was delivered to your office on 1 October 2019.

Professor Skelton's report concludes that the ORC will not have a fit for purpose freshwater planning framework in place in time to consider replacement resource consent applications arising from the expiry of deemed water permits on 1 October 2021. The report recommends a suite of actions to ensure that the consent applications will be considered under a fit for purpose plan.

Once you have considered the report, the next steps for you are to issue recommendations to the ORC under section 24A. These may include requiring ORC to provide 6-monthly progress reports under 27 of the RMA. You will also need consider whether to amend the RMA to extend the existing of expiry date of the deemed permits to 31 December 2025. Officials will provide you with a briefing on these options by 11 October 2019. Peter Skelton is also available to discuss his report with you before you make decisions.

In the interim, the Otago Regional Council CEO, Sarah Gardner, is anticipating that you will contact her directly on 23 October 2019 to communicate your intentions or decisions. Following your decisions, the investigation report can be made publicly available and the associated briefings can be proactively released on the Ministry's website.

### **2.2. Meeting of the Stakeholder Implementation Working Group for the Year One review of the National Environmental Standard for Plantation Forestry (NES-PF)**

The Stakeholder Implementation Working Group (SIWG) for the Year One review of the National Environmental Standard for Plantation Forestry (NES-PF) met in Wellington on 19 September 2019.

The meeting focussed on biodiversity provisions in the NES-PF and interactions between the NES-PF and the Essential Freshwater package. An update on the upcoming forestry strategy was also provided by Te Uru Rākau. We are working with key agencies on how to align these emerging work streams with the NES-PF review.

The group will next meet on 14 October 2019 to discuss: stringency, potential changes to the fish spawning tool and updates of work on slash and wilding management, erosion susceptibility and issues around carbon farming and the NES-PF. We, along with Te Uru Rākau and Department of Conservation, aim to brief forestry Ministers in early November on how the review is progressing.

### **2.3. London Protocol – Norway resolution**

You have received a briefing from the Minister of Foreign Affairs and Trade, dated 25 September 19, *41<sup>st</sup> Consultative Meeting of Contracting Parties to the London Convention and the 14<sup>th</sup> Meeting of Contracting Parties to the London Protocol*.

The Norwegian Government has sought New Zealand's support for its joint resolution (with the Netherlands) to provisionally apply the 2009 amendment to article 6 of the London Protocol, which is not yet in force. The proposal would allow states to transport CO<sub>2</sub> across boundaries for sequestration in sub-seabed geological formations (oil and gas reservoirs). The proposal will be discussed at the Meeting of Contracting Parties to the London Convention and the London Protocol from 7-11 October 2019.

New Zealand intends to support Norway and Netherland's resolution. New Zealand was one of 15 countries that supported the 2009 amendment and our international approach has been to support carbon and capture storage activities. Currently, New Zealand does not



sequester CO2 in the seabed and there are no plans to utilise the provisional application. However, we consider the proposal aligns with the purpose of the Protocol because CO2 streams from carbon capture processes are listed as a waste that may be considered for dumping.

#### **2.4. Waste being sent back from Indonesia**

The Indonesian Government has informed us that five containers of plastic waste are being shipped back to New Zealand from Indonesia. s 6(a)

s 9(2)(g)(i)

s 6(a)

We are working closely with the Ministry of Foreign Affairs and Trade, the Environmental Protection Authority and Customs on this issue and options to deal with these containers if and when they are returned to New Zealand. We will keep you informed.

#### **2.5. New Zealand Climate Action Network letter regarding councils regulating greenhouse gas emissions**

On 6 September, you received a letter from 42 non-governmental organisations (NGOs) including 15 belonging to the New Zealand Climate Action Network. The letter asked you to repeal the restrictions on local councils and the Environmental Protection Authority for regulating greenhouse gas emissions in the Resource Management Act (RMA) and Exclusive Economic Zone (Continental Shelf) Act. Local Government New Zealand has provided a letter supporting this NGO letter as it relates to the RMA.

We have received a number of similar letters and we are drafting a response for your office that can be applied to these and future letters. Officials are exploring the potential scope and application of a future National Environmental Standard (NES) under the current RMA to address greenhouse gas emissions. We will advise you further on this option.

#### **2.6. Streamlined Planning Process Update – two applications received: Environment Canterbury and Porirua City Council**

Last week Environment Canterbury (ECAN) and Porirua City Council (PCC) formally lodged applications to use the Streamlined Planning Process (SPP) under the RMA. ECAN's application seeks to use the SPP for a change to its Regional Policy Statement to identify Future Development Areas for housing. PCC's application relates to a plan change to rezone Plimmerton Farm at Porirua for residential development. We are currently assessing the information in each application and will provide you with advice on the first stage of your statutory decision making steps.

You have now received three formal SPP applications since the first two (Bay of Plenty Regional Council and Hastings District Council) were completed. The table also lists likely potential applications based on pre-lodgement discussions with those councils that have formally resolved to apply to you to use the SPP:

Local Authority	Planning Instrument	Planning Issue	Lodged	Status
Rotorua Lakes District Council	Proposed Plan Change 2 to the Rotorua District Plan: Pukehangi Heights	Providing for urban growth	12 September 2019	Stage 1 Briefing in preparation
Environment Canterbury	Proposed Change to Chapter 6 of the Canterbury Regional Policy Statement	Providing for urban growth	30 September 2019	Stage 1 Briefing in preparation
Porirua City Council	Proposed Plan Change to the Porirua City District Plan: Plimmerton Farm	Providing for urban growth	1 October 2019	Stage 1 Briefing in preparation
Waikato Regional Council	Waikato Regional Plan – Lake Taupo provisions using 'Overseer'	To address need to update reference to 'Overseer'	Pre-lodgement	
Tauranga City Council	Tauranga City District Plan – Residential intensification plan change	Providing for urban growth	Pre-lodgement	
Porirua City Council	Porirua City District Plan – Eastern Porirua Development	Providing for urban growth	Pre-lodgement	

2.7.

s 9(2)(f)(iv)

### ***Overcrowding in Northland***

You requested information on the state of housing overcrowding in Northland region. We are working with MHUD officials to use census data to provide this information to you in the next week or so.

### **2.8. Whenuapai Airbase loses Environment Court declaration**

On Wednesday 16 September, the Environment Court issued a declaration that Whenuapai Airbase must comply with the existing noise limits set by the designation when testing aircraft engines. This declaration was sought by Neil Construction Limited to confirm that noise controls on aircraft also applied to the testing of engines, in order to make the nearby area more acceptable for residential development.


The court suspended this declaration for 20 days while the Defence Force considers whether to appeal the decision. The court acknowledged that this decision might have significant consequences for the operation of the Airbase, as engine testing has previously exceeded the noise limits established by the designation.

We will update you when the Defence Force have decided their next steps.

## **2.9. New Zealand ratifies the Kigali Amendment to the Montreal Protocol**

On 3 October New Zealand ratified the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, so the Amendment will come into force for New Zealand on 1 January 2020 as planned. The Amendment phases down the use of hydrofluorocarbons (HFCs), which are potent greenhouse gases primarily used in refrigeration and air conditioning. In December 2018 you and Minister Shaw jointly announced that New Zealand had completed the necessary domestic measures, and would be ratifying the Amendment on 3 October 2019. We propose that you issue another joint press release when the Amendment comes into force, and will provide your office with a draft closer to the time.

s 9(2)(f)(iv)



## **2.10. Update on climate change adaptation partnership projects in Hawkes Bay and South Dunedin**

The Ministry is developing partnership projects with local government on climate adaptation in accordance with direction from the Community Resilience Ministers group. The purpose of the partnership projects is for central government to gain a better understanding about the barriers councils face in effectively adapting to climate change and to incorporate this knowledge into policy development at the national level.

Officials met with Hawkes Bay Regional Council staff on 6 September 2019 to scope a potential partnership project. The council has identified that the current regulatory regime for managing climate change adaptation related risks (including the Resource Management Act 1991 and the Local Government Act 2002) is creating barriers to the effective implementation of their coastal hazards strategy.

Some of these barriers relate to ambiguities as to the roles and responsibilities of city, district and regional councils for taking action to address climate change impacts under the current legislative regime, including the question of how councils fund these actions.

The partnership project will investigate these and other related issues, and produce a case study by the end of 2019 which will feed into advice to Community Resilience Ministers and to the Resource Management System Reform Panel in early 2020. We're in the process of finalising a Terms of Reference for this project with Hawke's Bay Regional Council. Officials are also scoping a project with Dunedin City Council, and will explore progressing a project with West Coast councils on a slower track.

### 3. Briefing notes

7 October – 8 November

Title	Lead agency	What this briefing covers	Date due to your office
2019-B-06062 Release of a Technical Working Group report on hazardous substances compliance system	MfE	This briefing advises you about the forthcoming release of a Technical Working Group report on hazardous substances compliance system and our plan to respond to the findings of the report.	7 October
2019-B-06078 Historical methane emissions	MfE	Domestic and global background information about the sources of methane	10 October
2019-B-06051 Community Environment Fund Options for Unallocated Funds for FY2019/20	MfE	This briefing provides options for transferring the unallocated funds from the Community Environment Fund to other Funds in FY19/20. This briefing is a re-draft of 19-B-05965 Community Environment Fund Background on Proposed Transfer of Unallocated Funds FY19/20	11 October
2019-B-06070 Comprehensive review of the resource management system: reference group and proactive release of material	MfE	Provides advice and seeks your agreement on the reference group process and the process for proactively release material provided to the Resource Management Review Panel.	11 October
2019-B-05995 Our Marine Environment 2nd briefing to Ministers	MfE	Briefing to Ministers 24 hours prior to the release of the report etc, with a copy of the report (and possibly summary report if published separately) and some communication points.	16 October
2019-B-06023 Rotorua Lakes Council application to use the Streamlined Planning Process (Pukehangi Heights) Stage 1 briefing	MfE	This briefing relates to the application received from Rotorua Lakes Council to use the Streamlined Planning Process to progress a plan change for rezoning land for residential use. It provides the information and advice necessary for the Minister to make the first of the decision making steps to progress the application to use SPP.	16 October

## 4. Cabinet material

7 October – 8 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
2019-C-05883 New Zealand's implementation of new chemical listings under the Rotterdam Convention	LEG	LEG Cabinet paper on implementation of new chemical listings under the Rotterdam Convention	<b>Due to lodge:</b> 10 October <b>Due to Committee:</b> 15 October <b>Due to Cabinet:</b> 21 October
2019-C-05889 Vulnerable Landfills	DEV	Vulnerable landfill - risks from climate change	<b>Due to lodge:</b> 17 October <b>Due to Committee:</b> 23 October <b>Due to Cabinet:</b> 29 October
2019-C-05836 - National direction work programme and prioritisation framework	ENV	ENV Cabinet paper outlining the national direction work programme and prioritisation framework for implementing national direction within the context of the resource management system	<b>Due to lodge:</b> 31 October <b>Due to Committee:</b> 14 November <b>Due to Cabinet:</b> 18 November
2018-C-04926 PFAS Programme Process Update	ENV	PFAS Programme Process Update.	<b>Due to lodge:</b> TBC <b>Due to Committee:</b> TBC <b>Due to Cabinet:</b> TBC



## 5. Cabinet material we have been consulted on

Reference number and paper name	Agency	Committee and date due there	Risk/issue/opportunity	MfE comments
Substantial Alterations: Amendments to Earthquake-prone Buildings (EPB) Regulations	MBIE	LEG 15 October	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.
Ngāti Rangitahi Deed of Settlement	Te Arawhiti	MCR 15 October	s 9(2)(j)	s 9(2)(j)
Urban Growth Agenda: Infrastructure Levy Model – Development Contributions	DIA	DEV 16 October	<p>This paper seeks Cabinet approval to alter its previously agreed position that landowners who are liable for an Infrastructure Levy will not also be liable for development contributions (DCs). This paper proposes that DCs could be used to supplement the levy where a project would otherwise not proceed.</p> <p>This paper also seeks to provide an option to refund previously collected DCs for infrastructure that is subsequently funded by a Levy.</p>	<p>MfE supports the development of the levy infrastructure model, but questions whether on balance the proposal to collect both DCs and the levy from landowners is worthwhile, given that it essentially involves charging the same landowners using two different mechanisms. Also, local authorities would need to collect the DCs, which would be on their balance sheet, so this could re-introduce the local authority debt limit as a constraint on infrastructure provision.</p> <p>In relation to DCs previously collected being refunded, we suggested some broad principles be developed to guide decisions on refunding DCs and/or adjust liability for the levy, to avoid the risk of cost escalation in local infrastructure costs being borne by those who previously paid DCs.</p> <p>The paper does not propose to make any changes to the treatment of financial contributions (FCs) from the Cabinet agreement in June (CAB-19-MIN-0263) that the local authority should pass any revenue previously collected for the infrastructure via FCs on to the SPV and potentially the levy should be adjusted accordingly. We support this because FCs are a condition of a</p>



