



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# Briefing to the Incoming Minister for the Environment

ENVIRONMENT PORTFOLIO

# Contents

The environmental management system regulates the built and natural environments	4
Your role and how the Ministry supports you	5
The resource management and planning system	6
Decision-making under the RMA	6
The current resource management and planning system is under-performing	6
A new resource management and planning system needs to take a whole-of-system approach, but the work could be phased	7
Improving the liveability of cities is a key focus for the resource management and planning system	7
Options for improving the resource management and planning system in the short-term	8
Environmental management of natural resources	9
Land use provides a range of benefits as well as impacts other areas of the environment	9
Air quality is improving, and there are opportunities to amend the regulatory framework and achieve better health outcomes	9
Fresh water is important to New Zealand's way of life and economy	10
New Zealand's native biodiversity is being lost at a rapid rate and action is needed to achieve better outcomes	10
The environmental management system has a role to play in building resilience to natural hazards and sea-level rise	10
The marine management system	12
The marine environment is impacted by activities in other areas	12
New Zealand's marine management system includes a broad range of legislation and decision-makers, which leads to friction and inefficiencies	12
Your role in marine governance includes marine protection and aquaculture	12
Using resources efficiently and managing waste	14
Legislative and funding tools can be used to make a difference	14
Recommendations of the Waste Levy Review 2017	14
There is potential to improve the way waste is managed	15
The hazardous substances and new organisms system	16
Hazardous substances and new organisms provide risks and benefits to New Zealand	16
You oversee the Hazardous Substances and New Organisms Act 1996	16
Advances in genetic technologies and international regulations are testing the appropriateness of the HSNO Act	16
Other material to support you	18

Over the next few months	19
Appendix 1: Tools and levers	21
Appendix 2: Existing collaborations and partnerships	22
Appendix 3: Existing national direction instruments	24

# The environmental management system regulates the built and natural environments

1. As Minister for the Environment your portfolio covers some of the most pressing and publically important issues across both the built and natural environments. The issues are diverse, including the quality and allocation of fresh water, enabling economic development within environmental limits in the New Zealand marine environment, managing risk and natural hazards in response to climate change, the regulation of hazardous substances and new organisms, and how to provide enough opportunities for housing development through the planning system.
2. The environmental management system consists of the tools, levers, incentives and decision-making frameworks that enable central and local government and New Zealanders to manage natural and built resources, and to prepare for and respond to issues that impact the environment. See appendix 1 for an illustration of the levers available to you in the environmental management system.
3. Although often described as one system, in reality the environmental management system is a grouping of legislative frameworks that have evolved over time, for different purposes, and often in response to specific issues and needs. For example, in the marine area there are separate pieces of legislation for managing fishing, oil and gas activities, marine protection, marine pollution, and marine traffic, all of which have different purposes and requirements.
4. While the elements of the environmental management system are required to interact with one another, they are not always working towards the same outcomes. This is one of the main reasons progress towards improved outcomes for the built and natural environments is difficult to achieve.
5. The Ministry for the Environment's vision is to make New Zealand the most liveable place in the world. To achieve this, the environmental management system needs to evolve so that all parts of the system are working together towards agreed outcomes.
6. A collaborative way of working is required that partners central and local government with iwi/Māori and private sector stakeholders who are invested in ensuring New Zealand maintains and improves the value of natural resources. The Ministry for the Environment (the Ministry) recommends an approach that focuses on specific issues where collective action will make the biggest difference, and where all those involved can agree to targets and shared outcomes, and be held accountable for achieving them.