Reference number and paper name	Agency	Committee and date due there	Risk/issue/opportunity	MfE comments
				consent to mitigate effects rather than a pure infrastructure charge and in many cases it is not possible to identify the portion of FCs that were for a particular infrastructure project.
Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy	MBIE	DEV 16 October	<p><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.</p> <p><u>Onshore risk &amp; 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"> <li>• residual liability for offshore oil and infrastructure</li> <li>• mining restrictions in benthic protection areas</li> </ul> <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 been providing largely 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>
Exempting Fox Glacier Landfill Waste from the New Zealand Emissions	MfE	LEG 12 November	This Cabinet 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
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.
Draft Research, Science and Innovation Strategy for public consultation	MBIE	DEV TBC	<p>The RS&amp;I strategy sets the direction of the Government's funding for science. Previously it has primarily focussed on excellence and impact. New to this version is additional emphasis on connectivity and talent.</p> <p>This is an opportunity to help re-balance the research system towards applied research end of the science spectrum.</p>	<p>MfE has been consulted throughout this review, and will provide further feedback to MBIE.</p> <p>In general MfE supports the directions of the Strategy, particularly the new focus on connectivity.</p> <p>We note the importance of research at the applied end of the science spectrum, and we believe the emphasis on connectivity should enhance the flow of science to end users such as councils, resource managers and those making land use decisions. Further to this, and following correspondence from several science providers and users, we are drafting a briefing from MfE, MPI and MBIE on the need for support for applied research.</p>



## 6. Official Information Act requests

### 6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
A list of all briefings/reports/memos Minister David Parker has received from the Ministry for the Environment and the Environmental Protection Authority, between August 1 and 31, 2019.	s 9(2)(a)	19-O-01955	26 September	7 October
Any advice, briefings, you have had that include what 'Maori being <i>engaged as Treaty partners</i> throughout the review' means. The dates of the meetings with the pan-Maori groups to talk about 'the scope of the review': Iwi Leaders Group, New Zealand Māori Council, Te Tumu Paeroa, Federation of Māori Authorities, Kāhui Wai Māori, Ngā Aho.	s 9(2)(a)	19-O-02090	8 October	15 October
I request: 1. The decisions, reports or documents, including advice for the proposed or developing NPS and NESs, that show how the legal requirements for the three settlements above have been complied with including the required statements how this is done. 2. What processes are used in MfE, DoC and DIA to: meet the requirements of those exercising functions, duties and powers under the RMA, Conservation Act and Local Government Act, to sign off of statements that must be included to state how these requirements are complied with, and information on how these processes are to ensure the meeting the intent and word of the settlements, and is not just a box ticking exercise- that it is genuinely informing decision making. 3. Information about how these requirements and settlements are informing the review of the resource management system- including: advice on the Purpose and Principles, the review across the powers, duties and functions throughout the RMA, LGA (given the requirements above) the dissonance in language and practice recognised in these Acts and 'resource management', the monitoring of councils and government on these requirements and commitments (e.g. how effective are these and other provisions monitored), or impacts of these few settlements providing this kind of recognition but it not being provided for or upheld in the RMA. 4. Any other analysis, advice or requests for advice on how settlement commitments and obligations are guiding policy development or or have supported specific policy projects. 5. Any advice or thinking you have done of had, on how you individually, with other Ministers, Ministries and the five councils involved in Te Awa Tupua, and Ngati Rangi settlements, on how individually and/or collectively are/can/will to meet these legal requirements, understand the intent, have Ministers, officials, councils learn from each other and develop capability and leadership to respond to these innovative settlements (innovative for the crown after 150+	s 9(2)(a)	19-O-02127	10 October	17 October



years) where specific Tikanga and kawa is recognised. This would be aligned with State Sector Review Cabinet papers on 'a unified Public Service' and 'Te Ao Tūmatanui- Strengthening the Maori/Crown relationship'.				
Under the OIA, could I please have a copy of all advice your office has received this week in relation to the proposed new sediment bottom line within the Draft National Policy Statement for Freshwater Management. In addition, could I please have a copy of all advice that relates to the impacts of the proposed impacts of the following three proposals, on the Clutha catchment, received by his office this week.	s 9(2)(a)	19-O-02124	10 October	17 October
A list of all briefings, reports, aide memoirs and memos produced or received by the Minister in his capacity as Trade and Export Growth Minister, and Environment Minister, between 1 July 2019 and 31 August 2019.	s 9(2)(a)	19-O-02131	11 October	18 October
Under section 12 of the Official Information Act 1982, I request copies of all advice, briefings, aides memoire, notes and memos the Minister has received since 1 June 2019 in relation to the reform of the Resource Management Act 1991, listed by title and date.	s 9(2)(a)	19-O-01977	26 September	21 October
Under section 12 of the Official Information Act 1982, I request the following information: What meetings and communications has he, as Minister for the Environment, had with staff and/or Councillors at the Otago Regional Council touching on the proposed changes to water quality? Please provide emails, briefing notes, proposals, aides memoir, reports and any other written information which has passed between anyone at Otago Regional Council, the Minister for the Environment, and/or the Minister's staff and other Ministers or those Ministers staff, on this subject.	s 9(2)(a) for Hon Michael Woodhouse	19-O-02236	17 October	24 October
The briefing titled Section 24A investigation of Otago Regional Council – further update and background notes for meeting with Peter Skelton, provided to the Minister on 5/8/19.	s 9(2)(a) NZ Herald	19-O-02223	22 October	29 October
Please provide under the terms of the Official Information Act documents received by the Minister with the following titles. 19-B-05694 Otago Regional Council Consents Function Review Report 13/06/2019 19-B-05739 Essential freshwater 64: Briefing on draft Cabinet paper Options for a royalty on bottled water 2/07/2019 19-B-05860 Essential Freshwater 70: Report from Regional Councils on modelled impacts of the Essential Freshwater programme of reform 30/07/2019 19-B-05853 Crown Pastoral High Country Review - Background Information for meeting with Minister Sage and Minister Jones, 5 August 2019 2/08/2019 19-B-05855 Section 24a Investigation of Otago Regional Council - further update and background notes for meeting with Peter Skelton, Monday 5 August 2/08/2019 19-B-05799 Briefing note to accompany proposed response to Cameron Madgwick 19-M-01331 (Letter from PEPANZ) 12/08/2019	s 9(2) (a) Stuff	19-O-02242	22 October	30 October



## 6.2. Departmental

Request	Correspondent	Reference	Due to send
<p>I have just reviewed this OIA request and the response given. There are still no minutes on the website and the question regarding resigned and or dismissed. Please ensure that this happens.</p> <p>Due to the fact that the minutes have not been put up I have a further OIA request</p> <p>Please provide details of what work was provided by each individual member for the amount of remuneration that was provided</p> <p>Please provide details for the total amount of remuneration paid per person</p>	s 9(2)(a)	19-D-01998	9 October
<p>RSWG Regional Sector water group</p> <p>Kahu Wai Maori</p> <p>Technical science group in relation to the essential freshwater reform</p> <p>As the relate to the essential freshwater programme and outputs</p> <p>Included in this is minutes of all meetings - or a link to them</p> <p>Remuneration paid to each member</p> <p>Any members who resigned</p> <p>The attendance records of all members</p> <p>Any advice to ministers outside of the final reports</p>	s 9(2)(a)	19-D-01997	9 October
<p>Under the Official Information Act, could I please have a copy of any advice provided to any Minister on the economic costs of the Essential Freshwater Package. Please include analysis of the impacts at a farm level, regional level, sector level and national level.</p>	s 9(2)(a)	19-D-02028	11 October
<p>Official information request: the state and progress of each site, listed on the Contaminated Sites Remediation Fund Priority List</p> <p>Please supply the following information under the Official Information Act (OIA).</p> <p>In particular, I am seeking information regarding:</p> <ul style="list-style-type: none"> <li>- How much money has currently been spent on each site</li> <li>o What this money has been spent on, and to who (if the clean-up was outsourced to another company)</li> <li>- The current status of each site</li> <li>- A timetable of progress and steps taken for each site</li> <li>- The timeframe for each site to be cleaned up in the future</li> </ul>	s 9(2)(a) RNZ	19-D-02066	14 October
<p>MfE officials: Lucy Bolton; Jo Burton; Nik Andic; Ton Snelder; Vicky Addison; Jen Price; Helli Ward; Kirsten Forsyth; Stephen Fragazsy; Carl Howarth formed the MfE steering group for the Science and Technical Advisory Group (STAG) Meeting.</p> <p>Advice supplied to the STAG was that EOCs would not be considered in this round of reforms because of uncertainties in the links.</p> <p>1) Please can I have the name of the person/people who provided the scientific advice that it would not be necessary to include chemical contaminants in the NES Freshwater consultation process.</p> <p>I would expect these people would be public servants and that there would be no problem disclosing this information, and that as they would be an authority in this matter it is in the public interest to understand where this information is coming from.</p>	s 9(2)(a)	19-D-01891	17 October



Request	Correspondent	Reference	Due to send
<p>2) Please can I have access to all documentation, reports, scientific publications used to support this advice.</p> <p>The Ngati Hau Trust Board is auditing and updating our records and require the relevant records to undertake an internal review.</p> <p>Please supply the following information under the Official Information Act, Local Government Official Information and Meetings Act:</p> <p>We are requesting all information pertaining to the Hapu of Ngati; ti Hau and the Trust Board of Ngati Hau within the last two years:</p> <ul style="list-style-type: none"> <li>• inward and outward correspondence</li> <li>• inward and outward emails</li> <li>• any agreements</li> <li>• funding applications</li> <li>• approved funding</li> <li>• payments for projects</li> <li>• payments made to representatives of the Ngati; ti Hau Trust Board</li> <li>• memorandum of understanding or memorandum of agreement etc</li> <li>• everything that has been sent and received to email addresses: ngatihaurmu@gmail.com and akerama@xtra.co.nz</li> </ul>	<p>s 9(2)(a)</p> <p><b>Ngati Hau Trust Board</b></p>	<p>19-D-01873</p>	<p>18 October</p>
<p>Under the official information act, could I please have a copy of economic analysis undertaken to assess the likely economic impacts of Essential Freshwater policy proposals that will be released for consultation later this week.</p> <p>Could you please include in this request the following (only these things):</p> <ul style="list-style-type: none"> <li>• Excel spreadsheets received from external economic consultancies (final versions only)</li> <li>• Economic reports received from external economic consultancies (final versions only)</li> <li>• Reports, memos, produced internally on the economic impact, and shared at a Director level or higher (final version only, entire report rather than only that related to economic impact)</li> <li>• Excel spreadsheets held internally (final version, limit it to the single spreadsheet that contains total cost figures of final policy options, out of scope early versions or subsidiary spreadsheets)</li> <li>• Aide memoirs, briefing notes, and other documents (excluding emails) sent to Ministers offices that contain information related to the economic impact of the policy proposals (final version only, entire report rather than only that in scope).</li> </ul>	<p>s 9(2)(a)</p> <p><b>National Leader's Office</b></p>	<p>19-D-01858</p>	<p>21 October</p>
<p>At the end of the presentation at Mystery Creek, a map was put up that showed locations where there were water issues across the Waikato. I had multiple people asking where the map came from and whether we could publish it in more detail. They were interested in seeing where their farms were on the map. I understood from Bryan that it was a map produced by someone in the science and technical advisory group. Bryan indicated that there would not be a problem publishing the map on the website, but I understood later that there may be some contention with the maps. The following people asked for more information, could someone either reply with the Map/or website/or messaging around using the map?</p>	<p>s 9(2)(a)</p>	<p>19-D-02244</p>	<p>21 October</p>



Request	Correspondent	Reference	Due to send
<p>At the end of the presentation at Mystery Creek, a map was put up that showed locations where there were water issues across the Waikato. I had multiple people asking where the map came from and whether we could publish it in more detail. They were interested in seeing where their farms were on the map. I understood from Bryan that it was a map produced by someone in the science and technical advisory group. Bryan indicated that there would not be a problem publishing the map on the website, but I understood later that there may be some contention with the maps. The following people asked for more information, could someone either reply with the Map/or website/or messaging around using the map?</p>	s 9(2)(a)	19-D-02243	21 October
<p>I am interested in the work that is currently being undertaken by the New Zealand Government in relation to genetic technology in New Zealand.</p> <p>I note that in 2018 the Minister for the Environment was provided with a briefing note “Genetic Technology – Overview and Next Steps” (tracking #: 2018-B-04195, copy attached for ease of reference).</p> <p>In relation to the briefing note, I would be grateful if you would provide me with the following:</p> <ol style="list-style-type: none"> <li>1. A copy of the Minister’s response to the briefing note.</li> <li>2. Copies of any work undertaken in relation to: <ul style="list-style-type: none"> <li>• Analysis of the opportunities and challenges for New Zealand presented by: <ul style="list-style-type: none"> <li>Developments in new genetic technologies and uses</li> <li>International regulatory policy responses to these developments</li> <li>Regulating rapidly-changing technology under our current framework.</li> </ul> </li> <li>• Monitoring of public views on the uses of genetic technologies in a range of applications (e.g. vaccines, pest control, plant breeding).</li> <li>• Exploration of possible approaches to a participatory public process to identify key issues and explore policy solutions.</li> </ul> </li> </ol> <p>(page 5, paragraph # 26 of briefing note)</p> <ol style="list-style-type: none"> <li>3. Copies of updates provided to the Minister in relation to international developments (page 5, paragraph # 26 of briefing note).</li> <li>4. Copies of any advice provided to the Minister in relation to options for models of public engagement on new genetic technologies (page 5, paragraph # 27 of briefing note).</li> </ol> <p>I would also be grateful if you would provide me with:</p> <ol style="list-style-type: none"> <li>A. Copies of any other work undertaken by the Ministry in relation to genetic technologies, genetic modification or genetic engineering;</li> <li>B. Information on any work proposed to be undertaken by the Ministry relating to genetic technologies, genetic modification or genetic engineering; and</li> <li>C. The names of any other agencies, departments or ministries that the Ministry has consulted or worked with in relation to its work on genetic technologies, genetic modification or genetic engineering.</li> </ol>	s 9(2)(a)	19-D-01859	21 October
<p>OIA Request – Contact between Ministry for the Environment and Meridian Energy Ltd.</p>	s 9(2)(a)	19-D-02163	23 October



Request	Correspondent	Reference	Due to send
<p>The Regulatory Impact Statement released in the support of the draft National Policy Statement on Freshwater Management, (5 September 2019), cited a consultative process in the period November 2018 to February 2019 between the Ministry for the Environment and Meridian Energy Ltd. Please provide the Waiau Rivercare Group Inc with all documents, including</p> <ul style="list-style-type: none"> <li>•briefing notes to Ministers</li> <li>•records of conversations</li> <li>•meeting dates</li> <li>•agendas and minutes from all meetings</li> </ul> <p>between the Ministry and Meridian Energy Ltd, over the “consultation” period, November 2018 to February 2019.</p>	s 9(2)(a)		
<p>Proposed National Policy Statement – Freshwater Management (NPS-FM)  Proposed National Environmental Standard – Freshwater Management (NES-FM)  National Environmental Standard – Plantation Forestry (NES-PF)  Clause 6 (1) (a) of the NES-PF Regulations contain the statement:  “A rule in a plan may be more stringent than these regulations if the rule gives effect to – a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management.”  The NPS-FM consultation document “Action for Healthy Waterways” contains the statement:  “The proposals in the NPS-FM relating to streams and wetlands will not over-ride the NES-PF.”  Firstly, this is confusing.  Secondly, the only reason for the NPS-FM not to over-ride the NES-PF is if there is to be a difference in the wording of rules (including attributes, thresholds, or monitoring) applied to forestry, especially rules relating to sediment, and rules relating to any other land use or sector.  Therefore I would like to know why the Ministry for the Environment has proposed that the NPS-FM relating to streams and wetlands will not over-ride the NES-PF and whether this proposal was required, requested or suggested by some person or organisation outside of MfE.  Can you therefore please supply a copy of all emails, texts, letters, minutes, memos and notes from phone other conversations relating to this matter by (a) people within MfE and (b) between MfE and other people or organisations (including the Freshwater Advisory groups and other Ministries).  I am aware that the NES-PF is currently under review but this makes no difference to the situation. My request still stands.</p>	s 9(2)(a)	19-D-02189	24 October
<p>I was just looking at pg 54 (appendix 4) of STAG technical document - is there a technical document / memorandum providing more information on derivation of values shown in Table A4-3 ? Given their potential importance, it would be good to see a detailed ‘audit trail’ for the numbers (Im assuming that the numbers in A4-3 for each trophic group are averages – ie macroinvertebrates – thresholds are average of the 3 metrics )</p>	s 9(2)(a)	19-D-01899	25 October
<p>The actual (so far) and expected costs of the Resource Management Act (RMA) overhaul panel (led by Tony Randerson)  Also, what progress, if any, has been made on the overhaul of the Resource Management Act 1991?</p>	s 9(2)(a) Office of Hon Judith Collins	19-D-02200	25 October



Request	Correspondent	Reference	Due to send
<p>Amended on 28/09:  Further to the previous request, I wish to constrain the OIA request to the following:  Under OIA, I request the following documents referred to in the RMA reform terms of reference appendix C.</p> <ul style="list-style-type: none"> <li>- the 'existing review' of Waitangi Tribunal commentary related to the RMA system from Tribunal reports 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, 2358</li> <li>- the 'summaries and sections of the reviews' provided by the secretariat</li> <li>- any advice made to the development of how the review of commentary and the tribunal reports can/are informing the review</li> </ul> <p>Further to these requests, I also ask for the following:  - any advice made to the RMA review which includes reference to WAI 1040 stage 1 Waitangi Tribunal Report</p> <p>Note, this request superseded the previous request made on the 23 September.</p>	s 9(2)(a)	19-D-02140	25 October
<p>I request all correspondence and advice to Kay Harrison, Karen Adair and Suzanne Doig relating to:</p> <ul style="list-style-type: none"> <li>-Agrichemical (including pesticides, herbicides, insecticides) pollution in freshwater and/or sediment</li> <li>-Heavy metal pollution in freshwater and/or sediment</li> <li>-Emerging organic contaminants in freshwater and/or sediment</li> <li>-Endocrine disruption and endpoints of endocrine disrupting compounds</li> <li>-Toxicity from 'cocktail' or mixture effects of environmental chemicals in freshwater and/or sediment.</li> </ul> <p>This is for the period January 1 - 31 December 2012  This includes correspondence at the national and international level and all attachments including white papers, cabinet papers (and appendices) and other relevant documents to emails that contain these terms.</p>	s 9(2)(a)	19-D-02207	25 October
<p>A. Please can you provide me with a copy of these draft cabinet papers:  Water Reform Paper 1 - Governance - proposals for public discussion document  Water Reform Paper 2 - Objective and limit setting and Regulatory Impact Statement  Water Reform Paper 3 - Managing within water quality limits  and these Briefings:  Water Reform: Quality - Managing discharges within water quality limits  Water Reform: Quality - Different approaches to managing water quality in different types of catchments provided to Cabinet for review. These papers were referred to in document 12-B-01864 and 12-B-01923</p> <p>B. Please can you advise who is/are the principal author/s of these draft cabinet papers.  Appropriate OIA requests cannot be undertaken to understand the degree of enquiry considered in production of these papers if the staff member has not been identified.  See Joseph:  Decision-makers may be under duty to take positive steps to inform themselves. They must have 'sufficient information to allow a reasonably informed decision', and they must genuinely weigh matters which must be taken into account. Ministerial decisions may be especially susceptible to challenge where ministers rely on officials' fact-findings and report. A failure by officials to place before the minister</p>	s 9(2)(a)	19-D-02205	25 October



Request	Correspondent	Reference	Due to send
<p>information relevant to a mandatory consideration will contaminate the decision-making. Decision-makers cannot give genuine consideration to relevant considerations and accord appropriate weight without being in full receipt of the facts.'</p> <p>Joseph, P.A. Constitutional and Administrative Law in New Zealand, 4th Ed., Thomson Reuters 2014. p.950</p>			
<p>I am seeking, under the Official Information Act 1982:</p> <ul style="list-style-type: none"> <li>•DPMC's comments on the Cabinet paper "Essential Freshwater – Public Consultation on National Direction for Freshwater Management" as part of formal departmental consultation.</li> </ul> <p>Given the documents we seek relate to a public consultation process and could inform our response, we would appreciate your response as soon as possible. I have no issues with those two matters being responded to separately if this enables timelines to be better met.</p>	<p>s 9(2)(a)</p> <p><b>Federated Farmers</b></p>	<p>19-D-02237</p>	<p>29 October</p>
<p>I am wanting to try and track down a copy of the briefing document presented by MFE to the Local government and environment select committee.</p> <p>The relevant reference is from the ECan plan change 3 hearings which I have set out below. Unfortunately, it was not referenced but looks like the date could possibly be around 2015 but that is not certain.</p> <p>Is the Hearings Panel is bound to follow decisions of the Environment Court?</p> <p>8.32 At the hearing for Plan Change 3 the Panel asked whether it was bound by decisions of the Environment Court and higher courts. In response, on 18 November 2015, counsel for the Otaio Water Users Group tabled a Local Government and Environment Select Committee Briefing document prepared by the Ministry for the Environment. That document sets out the opinion that local authorities making decisions are not bound by stare decisis.</p> <p>I would be very grateful if you could provide a reference or copy of that document.</p>	<p>s 9(2)(a)</p>	<p>19-D-02228</p>	<p>29 October</p>
<p>Hello Stephen and Jenn - Im not sure if you have an information request email (apologies if im not directing these to the right address) ; but for the purposes of trying to understand the technical merits of what has been recommended by the STAG - I wanted to read over all the minutes, but noticed there are only minutes from two meetings (oct and Nov 2018)</p> <p>By contrast, I see the FLG has minutes from 11 meetings – and within these minutes, a large number of presentations /briefing papers were provide/given to the FLG by members of the STAG and Water Taskforce.</p> <p>So two questions / requests are:</p> <p>1)Now that the advisory process has concluded - are all the documents / presentations referred to in the FLG meeting minutes available to 'the public' ? and if not could these be made available ?</p> <p>a.Of particular interest are the STAG presentations - as currently we have very little information to assess the robustness of the ecosystem health nutrient DIN and DRP</p> <p>2)Would it be possible to get copies of the STAG meeting minutes (assuming there were any) - again, this would help with the whole issue of 'transparency'</p>	<p>s 9(2)(a)</p> <p><b>Dairy NZ</b></p>	<p>19-D-02250</p>	<p>30 October</p>

Request	Correspondent	Reference	Due to send
<p>In October 2018, the Minister for the Environment David Parker established the formation and membership of the Freshwater Leaders Group, to provide independent advice to the government on freshwater management policy development.</p> <p>Please release the following information:</p> <ol style="list-style-type: none"> <li>1.All expenditure and costs related to the establishment, running and ongoing costs of the Freshwater Leaders Group thus far – including costs of the chair and members attending consultation meetings around the country in Sept/October 2019.</li> <li>2.The criteria, interview process and make-up of panel that went in to deciding the 16 person make-up of the Freshwater Leaders Group</li> <li>3.The fees/salaries of the Freshwater Leaders Group chairman and each individual member of the Freshwater Leaders Group expended thus far.</li> <li>4.The budget for meeting costs, room hire, airfares and accommodation of the Freshwater Leaders Group expended thus far</li> <li>5.The budget for administrative, secretarial and executive support for the Freshwater Leaders Group expended thus far</li> <li>6.The reasoning why the Freshwater Leaders Group was established and met from October 2018 onwards, but its terms of reference were not set until March 7 2019</li> <li>7.The number of meetings (if any) the chair could not attend and an acting chair presided (and the name of the person who presided as acting chair)</li> </ol> <p>Please also explain any relevant caveats that should be kept in mind when analysing this information, including the licence under which it is released.</p> <p>Please provide this information in an accessible, searchable format.</p>	<p>s 9(2)(a)</p> <p><b>Rural News</b></p>	<p>19-D-02249</p>	<p>30 October</p>
<p>Please can you provide all correspondence to the Minister for the Environment (including Nick Smith, Chris Finlayson, Amy Adams, David Parker) from the NZ EPA that would constitute technical advice concerning the development of freshwater national environment standards.</p> <p>This would include information that might come via officials within the Ministry for the Environment as well as direct information from the NZ EPA.</p> <p>Please take this OIA Request to be dated from 1 January 2011 to the present date.</p>	<p>s 9(2)(a)</p>	<p>19-D-02248</p>	<p>30 October</p>



## Weekly Update

### Hon David Parker, Minister for the Environment

#### For the week starting 21 October 2019

### Environment weekly meeting 3.00pm – 3.45pm, Monday 21 October

Attendees: Hon David Parker, Minister for the Environment

Vicky Robertson, Secretary for the Environment

Cheryl Barnes, Deputy Secretary, Water and Climate Change

Natasha Lewis, Deputy Secretary, Environmental Stewardship and Strategy

Amanda Moran, Deputy Secretary, Natural and Built System

Claire Richardson, Deputy Secretary, Organisational Performance

Anne Haira, Deputy Secretary, Partnerships and Customers

Attendees for the International Carbon Markets update:

Roger Lincoln, Director, Climate Change

Sarah Deblock, Acting Manager, International Carbon Markets

Matthew Cowie, Manager, Climate Policy

Meredith Davis, Senior Policy Analyst, International Carbon Markets, MFAT

Kay Harrison, New Zealand's Climate Change Ambassador

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	10
2.	Water Update	Cheryl Barnes	Verbal update	10
3.	Resource Management System review update	Amanda Moran	Verbal update	5
4.	Marine Report	Natasha Lewis	Verbal update	5
5.	International Carbon Markets update	Roger Lincoln, Sarah Deblock, Matthew Cowie, Meredith Davis and Kay Harrison	Slides and short Briefing Note	10-15

# 1. Strategic priorities

## 1.1. Summary of public engagement for Consultation Process

The Ministry has now completed its roadshow consulting on key matters - protecting our productive land, growing our cities to benefit people and the environment, better dealing with harmful waste and chemicals, and taking action for healthy waterways.