# Your role and how the Ministry supports you

7. Your role is to provide strategic direction for the environmental management system, set policy and support implementation to achieve desired environmental outcomes. Other actors, predominantly the Environmental Protection Authority (EPA) and local government, are responsible for implementation. You are responsible for appointing the board of the EPA, which is a Crown agent, and for setting its direction. You will receive a separate briefing from the EPA on its role and functions.
8. You also have an international role in contributing to solutions to global, regional and national environmental challenges. This occurs through representing New Zealand at meetings of international environmental organisations, being a signatory of international treaties (such as the Montreal Protocol on Ozone Layer Depletion, and the Minamata Convention on Mercury), approving the negotiating mandate for environmental chapters in New Zealand's trade agreements, and working closely with key bilateral partners on environmental issues.
9. The Ministry advises you on priorities and on the system of institutions, laws, regulations, policies, partnerships and economic incentives that form the framework for environmental management. As well as this, the Ministry has a legislated role to monitor the performance of the system, with a long-term view of effective environmental management. For example, the Ministry delivers the National Monitoring System, which requires local authorities, the EPA and the Ministry to provide detailed data each year on the functions, tools, and processes that they are responsible for under the Resource Management Act 1991 (RMA).
10. Legislative action will always remain a key tool by which you can take action, but there is a much wider set of tools available to support you to achieve outcomes, including partnerships formed with iwi/Māori, how the government engages with communities and businesses, the provision of independent information on the state of the environment, investment of funds to incentivise specific actions and behaviours, and partnering with local government to build capability and address capacity issues. See appendix 2 for an outline of existing collaborations and partnerships.

# The resource management and planning system

11. The resource management and planning system determines how effectively our cities and urban areas function, how natural resources are allocated and sustainably managed, and how communities make collective decisions about local areas, services, and infrastructure. It is underpinned by the RMA, which is part of the wider framework for planning and local decision making that includes the Local Government Act 2002 and the Land Transport Management Act 2003. Oversight of the RMA is a key role for the Ministry.

## Decision-making under the RMA

12. The purpose of the RMA is to provide for sustainable management of natural and physical resources, which involves considering the effects of activities on the environment both now, and in the future. It enables the development and use of resources while avoiding, remedying or mitigating adverse effects on the environment. As such, implementation of the RMA and the plans developed under it require managing conflicting values and expectations of communities and individuals. The recent public conversation on freshwater allocation and charging illustrates these tensions.
13. Policy objectives under the RMA are set at national, regional and local levels. Most New Zealanders experience the RMA primarily at a local and regional level, such as applying for resource consent to build a house.
14. The RMA is highly devolved, with the majority of decisions on resource use and allocation being made by local authorities. The RMA divides responsibilities by council type – regional, city/district and unitary (a combination of both). Councils set objectives, policies and rules through plans, make decisions on applications for resource consent for activities not expressly permitted in their plans, and monitor/enforce compliance.
15. As the Minister for the Environment, you maintain an active overview and monitoring role of the RMA and you have a range of responsibilities and powers, for example, creating national direction such as the National Environmental Standards for Air Quality. See appendix 3 for a table of existing national direction instruments.
16. Your other responsibilities under the RMA include directing “nationally significant” proposals to be decided by a Board of Inquiry (appointed by you and administered by the EPA), determining applications for requiring authorities or heritage protection authorities, approving applications to use the streamlined planning processes, and investigating matters of environmental significance.

## The current resource management and planning system is under-performing

17. The resource management and planning system is not coping with a range of issues such as fast population growth in urban areas, pollution created by runoff from land, the cumulative effects of past and present land-use activities, and the efficient and equitable allocation of fresh water and other resources. Societal aspirations are not being met, institutional arrangements create barriers to achieving integrated management and

solutions, and implementation is compromised by gaps in information, under-resourcing, variable capacity and system rigidity.

18. Failures in the resource management and planning system have system-wide effects that impact all New Zealanders, such as the ability to deliver sufficient development capacity for housing, or to provide transport and water infrastructure that supports climate-resilient growth and mitigates environmental and health impacts.
19. These problems have become so pervasive that there is now widespread support for reform of the system. Key business, infrastructure and environmental groups are working to advance the case for change. Local Government New Zealand and others have work underway to develop their own blueprints for reform.
20. The level of support for reform presents an important opportunity to design a fit-for-purpose resource management and planning system that is responsive to the challenges New Zealand will face in the future.

## **A new resource management and planning system needs to take a whole-of-system approach, but the work could be phased**

21. Reforming the resource management and planning system offers an opportunity to create a system that is more cohesive and coherent, ensures development occurs within agreed environmental limits, is better aligned across legislative roles and responsibility, produces better decision-making and is more agile and durable to cope with future challenges.
22. System-wide reform also provides an opportunity to rethink institutional arrangements. Although local government implements most elements of the resource management and planning system, and will have a crucial role to play throughout any reform programme, many challenges with the current system relate to the variability of capacity and capability of local government, decision-maker independence and accountability, and poor alignment of funding and system benefits across national, regional and local levels.
23. The scale of reform needed is significant, and will require coordinated government activity across a number of portfolios, particularly those involved in managing resource use, planning, housing, infrastructure provision and funding, transport, and local governance. A significant amount of work has already been done by a core group of government agencies, but there are a range of options for how further work could be progressed to manage its size and complexity. For example, the Ministry recommends that the first phase of reform should focus on values and objectives for urban areas.