Over the six weeks of consultation we held:

- hui with iwi
- meetings for the general public
- primary sector meetings specifically focused on freshwater issues
- workshops with councils
- environmental Non-Government Organisations (eNGOs), youth and primary sector policy workshops
- online webinars with LGNZ, the Winegrowers Assn (80 people) and farmers

In total, we held over 60 meetings, visiting regions across the country, with almost 7,500 attendees.

The meetings were largely dominated by discussion on the freshwater policy proposals set out in the *Action for Healthy Waterways* discussion document. During informal one-on-one discussions at the end of the formal meetings there was some useful feedback on other issues, especially highly productive land and urban development. A question that came up several times was how the various national policy statements interacted.

There was near universal agreement at the meetings that New Zealand needs to improve the health of our waterways and ecosystems, though divergent views on whether existing activities would achieve this, or whether, and where, stronger regulation was needed. There was also near universal acknowledgment that urban, as well as rural, people need to make changes to reduce their impacts on waterways.

Information as to the general tone of the meetings is set out below. A detailed summary of the issues raised by each audience will be included with the submissions analysis:

- **Hui with iwi** were generally focused on freshwater policy proposals, with some limited discussion on some of the other policy proposals and on the scope of the Resource Management reform.
- **Public meetings** were largely focused on freshwater, and so the presentations often focused on the Essential Freshwater proposals. Officials also gave short presentations about proposals for highly productive land, urban development, product stewardship and Hazardous Substances and New Organisms (HSNO) assessment, and provided opportunities for less formal discussions about these at the end of the presentations. The meetings were well attended (usually around 300 people), often including farmers from the wider region.
- **Primary sector meetings** were also open to the public, and were targeted at discussion about the impact of the freshwater and highly productive soils proposals on farmers. These meetings drew between 170 and 350 people, partly as a result of primary sector organisations (Beef and Lamb, Dairy New Zealand and Federated Farmers) promoting the meetings and inviting farmers to stay for an industry workshop at the conclusion of the meeting.



- **Council workshops** generally focused on the technical detail of the policy. Focus varied depending on the region. Concerns were raised about councils' ability to implement the policies, particularly for smaller councils. The timing of the consultation was also noted as being difficult due to local elections.

All consultations are now closed with late submissions still being accepted on freshwater proposals until 31 October 2019.

### **Documents in demand**

Alongside the meetings, many more New Zealanders have visited our website to find out more about the policy proposals and submit their views. In the past few weeks, the *Action for Healthy Waterways* page had over 22,000 unique visitors (that is, 22,000 different people) and many may have returned more than once. Over 11,000 people visited the page on *Reducing harm from waste* and over 5,000 visited the page on *Planning for successful cities*. *Protecting our land* and *Hazardous substances* together had over 3,000 visitors.

The vast majority of visitors to each consultation page took the time to read either the discussion document, or the shorter summary document. In the case of *Action for Healthy Waterways*, more than 15,000 people downloaded the discussion document and summary.

## **1.2. Urban**

### ***Submissions on proposed National Policy Statement for Urban Development (NPS-UD) and Highly Productive Land (NPS-HPL)***

More than 240 formal submissions have been received on the NPS-UD and more than 240 submissions on the NPS-HPL to date. We anticipate some late submissions will be provided up to the end of October and we may also receive comments on these proposals as part of submissions made on the Essential Freshwater proposals. We expect to fully process any submissions received up until the end of October and will endeavour to consider other material provided after that date.

For the NPS-UD, we are preparing a high level summary of submissions processed to date for the UGA Ministers' meeting on the 23 October 2019. That summary will also include common themes we heard from stakeholders on the policies during the engagement period and next steps for the policy analysis and recommendation reports.

Engagement on the proposed NPS-HPL was broadly positive and supportive. Feedback received covers a range of issues including concerns around the capacity to map HPL, characteristics to identify HPL and interactions with forestry and freshwater policy. The joint MfE/ Ministry for Primary Industries team anticipates providing Ministers the following:

- A short briefing highlighting key themes raised in submissions – early November 2019.
- Draft submissions and recommendations report – December 2019.

### ***Submissions on hazardous substances assessments***

Consultation on proposed improvements to hazardous substances assessments closed on 30 September 2019. We are currently analysing the submissions and commissioning a cost benefit analysis. We aim to complete a summary of submissions this month and provide advice to you and Minister Sage on options for legislative change by the end of November.

## **1.3. System Reform**

### **Resource Management Review Panel progress update**

You are scheduled to meet with the Panel on 22 October 2019 from 11:30am to midday. The Panel are likely to want to discuss your aspirations for the future resource management system so that they can use that to frame and inform their review process.

The Panel is focused on developing their issues and options paper, due with you on 31 October 2019. The Panel has started by having higher level conversations covering purpose and principles, urban planning and spatial planning. This week the Panel will discuss environmental limits and their implications for regulation and allocation within the resource management system.

To assist in developing the issues and options paper, the Panel has also now met with stakeholders from local government, the Resource Reform NZ coalition, infrastructure providers, NZPI and Papa Pounamu, the Auckland District Law Society and the Independent Māori Statutory Board. Further stakeholder meetings are scheduled throughout October.

### **Cabinet Paper finalising scope and terms of reference for the review**

We will shortly provide you with a draft cabinet paper seeking approval to finalise the scope and terms of reference for the review. We are aiming for this paper to be considered by ENV on 14 November 2019, or an earlier committee if appropriate.

## **2. Updates for noting**

### **2.1. Marine Report Release of Our Marine Environment 2019**

Our *Marine Environment 2019*, the latest in the Ministry's environment reporting series, was launched on Thursday. The report highlights the main issues affecting our marine environment, and particularly the cumulative effect of these issues. The report received significant media coverage at launch, with particular interest in plastic waste. We will continue to use the report to raise awareness and encourage action with stakeholders and the public.

### **2.2. Waste Minimisation Fund (WMF) project commencement – Southland Ouvea Premix Removal and Disposal**

Ministry officials have received confirmation from Gore District Council (GDC) that the removal of Ouvea Premix by Inalco Processing Ltd (Inalco) commenced on 3 October 2019 at the Mataura property. On 15 June 2018, GDC was approved up to \$1,250,000 through the Waste Minimisation Fund (WMF) to remove and dispose of the Ouvea Premix in Southland. In April 2019, GDC entered into an agreement with Inalco as the preferred contractor to remove this hazardous substance from multiple Southland properties. Ministry officials are currently finalising the Project Plan and anticipate the Ministry will formalise a Deed of Funding with GDC by the end of October.

The Inalco agreement details a six-year timeframe for removing all the material from the Southland properties. The first three years will remove the Ouvea Premix from the high-risk location beside the Mataura River. Funding for the first three years is secured and Gore District Council officials are working with each of the cost contributors to address funding for the remaining three years. We will continue to provide you with updates on this.

### **2.3.**

s 9(2)(f)(iv)



### 3. Briefing notes

21 October – 22 November

Title	Lead agency	What this briefing covers	Date due to your office
2019-B-06023 Rotorua Lakes Council application to use the Streamlined Planning Process (Pukehangi Heights): Stage 1 briefing	MfE	This briefing relates to the application received from Rotorua Lakes Council to use the Streamlined Planning Process (SPP) to progress a plan change for rezoning land for residential use. It provides the information and advice necessary for the Minister to make the first of the decision making steps to progress the application to use SPP.	22 October
2019-B-05847 Ngāti Rangitīhi: Crown contributions for establishment costs of natural resource redress	MfE, Te Arawhiti and, Treasury	s 9(2)(j)	22 October
2019-B-6089 Next Steps on New Thinking on Environmental Policy	MfE	Follow up on June 2019 paper which outlined new international thinking on environmental sustainability. This new paper presents two areas where the new thinking on environmental policy could be applied - Environmental Responsibility and Sustainable Finance. Options for progressing this work are outlined for discussion purposes.	23 October

### 4. Cabinet material

21 October – 22 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
2019-C-05889 Vulnerable Landfills	DEV	Vulnerable landfill - risks from climate change	<b>Due to lodge:</b> 6 November <b>Due to Committee:</b> 14 November <b>Due to Cabinet:</b> 18 November
2019-C-05380 Comprehensive review of the resource management system – confirmation of scope and terms of reference	ENV	This paper seeks agreement to the final scope and terms of reference for a comprehensive review of the resource management system	<b>Due to lodge:</b> 7 November <b>Due to Committee:</b> 14 November <b>Due to Cabinet:</b> 18 November
2018-C-04926 PFAS Programme Process Update	ENV	PFAS Programme Process Update.	<b>Due to lodge:</b> TBC <b>Due to Committee:</b> TBC <b>Due to Cabinet:</b> TBC

## 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
Review of Racing: Paper 3 – Utilising Racing Industry Property to Support Industry Revitalisation	DIA	DEV 23 October	This paper seeks policy approvals for the Government’s legislative response to recommendation 12 of the Messara Report, which proposes that government legislate to “vest Race Club property and assets to the Code regulatory bodies”. The Minister for Racing proposes a number of changes to the ownership and utilisation of racing property to enable codes to drive the revitalisation of the racing industry.	The majority of the paper does not have any implications on the RMA, other than the proposed exemption for these properties (when transferred) from Part 10 of the RMA, which relate to subdivision provisions.  We queried the need to exempt the ‘transfer’ from subdivision provisions under the RMA as it is unlikely to make alterations to the site or property.
Exempting Fox Glacier Landfill Waste from the New Zealand Emissions Trading Scheme	MfE	LEG 12 November	This Cabinet 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
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.
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.



Reference number and paper name	Agency & Committee	Committee and date due there	Risk/issue/opportunity	MfE comments
<p>Consultation on discussion document for Crown Minerals Act review and Minerals and Petroleum Strategy</p>	<p>MBIE</p>	<p>DEV TBC</p>	<p><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.</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"> <li>• residual liability for offshore oil and infrastructure</li> <li>• mining restrictions in benthic protection areas</li> </ul> <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>

## 6. Official Information Act requests

### 6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
Under section 12 of the Official Information Act 1982, I request copies of all advice, briefings, aides memoire, notes and memos the Minister has received since 1 June 2019 in relation to the reform of the Resource Management Act 1991, listed by title and date.	s 9(2)(a)	19-O-01977	26 September	21 October
Under section 12 of the Official Information Act 1982, I request the following information: <ul style="list-style-type: none"> <li>- What meetings and communications has he, as Minister for the Environment, had with staff and/or Councillors at the Otago Regional Council touching on the proposed changes to water quality?</li> <li>- Please provide emails, briefing notes, proposals, aides memoir, reports and any other written information which has passed between anyone at Otago Regional Council, the Minister for the Environment, and/or the Minister's staff and other Ministers or those Ministers staff, on this subject.</li> <li>- Please provide the information as soon as is practicable as required under the Act.</li> </ul>	s 9(2)(a) Assistant to Hon Michael Woodhouse	19-O-02236	17 October	24 October
The briefing titled Section 24A investigation of Otago Regional Council – further update and background notes for meeting with Peter Skelton, provided to the Minister on 5/8/19.	s 9(2)(a) Political Reporter, NZ Herald	19-O-02223	17 October	29 October
Info on resource management review □ Under OIA, I request from each of you <ul style="list-style-type: none"> <li>- any advice, briefings, you have had that include what 'Maori being engaged as Treaty partners throughout the review' means.</li> <li>- the dates of the meetings with the pan-Maori groups to talk about 'the scope of the review': Iwi Leaders Group, New Zealand Māori Council, Te Tumu Paeroa, Federation of Maori Authorities, Ka hui Wai Maori, Nga; Aho.</li> </ul>	s 9(2)(a)	19-O-02090	22 October	30 October
Please provide under the terms of the Official Information Act documents received by the Minister with the following titles. 19-B-05694 Otago Regional Council Consents Function Review Report 13/06/2019 19-B-05739 Essential freshwater 64: Briefing on draft Cabinet paper Options for a royalty on bottled water 2/07/2019 19-B-05860 Essential Freshwater 70: Report from Regional Councils on modelled impacts of the Essential Freshwater programme of reform 30/07/2019 19-B-05853 Crown Pastoral High Country Review - Background Information for meeting with Minister Sage and Minister Jones, 5 August 2019 2/08/2019 19-B-05855 Section 24a Investigation of Otago Regional Council - further update and background notes for meeting with Peter Skelton, Monday 5 August 2/08/2019	s 9(2)(a) Stuff	19-O-02242	22 October	30 October



Request	Correspondent	Reference	At your office	Due to send
19-B-05799 Briefing note to accompany proposed response to Cameron Madgwick 19-M-01331 (Letter from PEPANZ) 12/08/2019				
A list of the briefings and reports the Minister has received from the Ministry for the Environment between September 1, 2019 and September 30, 2019 A list of the briefings and reports the Minister has received from the Ministry of Business, Innovation and Employment between September 1, 2019 and September 30, 2019.	s 9(2)(a) Political Reporter NZ Herald	19-O-02260	23 October	31 October
A list of all briefings/reports/memos Minister Parker has received from the Ministry for the Environment and Environmental Protection Authority, between Sep 1 and 30, 2019.	s 9(2)(a) Newstalk ZB	19-O-02314	29 October	5 November
I request: <ol style="list-style-type: none"> <li>1. The decisions, reports or documents, including advice for the proposed or developing NPS and NESs, that show how the legal requirements for the three settlements above have been complied with including the required statements how this is done.</li> <li>2. What processes are used in MfE, DoC and DIA to: meet the requirements of those exercising functions, duties and powers under the RMA, Conservation Act and Local Government Act, to sign off of statements that must be included to state how these requirements are complied with, and information on how these processes are to ensure the meeting the intent and word of the settlements, and is not just a box ticking exercise- that it is genuinely informing decision making.</li> <li>3. Information about how these requirements and settlements are informing the review of the resource management system- including: advice on the Purpose and Principles, the review across the powers, duties and functions throughout the RMA, LGA (given the requirements above) the dissonance in language and practice recognised in these Acts and 'resource management', the monitoring of councils and government on these requirements and commitments (e.g. how effective are these and other provisions monitored), or impacts of these few settlements providing this kind of recognition but it not being provided for or upheld in the RMA.</li> <li>4. Any other analysis, advice or requests for advice on how settlement commitments and obligations are guiding policy development or or have supported specific policy projects.</li> <li>5. Any advice or thinking you have done of had, on how you individually, with other Ministers, Ministries and the five councils involved in Te Awa Tupua, and Ngati Rangī settlements, on how individually and/or collectively are/can/will to meet these legal requirements, understand the intent, have Ministers, officials, councils learn from each other and develop capability and leadership to respond to these innovative settlements (innovative for the crown after 150+ years) where specific Tikanga and kawa is recognised. This would be aligned with State Sector Review Cabinet papers on 'a unified Public Service' and 'Te Ao Tūmatanui- Strengthening the Māori/Crown relationship'.</li> </ol>	s 9(2)(a)	19-O-02127	8 November	15 November



## 6.2. Departmental

Request	Correspondent	Reference	Due to send
<p>Under the official information act, could I please have a copy of economic analysis undertaken to assess the likely economic impacts of Essential Freshwater policy proposals that will be released for consultation later this week. Could you please include in this request the following (only these things):</p> <ul style="list-style-type: none"> <li>• Excel spreadsheets received from external economic consultancies (final versions only)</li> <li>• Economic reports received from external economic consultancies (final versions only)</li> <li>• Reports, memos, produced internally on the economic impact, and shared at a Director level or higher (final version only, entire report rather than only that related to economic impact)</li> <li>• Excel spreadsheets held internally (final version, limit it to the single spreadsheet that contains total cost figures of final policy options, out of scope early versions or subsidiary spreadsheets)</li> <li>• Aide memoirs, briefing notes, and other documents (excluding emails) sent to Ministers offices that contain information related to the economic impact of the policy proposals (final version only, entire report rather than only that in scope).</li> </ul>	s 9(2)(a) National Leader's Office	19-D-01858	21 October
<p>At the end of the presentation at Mystery Creek, a map was put up that showed locations where there were water issues across the Waikato. I had multiple people asking where the map came from and whether we could publish it in more detail. They were interested in seeing where their farms were on the map. I understood from Bryan that it was a map produced by someone in the science and technical advisory group. Bryan indicated that there would not be a problem publishing the map on the website, but I understood later that there may be some contention with the maps. The following people asked for more information, could someone either reply with the Map/or website/or messaging around using the map?</p>	s 9(2)(a)	19-D-02244	21 October
<p>At the end of the presentation at Mystery Creek, a map was put up that showed locations where there were water issues across the Waikato. I had multiple people asking where the map came from and whether we could publish it in more detail. They were interested in seeing where their farms were on the map. I understood from Bryan that it was a map produced by someone in the science and technical advisory group. Bryan indicated that there would not be a problem publishing the map on the website, but I understood later that there may be some contention with the maps. The following people asked for more information, could someone either reply with the Map/or website/or messaging around using the map?</p>	s 9(2)(a)	19-D-02243	21 October
<p>I am interested in the work that is currently being undertaken by the New Zealand Government in relation to genetic technology in New Zealand.</p> <p>I note that in 2018 the Minister for the Environment was provided with a briefing note "Genetic Technology – Overview and Next Steps" (tracking #: 2018-B-04195, copy attached for ease of reference).</p> <p>In relation to the briefing note, I would be grateful if you would provide me with the following:</p> <ol style="list-style-type: none"> <li>1. A copy of the Minister's response to the briefing note.</li> <li>2. Copies of any work undertaken in relation to: <ul style="list-style-type: none"> <li>• Analysis of the opportunities and challenges for New Zealand presented by: <ul style="list-style-type: none"> <li>Developments in new genetic technologies and uses</li> <li>International regulatory policy responses to these developments</li> </ul> </li> </ul> </li> </ol>	s 9(2)(a)	19-D-01859	21 October



Request	Correspondent	Reference	Due to send
<p>Regulating rapidly-changing technology under our current framework.</p> <ul style="list-style-type: none"> <li>• Monitoring of public views on the uses of genetic technologies in a range of applications (e.g. vaccines, pest control, plant breeding).</li> <li>• Exploration of possible approaches to a participatory public process to identify key issues and explore policy solutions.</li> </ul> <p>(page 5, paragraph # 26 of briefing note)</p> <p>3. Copies of updates provided to the Minister in relation to international developments (page 5, paragraph # 26 of briefing note).</p> <p>4. Copies of any advice provided to the Minister in relation to options for models of public engagement on new genetic technologies (page 5, paragraph # 27 of briefing note).</p> <p>I would also be grateful if you would provide me with:</p> <p>A. Copies of any other work undertaken by the Ministry in relation to genetic technologies, genetic modification or genetic engineering;</p> <p>B. Information on any work proposed to be undertaken by the Ministry relating to genetic technologies, genetic modification or genetic engineering; and</p> <p>C. The names of any other agencies, departments or ministries that the Ministry has consulted or worked with in relation to its work on genetic technologies, genetic modification or genetic engineering.</p>			
<p>OIA Request – Contact between Ministry for the Environment and Meridian Energy Ltd.</p> <p>The Regulatory Impact Statement released in the support of the draft National Policy Statement on Freshwater Management, (5 September 2019), cited a consultative process in the period November 2018 to February 2019 between the Ministry for the Environment and Meridian Energy Ltd.</p> <p>Please provide the Waiau Rivercare Group Inc with all documents, including</p> <ul style="list-style-type: none"> <li>•briefing notes to Ministers</li> <li>•records of conversations</li> <li>•meeting dates</li> <li>•agendas and minutes from all meetings</li> </ul> <p>between the Ministry and Meridian Energy Ltd, over the “consultation” period, November 2018 to February 2019.</p>	s 9(2)(a)	19-D-02163	23 October
<p>Proposed National Policy Statement – Freshwater Management (NPS-FM)</p> <p>Proposed National Environmental Standard – Freshwater Management (NES-FM)</p> <p>National Environmental Standard – Plantation Forestry (NES-PF)</p> <p>Clause 6 (1) (a) of the NES-PF Regulations contain the statement:</p> <p>“A rule in a plan may be more stringent than these regulations if the rule gives effect to – a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management.”</p> <p>The NPS-FM consultation document “Action for Healthy Waterways” contains the statement:</p> <p>“The proposals in the NPS-FM relating to streams and wetlands will not over-ride the NES-PF.”</p> <p>Firstly, this is confusing.</p> <p>Secondly, the only reason for the NPS-FM not to over-ride the NES-PF is if there is to be a difference in the wording of rules (including attributes, thresholds, or monitoring) applied to forestry, especially rules relating to sediment, and rules relating to any other land use or sector.</p>	s 9(2)(a)	19-D-02189	24 October



Request	Correspondent	Reference	Due to send
<p>Therefore I would like to know why the Ministry for the Environment has proposed that the NPS-FM relating to streams and wetlands will not over-ride the NES-PF and whether this proposal was required, requested or suggested by some person or organisation outside of MfE.</p> <p>Can you therefore please supply a copy of all emails, texts, letters, minutes, memos and notes from phone other conversations relating to this matter by (a) people within MfE and (b) between MfE and other people or organisations (including the Freshwater Advisory groups and other Ministries).</p> <p>I am aware that the NES-PF is currently under review but this makes no difference to the situation. My request still stands.</p>			
<p>Under the Official Information Act could you please advise how often each of the words : “property rights” “Magna Carta” and “Waitakere” were mentioned in documents created before publication of the Freshwater Strategy and or the Biodiversity Strategy and then forward to me by email and hardcopy the relevant extracts.</p> <p>As an urgent official information request could you please advise how many copies of”</p> <ul style="list-style-type: none"> <li>- Draft National Policy Statement for Freshwater Management</li> <li>- Proposed National Environmental Standards for Freshwater</li> <li>- Draft Stock Exclusion Section 360 Regulations were printed and how many still remain undistributed.</li> </ul> <p>How can Farmers be expected to consult on the policies without hardcopy documents, given that many do not have printing facilities and internet of the same quality as Government Departments.</p> <p>Could you please urgently mail hardcopy to Mr DTS Riddiford, Te Awaiti Station, Martinborough copies of:</p> <ul style="list-style-type: none"> <li>- Draft National Policy Statement for Freshwater Management</li> <li>- Proposed National Environmental Standards for Freshwater</li> <li>- Draft Stock Exclusion Section 360 Regulations.</li> </ul>	s 9(2)(a)	19-D-02323	25 October
<p>I was just looking at pg 54 (appendix 4) of STAG technical document - is there a technical document / memorandum providing more information on derivation of values shown in Table A4-3 ? Given their potential importance, it would be good to see a detailed ‘audit trail’ for the numbers (Im assuming that the numbers in A4-3 for each trophic group are averages – ie macroinvertebrates – thresholds are average of the 3 metrics )</p>	s 9(2)(a)	19-D-01899	25 October
<p>The actual (so far) and expected costs of the Resource Management Act (RMA) overhaul panel (led by Tony Randerson)</p> <p>Also, what progress, if any, has been made on the overhaul of the Resource Management Act 1991?</p>	s 9(2)(a) Office of Hon Judith Collins	19-D-02200	25 October
<p>Amended on 28/09:</p> <p>Further to the previous request, I wish to constrain the OIA request to the following:</p> <p>Under OIA, I request the following documents referred to in the RMA reform terms of reference appendix C.</p> <ul style="list-style-type: none"> <li>- the ‘existing review’ of Waitangi Tribunal commentary related to the RMA system from Tribunal reports 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, 2358</li> <li>- the ‘summaries and sections of the reviews’ provided by the secretariat</li> </ul>	s 9(2)(a)	19-D-02140	25 October