## **Improving the liveability of cities is a key focus for the resource management and planning system**

24. About three-quarters of New Zealanders choose to live in cities, so for many New Zealanders, the quality of a city's natural and built environment is an important aspect of their well-being. Cities play a key role in the economy and provide critical infrastructure essential to New Zealand's economic prosperity. Well-functioning cities also contribute to environmental outcomes by reducing greenhouse gas emissions and minimising the generation of waste.
25. Planning for the future of New Zealand's cities is therefore critical. Reform of the resource management and planning system is particularly important for New Zealand's fastest-

growing cities, which need ongoing support to enable them to respond to high growth by making significant investments in planning, producing housing and business opportunities and providing infrastructure in the right place and at the right time.

26. The Ministry's view is for New Zealand's cities to be the most liveable in the world. New Zealanders need greater access to and choices of housing; employment and education; a quality built and natural environment; quality infrastructure; and increased resilience to natural hazards, including those associated with climate change. This means addressing housing and infrastructure issues, ensuring there are good processes for managing the future development of cities, and delivering other quality-of-life factors like safe and attractive public spaces.
27. You have a key role to play in addressing these issues by using tools such as the National Policy Statement on Urban Development Capacity, which directs growing local authorities to provide opportunities for housing and business land to meet current and future demand.
28. There is a key opportunity for you to work with local councils and communities to improve the quality of urban development and the liveability of urban areas, for example developing a set of quality built environment principles that cover aspects of planning, urban design and urban form.

## Options for improving the resource management and planning system in the short-term

29. Whole-of-system reform of the resource management and planning system and delivery of core legislative and institutional reforms would take three to five years, and involve extensive engagement with local government, iwi/Māori and key stakeholder organisations, experts, and the public, to develop robust solutions and build support for change. Bedding-down the full package of changes would continue for some years after the core elements are in place.
30. In the short-term, there are a number of options for you to address your priorities and achieve improved outcomes, including:
  - **direction** - setting priorities through the forward agenda for national direction and widening the scope to include both regulatory and non-regulatory levers
  - **participation** - implementing mana whakahono a rohe to enable greater meaningful Māori participation in the resource management and planning system
  - **implementation** - increasing support and oversight of council implementation of the RMA, including compliance, monitoring and enforcement activities
  - **efficiency** - promoting local authority applications to use the streamlined planning process in order to speed-up the plan-making process, and in particular provide for additional housing capacity and develop the first suite of national planning standards – a national direction tool that seeks to achieve greater consistency within local authority plans.

## Environmental management of natural resources

31. In addition to supporting the development of cities, the environmental management system regulates the use of natural resources and the environmental impacts of activities on those resources.
32. The RMA provides the main regulatory framework for land, air, water, and biodiversity, and there are specific regulatory regimes for the marine area, waste management and hazardous substances and new organisms. The environmental management system also has an important role to play in how New Zealand prepares for, and responds to natural hazards.

### **Land use provides a range of benefits as well as impacts other areas of the environment**

33. Across New Zealand, land is under pressure from a range of human activities, including: land-use intensification; population growth; increased demand for housing; and increasing climate-related pressures. Land is therefore a 'nexus' of the pressures placed on the environment and the benefits received from it. Because of this, an integrated view of land management is critical.
34. The regulatory framework for land management is currently fragmented. The Ministry's work programme is focused on addressing information gaps about land, and accounting for the full costs and benefits of land-use activities, including cumulative impacts.
35. There is an opportunity for you to take a leadership role in setting the incentives and drivers for land use alongside your natural resource colleagues. As Minister for the Environment, you have the ability to take an overarching view of the land management system as a whole to ensure the long-term sustainability of what is a finite resource.
36. The Land Domain Report, part of the Environmental Reporting series, will be released in April 2018 and is a key opportunity to highlight land issues.

### **Air quality is improving, and there are opportunities to amend the regulatory framework and achieve better health outcomes**

37. Outdoor air quality is primarily managed under the National Environmental Standards (NES) for Air Quality, which sets national baselines for specific pollutants (eg, particulate matter) to protect human health. Human-made particulate matter in New Zealand mainly comes from home heating using solid fuel (wood or coal), with other sources managed primarily through vehicle exhaust standards and council resource consent requirements for industrial facilities.
38. New Zealand air quality is generally good by international standards and has improved significantly over the past decade. Estimated annual premature deaths from polluting particulate matter reduced from 1170 in 2006 to 770 in 2014, a reduction of 34 per cent. Continuing this progress requires addressing the remaining highly polluted air sheds,

where high concentrations of particulate matter in the air during winter are causing premature deaths from respiratory and cardiovascular conditions.

39. The Ministry recommends you amend the NES for Air Quality to reflect new evidence about harmful pollutants and to ensure progress on improving health outcomes doesn't stall. There are also opportunities for you to drive improved air quality outcomes through funding (eg, to replace older wood or coal burning appliances with newer wood burners or electric- or gas-fuelled appliances), facilitating behaviour change programmes, and contributing to other government initiatives on warm homes and transport.
40. Your key partners improving air quality are local government, the Ministries of Health, Transport, and Business, Innovation and Employment, district health boards, the Energy Efficiency and Conservation Authority and the solid fuel industry.

## **Fresh water is important to New Zealand's way of life and economy**

41. Rivers, lakes, wetlands and aquifers have been coming under increasing stress, both from increased demand for water takes and more pollutant discharges. Given the importance of fresh water to New Zealanders and the economy, a separate briefing is provided on the opportunities and risks associated with fresh water issues.

## **New Zealand's native biodiversity is being lost at a rapid rate and action is needed to achieve better outcomes**

42. There are currently more than 3000 native species that are classified as threatened and of those, more than 800 face the risk of extinction. Much of New Zealand's biodiversity loss is occurring on private land. As the RMA is the main tool for managing biodiversity on private land, you play a key role alongside the Ministers for Conservation and Primary Industries in shaping a system for managing the risks to biodiversity.
43. A stakeholder-led Biodiversity Collaborative Group is currently developing policies for the management of biodiversity on public and private land and is due to report to you in September 2018. The Ministry recommends you engage with the Group and encourage swift progress to find common ground on the subject of managing biodiversity on private land.
44. Whatever the recommendations of the Biodiversity Collaborative Group, the Ministry's advice is that national direction on managing biodiversity is necessary. You have an opportunity to work with your natural resource colleagues to determine the appropriate regulatory and non-regulatory frameworks necessary to achieve better biodiversity management, particularly on private land.

## **The environmental management system has a role to play in building resilience to natural hazards and sea-level rise**

45. The risk of natural hazards is a constant threat to New Zealand, as illustrated recently by the November 2016 earthquakes and April 2017 Edgecumbe flooding. Risk from natural hazards is set to increase as climate change leads to increased frequency and severity of disaster events. Upcoming issues span three categories:

- (a) managing new development and sea-level rise
- (b) strategic approach to climate change adaptation
- (c) existing sites with elevated risk-to-life.

### **Managing new development and sea-level rise**

- 46. It is well established that New Zealand will experience sea-level rise, creating risks for property and infrastructure that should be addressed. By managing the location, design and infrastructure for new land development, New Zealand can ensure new development is resilient to sea-level rise in the coming decades. This will also involve avoiding development in some areas. The Ministry recommends publication of the Coastal Hazards and Climate Change Guidance for Local Government and monitoring urban growth strategies to assess sea-level rise risk for new development.
- 47. Alongside issues of sea-level rise, the RMA plays an important role in ensuring the location and design of new development addresses risks from natural hazards generally, including flooding, earthquakes and landslides. For example, effective land-use planning could have prevented the liquefaction-prone Bexley subdivision in Christchurch, which was rendered uninhabitable in the 2010-11 Canterbury Earthquakes.
- 48. Challenges faced by councils include disincentives to appropriately manage natural hazards, capability demands, and uncertain requirements for technical hazard assessments. Councils need to start establishing RMA plan provisions that actively address natural hazard risks, and targeted guidance would help to overcome existing challenges.