Request	Correspondent	Reference	Due to send
<p>- any advice made to the development of how the review of commentary and the tribunal reports can/are informing the review</p> <p>Further to these requests, I also ask for the following:</p> <p>- any advice made to the RMA review which includes reference to WAI 1040 stage 1 Waitangi Tribunal Report Note, this request superseded the previous request made on the 23 September.</p>			
<p>I request all correspondence and advice to Kay Harrison, Karen Adair and Suzanne Doig relating to:</p> <ul style="list-style-type: none"> <li>-Agrichemical (including pesticides, herbicides, insecticides) pollution in freshwater and/or sediment</li> <li>-Heavy metal pollution in freshwater and/or sediment</li> <li>-Emerging organic contaminants in freshwater and/or sediment</li> <li>-Endocrine disruption and endpoints of endocrine disrupting compounds</li> <li>-Toxicity from 'cocktail' or mixture effects of environmental chemicals in freshwater and/or sediment.</li> </ul> <p>This is for the period January 1 - 31 December 2012</p> <p>This includes correspondence at the national and international level and all attachments including white papers, cabinet papers (and appendices) and other relevant documents to emails that contain these terms.</p>	s 9(2)(a)	19-D-02207	25 October
<p>A. Please can you provide me with a copy of these draft cabinet papers:</p> <p>Water Reform Paper 1 - Governance - proposals for public discussion document</p> <p>Water Reform Paper 2 - Objective and limit setting and Regulatory Impact Statement</p> <p>Water Reform Paper 3 - Managing within water quality limits</p> <p>and these Briefings:</p> <p>Water Reform: Quality - Managing discharges within water quality limits</p> <p>Water Reform: Quality - Different approaches to managing water quality in different types of catchments provided to Cabinet for review. These papers were referred to in document 12-B-01864 and 12-B-01923</p> <p>B. Please can you advise who is/are the principal author/s of these draft cabinet papers.</p> <p>Appropriate OIA requests cannot be undertaken to understand the degree of enquiry considered in production of these papers if the staff member has not been identified.</p> <p>See Joseph:</p> <p>Decision-makers may be under duty to take positive steps to inform themselves. They must have 'sufficient information to allow a reasonably informed decision', and they must genuinely weigh matters which must be taken into account. Ministerial decisions may be especially susceptible to challenge where ministers rely on officials' fact-findings and report. A failure by officials to place before the minister information relevant to a mandatory consideration will contaminate the decision-making. Decision-makers cannot give genuine consideration to relevant considerations and accord appropriate weight without being in full receipt of the facts.'</p> <p>Joseph, P.A. Constitutional and Administrative Law in New Zealand, 4th Ed., Thomson Reuters 2014. p.950</p>	s 9(2)(a)	19-D-02205	25 October
<p>I am seeking, under the Official Information Act 1982:</p> <ul style="list-style-type: none"> <li>•DPMC's comments on the Cabinet paper "Essential Freshwater – Public Consultation on National Direction for Freshwater Management" as part of formal departmental consultation.</li> </ul>	s 9(2)(a) Federated Farmers	19-D-02237	29 October



Request	Correspondent	Reference	Due to send
<p>Given the documents we seek relate to a public consultation process and could inform our response, we would appreciate your response as soon as possible. I have no issues with those two matters being responded to separately if this enables timelines to be better met.</p>			
<p>I am wanting to try and track down a copy of the briefing document presented by MFE to the Local government and environment select committee.  The relevant reference is from the ECan plan change 3 hearings which I have set out below. Unfortunately, it was not referenced but looks like the date could possibly be around 2015 but that is not certain.  Is the Hearings Panel is bound to follow decisions of the Environment Court?  8.32 At the hearing for Plan Change 3 the Panel asked whether it was bound by decisions of the Environment Court and higher courts. In response, on 18 November 2015, counsel for the Otaio Water Users Group tabled a Local Government and Environment Select Committee Briefing document prepared by the Ministry for the Environment. That document sets out the opinion that local authorities making decisions are not bound by stare decisis. I would be very grateful if you could provide a reference or copy of that document.</p>	s 9(2)(a)	19-D-02228	29 October
<p>Hello Stephen and Jenn - Im not sure if you have an information request email (apologies if im not directing these to the right address) ; but for the purposes of trying to understand the technical merits of what has been recommended by the STAG - I wanted to read over all the minutes, but noticed there are only minutes from two meetings (oct and Nov 2018)  By contrast, I see the FLG has minutes from 11 meetings – and within these minutes, a large number of presentations /briefing papers were provide/given to the FLG by members of the STAG and Water Taskforce.  So two questions / requests are:  1)Now that the advisory process has concluded - are all the documents / presentations referred to in the FLG meeting minutes available to 'the public' ? and if not could these be made available ?  a.Of particular interest are the STAG presentations - as currently we have very little information to assess the robustness of the ecosystem health nutrient DIN and DRP  2)Would it be possible to get copies of the STAG meeting minutes (assuming there were any) - again, this would help with the whole issue of 'transparency'</p>	s 9(2)(a) Dairy NZ	19-D-02250	30 October
<p>In October 2018, the Minister for the Environment David Parker established the formation and membership of the Freshwater Leaders Group, to provide independent advice to the government on freshwater management policy development.  Please release the following information:  1.All expenditure and costs related to the establishment, running and ongoing costs of the Freshwater Leaders Group thus far – including costs of the chair and members attending consultation meetings around the country in Sept/October 2019.  2.The criteria, interview process and make-up of panel that went in to deciding the 16 person make-up of the Freshwater Leaders Group  3.The fees/salaries of the Freshwater Leaders Group chairman and each individual member of the Freshwater Leaders Group expended thus far.</p>	s 9(2)(a) Rural News	19-D-02249	30 October



Request	Correspondent	Reference	Due to send
<p>4.The budget for meeting costs, room hire, airfares and accommodation of the Freshwater Leaders Group expended thus far</p> <p>5.The budget for administrative, secretarial and executive support for the Freshwater Leaders Group expended thus far</p> <p>6.The reasoning why the Freshwater Leaders Group was established and met from October 2018 onwards, but its terms of reference were not set until March 7 2019</p> <p>7.The number of meetings (if any) the chair could not attend and an acting chair presided (and the name of the person who presided as acting chair)</p> <p>Please also explain any relevant caveats that should be kept in mind when analysing this information, including the licence under which it is released.</p> <p>Please provide this information in an accessible, searchable format.</p>			
<p>Please can you provide all correspondence to the Minister for the Environment (including Nick Smith, Chris Finlayson, Amy Adams, David Parker) from the NZ EPA that would constitute technical advice concerning the development of freshwater national environment standards.</p> <p>This would include information that might come via officials within the Ministry for the Environment as well as direct information from the NZ EPA.</p> <p>Please take this OIA Request to be dated from 1 January 2011 to the present date.</p>	s 9(2)(a)	19-D-02248	30 October
<p>I have just reviewed this OIA request and the response given. There are still no minutes on the website and the question regarding resigned and or dismissed. Please ensure that this happens□Due to the fact that the minutes have not been put up I have a further OIA request□Please provide details of what work was provided by each individual member for the amount of remuneration that was provided□Please provide details for the total amount of remuneration paid per person</p>	s 9(2)(a)	19-D-01998	31 October
<p>RSWG Regional Sector water group Kahu Wai Moari</p> <p>Technical science group in relation to the essential freshwater reforms</p> <p>As the relate to the essential freshwater programme and outputs</p> <p>Included in this is minutes of all meetings - or a link to them</p> <p>Remuneration paid to each member</p> <p>Any members who resigned</p> <p>The attendance records of all members</p> <p>Any advice to ministers outside of the final reports</p>	s 9(2)(a)	19-D-01997	31 October
<p>Mark Price, Otago Daily Times, Wanaka here 03 4431307 As I mentioned, I'm looking for the Ministry for the Environment's environmental legal assistance fund decision on an application from the Wanaka Community Supporting Our Northlake Neighbours Society.I am told by society president Niamh Shaw the application has been rejected.□A copy of the decision would be appreciated.</p>	s 9(2)(a) Otago Daily Times	19-D-02300	1 November
<p>Can you please tell me if Pornhub.com has been visited by staff at the Ministry between August 2018 and August 2019. Please provide the number of times staff have accessed, attempted to access or been blocked from accessing the site. Please include a breakdown of the number of times it was visited and the number of times an attempt was</p>	s 9(2)(a)	19-D-02300	4 November



Request	Correspondent	Reference	Due to send
blocked by month. Please also include details of other sites staff have attempted to access that have been blocked including site names, dates and number of attempts. The final part of this request can be treated as a separate OIA request if collation will be more extensive, but please aim to respond to the first two parts within 20 days.	Political Reporter, NewsHub		
Now that that period given for the site to be cleaned up has pasted, we are seeking an update. Under the OIA we request the following. 1.What volumes have been removed 2.What enforcement has happened to date. 3.Are MFE planning to action ? This site is never going to cleaned up by Solvent Services as they do not have the financial resources to fund this. It is time that the New Zealand Government stop this company and its directors Form continue to operate. How long before you have another at Bollard road.	s 9(2)(a)	19-D-02317	6 November
Nitrogen use is refereed to regularly but phosphorus not so much - P is prevalent as much as N but is far more difficult to mitigate and remedy. There is reference to a fair allocation (nitrogen) discussion document (in TMOTW doc). Can i see copy please	s 9(2)(a)	19-D-02366	12 November
Serious Concerns over N.P.S on Urban Development	s 9(2)(a)	19-D-02368	13 November
Amended on 28/09: Further to the previous request, I wish to constrain the OIA request to the following: Under OIA, I request the following documents referred to in the RMA reform terms of reference appendix C. - the 'existing review' of Waitangi Tribunal commentary related to the RMA system from Tribunal reports 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, 2358 - the 'summaries and sections of the reviews' provided by the secretariat - any advice made to the development of how the review of commentary and the tribunal reports can/are informing the review Further to these requests, I also ask for the following: - any advice made to the RMA review which includes reference to WAI 1040 stage 1 Waitangi Tribunal Report Note, this request superseded the previous request made on the 23 September. Original on 23 Sept: Under the Official Information Act 1982, I request the following details: - All correspondence, emails, internal discussion documents since June 2018 between the following three organisations: - Te Arawhiti Ministry for the Environment - Te Puni Kokiri Which relate to the terms of reference for the Resource Management Reform which also include reference to Te Tiriti o Waitangi. - This information can be sent to: - Te Mana Motuhake a Rohe o Whangarei C/o Nicki Wakefield	s 9(2)(a)	19-D-02140	22 November



## **Weekly Update**

**Hon David Parker, Minister for the Environment**

**For the week starting 29 October 2019**

There is no meeting scheduled this week

The next meeting is scheduled for: 3 – 3.45pm, Monday 4 November 2019

## 1. Strategic priorities

### 1.1. Urban

#### **National Policy Statement (NPS) for Urban Development – ongoing policy discussions with government agencies**

The joint MfE/HUD policy team are continuing to actively engage with government agencies to seek feedback on the policy proposals.

Last week the Ministry met with Kainga Ora, Ministry of Transport and New Zealand Transport officials to discuss how the proposals impact on the delivery of public housing and the transport network. We also met with the Office of the Auditor General in response to a potential tension identified by stakeholders regarding the proposed NPS requirements to ensure an oversupply of development capacity with infrastructure funding requirements for Long Term Plans under the Local Government Act. The Office was comfortable with our policy rationale and reinforced the need to ensure policies encouraged councils to confirm funding arrangements early in the planning process to ensure councils did not breach debt limits.

Ongoing engagement will likely occur with the following agencies: Conservation, Heritage New Zealand Pouhere Taonga and the Ministry of Culture and Heritage, Education, Defence, Te Puni Kokiri and Treasury.

These discussions, combined with submissions analysis, will be used to develop our advice on the policy proposals. We are working towards draft, initial advice being provided to the Technical Advisory Panel in mid-November 2019.

### 1.2. System Reform

#### **Update on the Resource Management Review Panel**

You met with the Resource Management Review Panel (the Panel) on 22 October 2019. We are working with your office to arrange regular meetings between yourself and the Chair throughout the review process.

The Panel has provided you with a draft of their issues and options paper for early feedback. Last week the Panel focused on environmental reporting, limit setting and resource allocation. The Panel also met with the Resource Management Law Association, the Productivity Commission, Dairy NZ, and Fish & Game. The Chair also met with the Parliamentary Commissioner for the Environment. This week they intend to focus on finalising the issues and options paper, due to you on 31 October 2019.

We continue working to set up the reference groups to support the Panel and expect them to hold their first meetings next month.

#### **Cabinet paper finalising the scope and terms of reference for the review**

The Cabinet paper finalising the scope and terms of reference for the review has been distributed for Ministerial consultation. We are working towards this paper being considered at a rescheduled meeting of Cabinet's Environment and Climate Change (ENV) Committee on 7 November 2019. This would enable the Panel's issues and options paper to be distributed quickly following Cabinet decisions.



## **2. Updates for noting**

### **2.1. Montreal Protocol 31<sup>st</sup> Meeting of the Parties**

The 31st Meeting of the Parties to the Montreal Protocol will be held in Rome, Italy, from 4 to 8 November 2019. The New Zealand delegation will be led by a representative from the Ministry and a representative from the Environmental Protection Authority. The New Zealand Ambassador to Italy may also attend the high-level segment of the meeting. The meeting will cover a wide range of issues related to the implementation of the Protocol, and will continue discussions on the unexpected emissions of CFC-11, a powerful ozone-depleting substance and greenhouse gas. It will also include a roundtable discussion on the contribution of the Protocol to a sustainable cold chain to reduce food loss, as the meeting is being held at the headquarters of the United Nations' Food and Agriculture Organization.