### **Climate change adaptation must be considered as part of natural hazards management**

- 49. There are linkages and overlaps between climate change adaptation, natural hazard management and disaster response planning; they collectively contribute to New Zealand's "resilience".
- 50. To improve and maintain resilience, New Zealand needs to take a long-term view of climate change impacts that recognises the needs of future generations. This includes managing the location, design and infrastructure of new land development.
- 51. The Ministry is considering ways to improve the ability of the current environmental management system to respond to climate change in a more coordinated and effective way, as well as exploring options such as using regulatory levers to influence local government planning and ensure infrastructure spending by central government is climate resilient. Changes in how decisions are made about land use and investment in natural and physical infrastructure are likely to be needed.

### **Work is underway across government to address risks-to-life at existing sites**

- 52. There are a number of existing sites where residents face elevated risks from natural hazards, including Matatā, Kaikōura and Franz Josef. The Ministry will continue to work with central and local government agencies to provide advice to you, the Minister of Local Government and the Minister of Civil Defence on all such issues.

# The marine management system

## The marine environment is impacted by activities in other areas

53. The Marine area includes New Zealand's coastline, territorial sea and exclusive economic zone. It includes 15,000 km of coastline and 17,000 known species. The Marine economy contributes \$4 billion per annum to the economy and provides 102,000 jobs.
54. The state of the marine environment is most significantly impacted by the global impacts of climate change, but also through sediment and nutrient run-off from land, coastal development and fishing-related activity. Key threats to the marine area include ocean acidification and warming, growing numbers of marine birds and mammals that are threatened or at risk, and degraded coastlines and estuaries/harbours. Responses to climate change and freshwater quality will therefore have significant benefits for the marine environment.

## New Zealand's marine management system includes a broad range of legislation and decision-makers, which leads to friction and inefficiencies

55. Activities within the territorial sea are managed by regional authorities under the RMA, while significant regulatory responsibilities for fishing, conservation and maritime transport are managed nationally.
56. The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) promotes the sustainable management of the natural resources of the exclusive economic zone and continental shelf and protects the environment from pollution. It aims to protect New Zealand's oceans from the potential environmental risks of activities by regulating activities other than fishing and maritime transport that were previously unregulated, for example oil and gas activities and seabed mining.
57. This broad range of legislation and rules governing the marine area creates friction and inefficiencies. For example, recent court action has sought to clarify responsibilities for regulating the environmental impacts of fishing between the RMA and Fisheries Act 1996.
58. The marine management system is not working as well as it could, and there is a growing acceptance of the need for change. Working with other agencies and partners, the Ministry can deliver better alignment of activities across the marine area, and greater efficiency in the delivery of processes and services. This can be achieved through incremental improvements with a long-term view to developing an aligned marine management system.

## Your role in marine governance includes marine protection and aquaculture

59. As Minister for the Environment you have administrative responsibility for the RMA and the EEZ Act, as well as some more specific marine-related legislation. However, given the range of issues and impacts in the marine area, your role in marine governance extends beyond these existing legislative frameworks, and includes marine protection and

aquaculture. You will have a key role to play in determining the scope and scale of future marine initiatives.

60. Initial public consultation on marine protected area reforms was undertaken in early 2016. The objective of the reforms is to create a more integrated approach to marine protection that addresses the current piecemeal approach to marine protection, the narrow scope of the existing Marine Reserves Act, and increased interest in local area management. A second public consultation document has been prepared but has yet to be released.
61. The Government introduced the Kermadec/Rangitāhua Ocean Sanctuary Bill to the House in March 2016, proposing a 620,000 square kilometre fully-protected sanctuary in the exclusive economic zone surrounding the Kermadec Islands. The Bill has now been through select committee and is currently awaiting its second reading. The Sanctuary is the subject of three legal proceedings, although the cases are on hold while the Bill is before Parliament.
62. In the coming term, the Ministry can advise you on options to progress the Sanctuary legislation, and will also support you in your leadership role in the Crown-Māori partnership as it relates to marine management issues.
63. Aquaculture development has been supported by a number of current regional and national initiatives, including development of a National Environmental Standard and the proposal to relocate salmon farms in the Marlborough Sounds. An upcoming review of Government's Aquaculture Strategy and Five-year Action Plan will provide you with an opportunity to position future aquaculture development within an integrated marine management approach.