The Ministry of Foreign Affairs and Trade (MFAT) has made a submission to the Minister of Foreign Affairs seeking approval for the New Zealand delegation. The submission also seeks approval for New Zealand to support the proposed non-binding outcome for the meeting, the Rome Declaration, which calls for strengthening international cooperation to facilitate the development of the cold chain to reduce food loss and waste. Your office will receive a copy of MFAT's submission.

### **2.2. Update on the timeframes for the National Policy Statement for Indigenous Biodiversity (NPSIB)**

Following Minister Mahuta's oral item at ENV on 23 October 2019, we understand that the following timeframes have been agreed:

- 7 November 2019 lodging the Cabinet paper, proposed NPSIB and other related consultation documents
- 14 November 2019 ENV committee meeting
- 18 November 2019 Cabinet committee

This would allow for a consultation period from approximately 25 November 2019 to March 2020. The proposed NPSIB and public consultation documents could be publicly released approximately 25 November 2019. We understand there is a preference for stakeholder engagement, iwi/Māori hui and public meetings to be held for six weeks from February 2020, meaning 1 February 2020 to 14 March 2020. The submission period would then also close 14 March 2020.

We will provide Minister Mahuta and you with a briefing note with the full final package of documents on Monday 4 November 2019, for lodging on the 7 November 2019. This package includes the Cabinet paper, proposed NPSIB, discussion document, regulatory impact statement, and section 32 evaluation report. We will also provide an overview of the communications and engagement approach.

We are working with Minister Mahuta's press secretary regarding communications and engagement opportunities during the consultation period. The communications material will include messaging that can be used by other relevant ministers during the consultation period.

### **2.3. Update – National Environmental Standard (NES) for Outdoor Storage of Tyres**

Work is underway toward a Cabinet paper and accompanying reports on a proposed NES for outdoor storage of tyres, as requested by Minister Sage. We contacted a range of stakeholders to find out more about the likely impacts of a 40m<sup>3</sup> threshold for discretionary resource consent. We found that the threshold will affect groups of businesses that wouldn't have been affected under a 200m<sup>3</sup> threshold. There would also be a significantly increased

impact on livestock farms. We are completing our assessment of the options and preparing a section 46A report with recommendations for your consideration.

<b>Timeline – NES Tyres</b>	
<b>Requirements/tasks</b>	<b>Estimated timeframe</b>
MfE provide Ministers with BN and draft s46A report	5 November 2019
Feedback from Minister/s	22 November 2019
MfE provides Ministers with draft Cabinet paper, final s46A report, RIS and draft s32 report	December 2019
Departmental and ministerial consultation and finalise Cabinet paper. MfE + consultant develops implementation guidance	December 2019 – January 2020
Lodge with Cabinet Office	February 2020
ENV	February 2020
Cabinet approval and announce policy decisions	February 2020
Parliamentary Council Office drafts regulations (including a limited exposure draft process)	February 2020 – May 2020
Draft LEG paper departmental and ministerial consultation with final s32 report	May 2020 – June 2020
Lodge with Cabinet Office	May 2020– June 2020
Cabinet Legislation Committee approval and Governor General makes regulations, regulations gazetted, MfE publishes implementation guidance	June 2020 – July 2020



### 3. Briefing notes

29 October – 29 November

Title	Lead agency	What this briefing covers	Date due to your office
2019-B-05847 Ngāti Rangitahi: Crown contributions for establishment costs of natural resource redress	MfE, Te Arawhiti and, Treasury	s 9(2)(j)	29 October
2019-B-06023 Rotorua Lakes Council application to use the Streamlined Planning Process (Pukehangi Heights): Stage 1 briefing	MfE	This briefing relates to the application received from Rotorua Lakes Council to use the Streamlined Planning Process (SPP) to progress a plan change for rezoning land for residential use. It provides the information and advice necessary for you to make the first of the decision making steps to progress the application to use SPP.	29 October
2019-B-06161 Budget 2020 Cost Pressure Initiatives for Vote Environment	MfE	This briefing provides you with the next steps for submitting Environment related Cost Pressure initiatives within Vote Environment for Budget 2020.  It attaches a letter for your Office to send to the Minister of Finance by 1 November, regarding the two proposed Cost Pressure initiatives for EPA.	30 October
2019-B-06157 Update on National Direction and Forward Agenda	MfE	Update on your report back to cabinet on National Direction, the forward agenda and letters of response to the Ministers of Corrections and Māori Development regarding new National Direction.	1 November
2019-B-06162 GM Briefing on Medical Uses and Containment Research	MfE	This briefing relates to your request for advice on gene editing. It provides an overview of the regulatory regime that applies to use of GMOs in medical research and containment, and whether there any areas where lower regulatory hurdles could be considered.	4 November
2019-B-06155 Options for upcoming appointment or reappointment process for Crown appointees to the Waikato River Authority	MfE	This report provides options and recommendations for the upcoming appointment or reappointment process for Crown appointees to the Waikato River Authority. Current terms for the five Crown appointees expire in April 2020.	9 November

#### 4. Cabinet material

29 October – 29 November

Paper name	Committee	What this paper covers	Our Suggested timeframes
2019-C-05889 Vulnerable Landfills	DEV	Vulnerable landfill - risks from climate change.	<b>Due to lodge:</b> 4 November <b>Due to Committee:</b> 14 November <b>Due to Cabinet:</b> 18 November
2019-C-6112 Environmental Protection Authority Board - Appointment	APH	Paper proposing to appoint Greg Ryder to the EPA Board.	<b>Due to lodge:</b> 7 November <b>Due to Committee:</b> 13 November <b>Due to Cabinet:</b> 18 November
2019-C-05380 Comprehensive review of the resource management system – confirmation of scope and terms of reference	ENV	This paper seeks agreement to the final scope and terms of reference for a comprehensive review of the resource management system.	<b>Due to lodge:</b> 14 November <b>Due to Committee:</b> 14 November <b>Due to Cabinet:</b> 18 November
2019-C -06146 Extending the Freshwater Leaders Group First Term	APH	This paper asks the committee to note that you are extending the first term of the Freshwater Leaders Group until 30 April 2020. This will allow the Group to continue to work on the development of the Essential Freshwater policy proposals.	<b>Due to lodge</b> TBC <b>Due to Committee</b> TBC <b>Due to Cabinet</b> TBC
2018-C-04926 PFAS Programme Process Update	ENV	PFAS Programme Process Update.	<b>Due to lodge:</b> TBC <b>Due to Committee:</b> TBC <b>Due to Cabinet:</b> TBC

## 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
Urban Development Bill: Approval for Introduction	HUD	LEG 5 November	This paper seeks approval to introduce the Urban Development Bill which will provide Kāinga Ora – Homes and Communities with a toolkit of powers to assist in the delivery of its urban development function.	<p>MfE have provided HUD with some technical comments for accuracy but are otherwise comfortable with the contents of this paper.</p> <p>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.</p>
Exempting Fox Glacier Landfill Waste from the New Zealand Emissions Trading Scheme	MfE	LEG 12 November	This Cabinet 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
Refreshed monitoring approach of Te Puni Kōkiri	TPK	MCR 12 November	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>



Reference number and paper name	Agency & Committee	Committee and date due there	Risk/issue/opportunity	MfE comments
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.
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 &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.</p> <p><u>Onshore risk &amp; 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"> <li>residual liability for offshore oil and infrastructure</li> <li>mining restrictions in benthic protection areas</li> </ul> <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.</p>

Reference number and paper name	Agency & Committee	Committee and date due there	Risk/issue/opportunity	MfE comments
				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	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.



## 6. Official Information Act requests

### 6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
The briefing titled Section 24A investigation of Otago Regional Council – further update and background notes for meeting with Peter Skelton, provided to the Minister on 5/8/19.	s 9(2)(a) Political Reporter, NZ Herald	19-O-02223	17 October	29 October
Info on resource management review Under OIA, I request from each of you - any advice, briefings, you have had that include what 'Maori being engaged as Treaty partners throughout the review' means. - the dates of the meetings with the pan-Maori groups to talk about 'the scope of the review': Iwi Leaders Group, New Zealand Māori Council, Te Tumu Paeroa, Federation of Maori Authorities, Ka hui Wai Māori, Nga; Aho.	s 9(2)(a)	19-O-02090	22 October	30 October
Please provide under the terms of the Official Information Act documents received by the Minister with the following titles. 19-B-05694 Otago Regional Council Consents Function Review Report 13/06/2019 19-B-05739 Essential freshwater 64: Briefing on draft Cabinet paper Options for a royalty on bottled water 2/07/2019 19-B-05860 Essential Freshwater 70: Report from Regional Councils on modelled impacts of the Essential Freshwater programme of reform 30/07/2019 19-B-05853 Crown Pastoral High Country Review - Background Information for meeting with Minister Sage and Minister Jones, 5 August 2019 2/08/2019 19-B-05855 Section 24a Investigation of Otago Regional Council - further update and background notes for meeting with Peter Skelton, Monday 5 August 2/08/2019 19-B-05799 Briefing note to accompany proposed response to Cameron Madgwick 19-M-01331 (Letter from PEPANZ) 12/08/2019	s 9(2)(a) Stuff	19-O-02242	22 October	30 October
A list of the briefings and reports the Minister has received from the Ministry for the Environment between September 1, 2019 and September 30, 2019 A list of the briefings and reports the Minister has received from the Ministry of Business, Innovation and Employment between September 1, 2019 and September 30, 2019.	s 9(2)(a) Political Reporter NZ Herald	19-O-02260	23 October	31 October
A list of all briefings/reports/memos Minister Parker has received from the Ministry for the Environment and Environmental Protection Authority, between Sep 1 and 30, 2019.	s 9(2)(a) Newstalk ZB	19-O-02314	29 October	5 November
I request:	s 9(2)(a)	19-O-02127	8 November	15 November



Request	Correspondent	Reference	At your office	Due to send
<ol style="list-style-type: none"> <li>1. The decisions, reports or documents, including advice for the proposed or developing NPS and NESs, that show how the legal requirements for the three settlements above have been complied with including the required statements how this is done.</li> <li>2. What processes are used in MfE, DoC and DIA to: meet the requirements of those exercising functions, duties and powers under the RMA, Conservation Act and Local Government Act, to sign off of statements that must be included to state how these requirements are complied with, and information on how these processes are to ensure the meeting the intent and word of the settlements, and is not just a box ticking exercise- that it is genuinely informing decision making.</li> <li>3. Information about how these requirements and settlements are informing the review of the resource management system- including: advice on the Purpose and Principles, the review across the powers, duties and functions throughout the RMA, LGA (given the requirements above) the dissonance in language and practice recognised in these Acts and 'resource management', the monitoring of councils and government on these requirements and commitments (e.g. how effective are these and other provisions monitored), or impacts of these few settlements providing this kind of recognition but it not being provided for or upheld in the RMA.</li> <li>4. Any other analysis, advice or requests for advice on how settlement commitments and obligations are guiding policy development or or have supported specific policy projects.</li> <li>5. Any advice or thinking you have done of had, on how you individually, with other Ministers, Ministries and the five councils involved in Te Awa Tupua, and Ngati Rangi settlements, on how individually and/or collectively are/can/will to meet these legal requirements, understand the intent, have Ministers, officials, councils learn from each other and develop capability and leadership to respond to these innovative settlements (innovative for the crown after 150+ years) where specific Tikanga and kawa is recognised. This would be aligned with State Sector Review Cabinet papers on 'a unified Public Service' and 'Te Ao Tūmatanui- Strengthening the Māori/Crown relationship'.</li> </ol>				
<p>As a follow-up OIA request, I would please like to ask for copies of the following documents:</p> <ul style="list-style-type: none"> <li>- Essential freshwater 64: Briefing on draft Cabinet paper Options for a royalty on bottled water (2/07/2019)</li> <li>- Mackenzie Basin Update – Planning gap analysis and next steps (3/07/2019)</li> <li>- Essential Freshwater 67: Resolving policy overlaps between Forestry and Freshwater Standards (19/07/2019)</li> <li>- Follow up materials regarding new thinking approaches (25/07/2019)</li> <li>- Initial economic advisory report on the essential freshwater package (25/07/2019)</li> <li>- Aide Memoire – The Reassessment Process (26/07/2019)</li> <li>- Urban Growth Agenda – Cabinet report back on legislative reform (2/08/2019)</li> <li>- Update on Productivity Commission inquiry into local government funding and financing (22/08/2019)</li> </ul>	<p>s 9(2)(a) newsroom</p>	<p>19-O-02430</p>	<p>13 November</p>	<p>20 November</p>