# Using resources efficiently and managing waste

64. All economic activities involve consumption of energy and raw materials, and generate waste and emissions. Smarter and more efficient use of resources, with less waste, will create a healthier and more productive environment.
65. New Zealand's current patterns of production, consumption and disposal are unsustainable. Waste continues to increase and is among the highest in the OECD – each New Zealander produces an average of 734kg waste per year.
66. Waste places pressure on the environment with long-term implications for costs and resource supply. It enters waterways and marine environments and contributes to New Zealand's emissions profile.
67. The subject of waste is a good way to engage New Zealanders in environmental conversations; waste is highly visible in people's everyday lives; it is emotive – as illustrated by the recent debate regarding the use of plastic bags; and, it is an area where people can easily take action and do something about it themselves. For all these reasons, campaigns around waste tend to attract high levels of active engagement.

## Legislative and funding tools can be used to make a difference

68. The waste system includes legislative levers, such as the Waste Minimisation Act 2008 and the RMA, and funding levers such as the contestable Waste Minimisation Fund – a waste disposal levy collected from participating landfills (30 out of 300).
69. Non-regulatory tools, such as guidance and voluntary initiatives, can also help minimise waste. These tools complement regulatory measures as they encourage going beyond the minimum actions required by law.
70. In the last eight years, the government has invested more than \$179 million in waste minimisation initiatives. That investment has made a difference, but waste levels continue to rise and more could be done to increase the return on investment.
71. Access to reliable data and information about the volume of waste generation, waste composition, disposal and diversion is a significant issue. The only data available is aggregated data collected from levied landfills (representing about 30 per cent of all waste disposed of to land).

## Recommendations of the Waste Levy Review 2017

72. The levy was reviewed recently and three areas of focus were recommended:
  - **Strategy:** develop an investment strategy and a framework to measure results. Early investment and partnering with business and industries could design waste out from the beginning
  - **Data:** develop a national and coordinated approach to data collection. A national framework is essential to ensure better oversight of waste problems and opportunities for resource efficiencies

- **Approach:** expand the waste disposal levy across additional classes of landfills in a staged approach and assess the role of differential rating.

## **There is potential to improve the way waste is managed**

73. Looking to the future, the Ministry's advice is that a new, dynamic and whole-of-government approach is needed to resource efficiency and innovation that focuses on separating natural resource extraction and consumption from economic growth. This approach is generally described as a move away from the linear economy (make-use-dispose) to a circular economy (make-use-return).
74. The Ministry considers transitioning to a circular economy will reduce waste and associated pollutants, help protect and restore natural capital, and benefit efforts to address issues including climate change and water quality. As Minister for the Environment, you can play an important role in leading this transition.

# The hazardous substances and new organisms system

## Hazardous substances and new organisms provide risks and benefits to New Zealand

75. Hazardous substances and new organisms need to be managed well due to the potential risk they pose to people and the environment. However, they also have the potential to benefit New Zealand's communities, the environment and the economy.
76. Hazardous substances are found in homes, industry, and agriculture. There are more than 100,000 different types of hazardous substances approved for use including explosives, pesticides, industrial chemicals, petrol, household cleaners and cosmetics.
77. New organisms include organisms that were not present in New Zealand before 29 July 1998, and genetically modified organisms (GMOs). These include new species of fruit or vegetables, animals kept in zoos, species used as biological control agents, as well as GMOs. New organisms are also used in containment for research purposes.

## You oversee the Hazardous Substances and New Organisms Act 1996

78. The potential risk that hazardous substances and new organisms pose is managed through the Hazardous Substances and New Organisms Act 1996 (HSNO). HSNO's purpose is to provide an integrated and consistent means of management in order to protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.
79. You have oversight of HSNO, and the Ministry assists you to ensure the HSNO framework is not only effective against risk, but also does not unnecessarily constrain economic growth. The Ministry does this by working with the EPA and local authorities to manage known risks and continually monitor for emerging risks. The EPA is responsible for assessing and deciding applications for whether a hazardous substance or new organism is allowed into New Zealand. It also decides what controls are needed to mitigate risk.

## Advances in genetic technologies and international regulations are testing the appropriateness of the HSNO Act

80. Recent and rapid developments in new genetic technologies are changing the landscape of what is possible in agricultural, environmental and medical applications. For these reasons, New Zealand has a strong interest in ensuring that adequate domestic and international frameworks are in place for managing new organisms.
81. Globally, these developments are challenging conventional views on what counts as genetic modification and raising major policy implications across a range of sectors. Some jurisdictions have already decided not to regulate some products made using new technologies, and/or are reviewing their regulatory frameworks, while others are calling for an international moratorium on products made using new genetic technologies.

82. The new applications of genetic technology were unknown when HSNO was introduced in 1996. HSNO was amended in 2003 following the Royal Commission on Genetic Modification, but has not been reviewed since. The Ministry's view is that it is time to look at whether the HSNO system is still fit-for-purpose, beginning with understanding the impact of binary decisions (allowing/not allowing GM technologies), social boundaries to the uses or methods involved in GM (vaccines, food, pest control), long-term consequences and legacies of different types of decisions, and models for seeking social licence and public engagement.

## Other material to support you

83. This document has given you a brief overview of the environment portfolio. It is accompanied by an overarching briefing setting out the broad context for your portfolio and the Ministry's advice on initial priorities for incoming Ministers. It is also supported by specific briefings covering climate change and fresh water.
84. The Ministry looks forward to discussing this advice with you, in support of the priorities set out by you and your government.
85. In addition to portfolio-specific information, we have provided you with two cross-government briefings. These briefings are being provided to all relevant Ministers and cover the natural resources sector and the built and urban system.
86. A list of statutory responsibilities, delegations and board appointments has been prepared and is available on request.

## Over the next few months

87. In the coming months there are several key events or issues for your attention:

Issue or event	Lead agency	Further information
<p>Publication of fresh water National Monitoring Standards (NMS) data &amp; findings on process</p> <p><b>October 2017</b></p>	MfE	Note that the NMS data for 2015/2016 and 2016/2017 is being published and there may be some media interest in the findings. The Ministry will brief you on this release.
<p>Pou Taiao Iwi Leaders Group seeking meeting with Ministers</p> <p><b>October/November 2017</b></p>	MfE	The Pou Taiao Iwi Leaders Group will request an exploratory meeting with Ministers to discuss plans for Waitangi 2018. We will brief you once this request has been received.
<p>Draft board of inquiry decisions on Northern Corridor</p> <p><b>October 2017</b></p> <p>Draft board of inquiry decisions on East-West Link proposals</p> <p><b>November 2017</b></p>	MfE	We will advise you on when draft Board of Inquiry decisions are released. Any formal response by you is limited to minor and technical aspects of the decisions.
<p>Performance Improvement Framework review &amp; response</p> <p><b>November 2017</b></p>	MfE	MfE has prepared an action plan in response to a review of the Ministry carried out for the SSC. As Minister responsible for the Ministry we will brief you on the review and our response before finalising and publishing this report.
<p>Advice on Wai 2358 hearings</p> <p><b>November 2017</b></p>	MfE	We expect to provide advice on the background and current status of this Waitangi Tribunal inquiry and note that the third and final hearing week that will hear Crown evidence has been postponed.
<p>HSNO Transitional Regs</p> <p><b>November 2017</b></p>	MfE	Cabinet will need to approve the transitional HSNO regulations to reflect changes under the Health and Safety at Work Act and HSNO Act commencing 1 December 2017.
<p>Council requests for Streamlined Planning Processes (SPP)</p> <p><b>November 2017</b></p>	MfE	Your decisions are required on three requests to use this process under the Resource Legislation Amendment Act 2017.
<p>October Baseline Update</p> <p><b>November 2017</b></p>	MfE	The Ministry's financial baselines are required to be updated in October to include Cabinet decisions taken since appropriations were set in July, confirmation of any in-principle expense transfers, any technical adjustments and forecasting changes. Responsible Ministers are required to confirm these updates with the Minister of Finance by 6 November 2017. We will brief you and provide a draft letter for the Minister of Finance before this deadline.
<p>Environmental Protection Authority (EPA) cost recovery</p> <p><b>November 2017</b></p>	MfE	The EPA board is considering increases (some significant) to its fees. The Ministry supports these proposals and in light of the impact suggests that you inform Cabinet before this decision is implemented. We will provide you with a Cabinet paper on this matter.
<p>Amendment to RMA discount regulations</p> <p><b>November 2017</b></p>	MfE	We will brief you and provide an LEG paper in order for you to make consequential amendments to the RMA discount regulations following the Resource Legislation Amendment Act 2017.