## 6.2. Departmental

Request	Correspondent	Reference	Due to send
<p>I am seeking, under the Official Information Act 1982:</p> <ul style="list-style-type: none"> <li>•DPMC's comments on the Cabinet paper "Essential Freshwater – Public Consultation on National Direction for Freshwater Management" as part of formal departmental consultation.</li> </ul> <p>Given the documents we seek relate to a public consultation process and could inform our response, we would appreciate your response as soon as possible. I have no issues with those two matters being responded to separately if this enables timelines to be better met.</p>	<p>s 9(2)(a) Federated Farmers</p>	<p>19-D-02237</p>	<p>29 October</p>
<p>I am wanting to try and track down a copy of the briefing document presented by MFE to the Local government and environment select committee.</p> <p>The relevant reference is from the ECan plan change 3 hearings which I have set out below. Unfortunately, it was not referenced but looks like the date could possibly be around 2015 but that is not certain.</p> <p>Is the Hearings Panel is bound to follow decisions of the Environment Court?</p> <p>8.32 At the hearing for Plan Change 3 the Panel asked whether it was bound by decisions of the Environment Court and higher courts. In response, on 18 November 2015, counsel for the Otaio Water Users Group tabled a Local Government and Environment Select Committee Briefing document prepared by the Ministry for the Environment. That document sets out the opinion that local authorities making decisions are not bound by stare decisis. I would be very grateful if you could provide a reference or copy of that document.</p>	<p>s 9(2)(a)</p>	<p>19-D-02228</p>	<p>29 October</p>
<p>I am seeking under the Official Information Act 1982: □- MPI's comments on the Cabinet paper "Essential Freshwater – Public Consultation on National Direction for Freshwater Management" as part of formal departmental consultation'. Given the documents we seek relate to a public consultation process and could inform our response, we would appreciate your response as soon as possible. I have no issues with those two matters being responded to separately if this enables timelines to be better met.</p>	<p>s 9(2)(a) Federated Farmers</p>	<p>19-D-02246</p>	<p>30 October</p>
<p>Hello Stephen and Jenn - Im not sure if you have an information request email (apologies if im not directing these to the right address) ; but for the purposes of trying to understand the technical merits of what has been recommended by the STAG - I wanted to read over all the minutes, but noticed there are only minutes from two meetings (oct and Nov 2018)</p> <p>By contrast, I see the FLG has minutes from 11 meetings – and within these minutes, a large number of presentations /briefing papers were provide/given to the FLG by members of the STAG and Water Taskforce.</p> <p>So two questions / requests are:</p> <p>1)Now that the advisory process has concluded - are all the documents / presentations referred to in the FLG meeting minutes available to 'the public' ? and if not could these be made available ?</p> <p>a.Of particular interest are the STAG presentations - as currently we have very little information to assess the robustness of the ecosystem health nutrient DIN and DRP</p> <p>2)Would it be possible to get copies of the STAG meeting minutes (assuming there were any) - again, this would help with the whole issue of 'transparency'</p>	<p>s 9(2)(a) Dairy NZ</p>	<p>19-D-02250</p>	<p>30 October</p>



Request	Correspondent	Reference	Due to send
<p>In October 2018, the Minister for the Environment David Parker established the formation and membership of the Freshwater Leaders Group, to provide independent advice to the government on freshwater management policy development.</p> <p>Please release the following information:</p> <ol style="list-style-type: none"> <li>1.All expenditure and costs related to the establishment, running and ongoing costs of the Freshwater Leaders Group thus far – including costs of the chair and members attending consultation meetings around the country in Sept/October 2019.</li> <li>2.The criteria, interview process and make-up of panel that went in to deciding the 16 person make-up of the Freshwater Leaders Group</li> <li>3.The fees/salaries of the Freshwater Leaders Group chairman and each individual member of the Freshwater Leaders Group expended thus far.</li> <li>4.The budget for meeting costs, room hire, airfares and accommodation of the Freshwater Leaders Group expended thus far</li> <li>5.The budget for administrative, secretarial and executive support for the Freshwater Leaders Group expended thus far</li> <li>6.The reasoning why the Freshwater Leaders Group was established and met from October 2018 onwards, but its terms of reference were not set until March 7 2019</li> <li>7.The number of meetings (if any) the chair could not attend and an acting chair presided (and the name of the person who presided as acting chair)</li> </ol> <p>Please also explain any relevant caveats that should be kept in mind when analysing this information, including the licence under which it is released.</p> <p>Please provide this information in an accessible, searchable format.</p>	<p>s 9(2)(a) Rural News</p>	<p>19-D-02249</p>	<p>30 October</p>
<p>Please can you provide all correspondence to the Minister for the Environment (including Nick Smith, Chris Finlayson, Amy Adams, David Parker) from the NZ EPA that would constitute technical advice concerning the development of freshwater national environment standards.</p> <p>This would include information that might come via officials within the Ministry for the Environment as well as direct information from the NZ EPA.</p> <p>Please take this OIA Request to be dated from 1 January 2011 to the present date.</p>	<p>s 9(2)(a)</p>	<p>19-D-02239</p>	<p>30 October</p>
<p>I have just reviewed this OIA request and the response given. There are still no minutes on the website and the question regarding resigned and or dismissed. Please ensure that this happens□Due to the fact that the minutes have not been put up I have a further OIA request□Please provide details of what work was provided by each individual member for the amount of remuneration that was provided□Please provide details for the total amount of remuneration paid per person</p>	<p>s 9(2)(a)</p>	<p>19-D-01998</p>	<p>31 October</p>
<p>RSWG Regional Sector water group Kahu Wai Moari Technical science group in relation to the essential freshwater reforms As the relate to the essential freshwater programme and outputs Included in this is minutes of all meetings - or a link to them</p>	<p>s 9(2)(a)</p>	<p>19-D-01997</p>	<p>31 October</p>



Request	Correspondent	Reference	Due to send
<p>Remuneration paid to each member            Any members who resigned            The attendance records of all members            Any advice to ministers outside of the final reports</p>			
<p>Who was this OIA request from? Here is the email where Maia Wikaira (lead technical advisor and project manager for Kahui Wai Maori) requested the identity of the individual who raised OIA request no.19-D-01997.</p>	s 9(2)(a)	19-D-02318	31 October
<p>Under the Official Information Act 1982 I would like to request information on the following Ministry for the Environment. 2019. Action for healthy waterways: A discussion document on national direction for our essential freshwater.Wellington: Ministry for the Environment</p> <ul style="list-style-type: none"> <li>•All official information by Ministry for the Environment on the aforementioned discussion document</li> <li>•In particular I would like copies of all documents, briefing documents, emails, texts, handwritten notes and dairy notes which pertain to any work done by the Ministry of the Environment on the welling impact on rural communities and the wellbeing of farmers with regards to the cited document. For clarity I request information on this document passing through the rural proofing policy.</li> </ul>	s 9(2)(a)	19-D-02304	31 October
<p>Proposed National Policy Statement – Freshwater Management (NPS-FM)            Proposed National Environmental Standard – Freshwater Management (NES-FM)            National Environmental Standard – Plantation Forestry (NES-PF)            Clause 6 (1) (a) of the NES-PF Regulations contain the statement:            “A rule in a plan may be more stringent than these regulations if the rule gives effect to – a freshwater objective developed to give effect to the National Policy Statement for Freshwater Management.”            The NPS-FM consultation document “Action for Healthy Waterways” contains the statement:            “The proposals in the NPS-FM relating to streams and wetlands will not over-ride the NES-PF.”            Firstly, this is confusing.            Secondly, the only reason for the NPS-FM not to over-ride the NES-PF is if there is to be a difference in the wording of rules (including attributes, thresholds, or monitoring) applied to forestry, especially rules relating to sediment, and rules relating to any other land use or sector.            Therefore I would like to know why the Ministry for the Environment has proposed that the NPS-FM relating to streams and wetlands will not over-ride the NES-PF and whether this proposal was required, requested or suggested by some person or organisation outside of MfE.            Can you therefore please supply a copy of all emails, texts, letters, minutes, memos and notes from phone other conversations relating to this matter by (a) people within MfE and (b) between MfE and other people or organisations (including the Freshwater Advisory groups and other Ministries).            I am aware that the NES-PF is currently under review but this makes no difference to the situation. My request still stands.</p>	s 9(2)(a)	19-D-02189	1 November
<p>Mark Price, Otago Daily Times, Wanaka here 03 4431307 As I mentioned, I'm looking for the Ministry for the Environment's environmental legal assistance fund decision on an application from the Wanaka Community</p>	s 9(2)(a) Otago Daily Times	19-D-02300	1 November



Request	Correspondent	Reference	Due to send
Supporting Our Northlake Neighbours Society.I am told by society president Niamh Shaw the application has been rejected.□A copy of the decision would be appreciated.			
Can you please tell me if Pornhub.com has been visited by staff at the Ministry between August 2018 and August 2019. Please provide the number of times staff have accessed, attempted to access or been blocked from accessing the site. Please include a breakdown of the number of times it was visited and the number of times an attempt was blocked by month.□Please also include details of other sites staff have attempted to access that have been blocked including site names, dates and number of attempts.□The final part of this request can be treated as a separate OIA request if collation will be more extensive, but please aim to respond to the first two parts within 20 days.	s 9(2)(a) Political Reporter, NewsHub	19-D-02300	4 November
Now that that period given for the site to be cleaned up has pasted, we are seeking an update. Under the OIA we request the following. 1.What volumes have been removed 2.What enforcement has happened to date. 3.Are MFE planning to action ? This site is never going to cleaned up by Solvent Services as they do not have the financial resources to fund this. It is time that the New Zealand Government stop this company and its directors Form continue to operate. How long before you have another at Bollard road.	s 9(2)(a) Salters Cartage Ltd	19-D-02317	6 November
Nitrogen use is refereed to regularly but phosphorus not so much - P is prevalent as much as N but is far more difficult to mitigate and remedy. There is reference to a fair allocation (nitrogen) discussion document (in TMOTW doc). Can i see copy please	s 9(2)(a)	19-D-02366	12 November
Serious Concerns over N.P.S on Urban Development	s 9(2)(a)	19-D-02368	13 November
I would like to request all communications (emails, texts, meeting notes, agendas, notes of conversations, etc.) between Gerard Willis, Bryan Smith and Martin Workman of the Ministry for the Environment's water directorate and Federated Farmers, Fonterra, Dairy New Zealand, Environment Canterbury and Irrigation NZ, since 1st January 2019."	s 9(2)(a)	19-D-01902	15 November
Please provide: •Median of total REM of all employees as at 30 June 2015 and 30 June 2016 □ •Total REM includes: base salary, employer contributions to superannuation, and any other benefits specified in employment agreements	s 9(2)(a)	19-D-02417	19 November
Please can you provide information to show:A) the maximum permitted RFEMR exposure limit in NZ in microwatts/cm2 B) how limit is NZ is justified and considered safe for New Zealanders considering the far stricter limits in many other countries China 10 microwatts/cm2, Russia 10 microwatts/cm2, Italy 10 microwatts/cm2, France 10 microwatts/cm2, Poland 10 microwatts/cm2, Hungary 10 microwatts/cm2, Switzerland General 9.5 microwatts/cm2, Switzerland Schools and Hospitals 4.25 microwatts/cm2, Belgium 2.4 microwatts/cm2, Bulgaria 2.4 microwatts/cm2	s 9(2)(a)	19-D-02401	20 November

Request	Correspondent	Reference	Due to send
<p>Through the Official Information Act I am requesting a copy of the report created by Peter Skelton into the Otago Regional Council which was recently delivered to Minister David Parker. Could I be sent this as soon as practicable.</p>	<p>s 9(2)(a) Otago Daily Times</p>	<p>19-D-02432</p>	<p>21 November</p>
<p>Amended on 28/09: Further to the previous request, I wish to constrain the OIA request to the following: Under OIA, I request the following documents referred to in the RMA reform terms of reference appendix C. - the 'existing review' of Waitangi Tribunal commentary related to the RMA system from Tribunal reports 27, 55, 167, 153, 262, 304, 785, 796, 863, 894, 1130, 1200, 2358 - the 'summaries and sections of the reviews' provided by the secretariat - any advice made to the development of how the review of commentary and the tribunal reports can/are informing the review Further to these requests, I also ask for the following: - any advice made to the RMA review which includes reference to WAI 1040 stage 1 Waitangi Tribunal Report Note, this request superseded the previous request made on the 23 September. Original on 23 Sept: Under the Official Information Act 1982, I request the following details: - All correspondence, emails, internal discussion documents since June 2018 between the following three organisations: - Te Arawhiti Ministry for the Environment - Te Puni Kokiri Which relate to the terms of reference for the Resource Management Reform which also include reference to Te Tiriti o Waitangi. - This information can be sent to: - Te Mana Motuhake a Rohe o Whangarei C/o Nicki Wakefield</p>	<p>s 9(2)(a)</p>	<p>19-D-02140</p>	<p>22 November</p>