Issue or event	Lead agency	Further information
Attendance at UN Environment Assembly, Kenya – being held in December 2017 <b>November 2017</b>	MfE/MFAT	You will receive advice on attendance at this event. Environment Ministers often attend and we understand an invitation has been issued to the Prime Minister.
Statutes Amendment Bill 2018 <b>November 2017</b>	MfE	You will need to submit any proposed amendments for inclusion in the Bill. MfE has identified a number of amendments necessary to correct minor errors in the RMA as well as prohibiting primary mercury mining to meet NZ's international obligations under the Minemata Convention on Mercury. We will provide advice on the inclusion of these proposals for your consideration.
Budget 2018 <b>Expected November 2017</b>	MfE	The Ministry will provide you with advice on proposed bids.
Permitted activity regulations allowing the deposit of space debris in the Exclusive Economic Zone <b>November/December 2017</b>	MfE	The deposition of space debris within the EEZ is currently only permitted within a narrow area. The deposition of any space debris from rocket launches outside this area is not currently covered by regulations. Rocket Lab are required in contractual obligations to launch rockets that are likely to create debris outside this zone prior to the end of December – any debris from these launches will not be covered by regulations and will require a decision from you on whether to extend the permitted deposition area.
National Environmental Standard (NES) for the Outdoor Storage of End of Life Tyres <b>December 2017</b>	MfE	You will need to make policy decisions in order for the NES to take effect by August 2018. The NES is also needed to align with conditions in the Waste Minimisation Fund investment into the Golden Bay Cement end-of-life tyres project.
Legislation bids for 2018 legislation programme <b>January 2018</b>	MfE	You are required to submit a legislation bid for your portfolio to Cabinet for inclusion in the 2018 Legislation Programme.

# Appendix 1: Tools and levers

## The Environmental Management System

There are a range of tools and levers to achieve outcomes



**Legislation**  
Sets the principles and processes for the system. It enables, prohibits or regulates action; can establish taxes, fines or create markets; and provide national consistency. Key legislation in this system includes the Environment Act 1986, the Environmental Reporting Act 2015 and the Resource Management Act 1991.

**Regulation**  
Fills in the detail from the legislative framework, provides national consistency, and helps legislative systems respond to change more easily.

**Investment**  
Can be targeted at remediation action, or to support new technology or more efficient practices.

**Influencing**  
Influences behaviours and actions by using and sharing **data and information** to enable better decision making across the system and to support informed public debate; **engaging and partnering** with others in the system; developing **guidance and codes of practice**; **monitoring and reporting** on compliance with the regulatory system.



## Appendix 2: Existing collaborations and partnerships

Partner	Role
<b>Natural resources sector<sup>1</sup></b>	<ul style="list-style-type: none"> <li>The Ministry is the lead agency of the natural resources sector, a group of government agencies responsible for the management and stewardship of New Zealand's natural resources.</li> <li>You will receive a separate briefing on the role and work of the natural resources sector.</li> </ul>
<b>Housing and infrastructure sector<sup>2</sup></b>	<ul style="list-style-type: none"> <li>A cross-agency partnership focused on improving the planning system and achieving housing and infrastructure outcomes.</li> <li>You will receive a separate briefing on the housing and infrastructure sector.</li> </ul>
<b>Environmental Protection Authority</b>	<ul style="list-style-type: none"> <li>The EPA was established in 2011 as a Crown entity responsible for national-level consenting and regulatory functions.</li> <li>As New Zealand's single national-level environmental regulator, the EPA plays a central role in the management of New Zealand's environment and natural resources. It has a broad remit including: administering applications for major infrastructure projects; regulating the use of hazardous substances and new organisms; administering New Zealand's Emissions Trading Scheme; and managing environmental effects in New Zealand's Exclusive Economic Zone.</li> </ul>
<b>Statistics New Zealand</b>	<ul style="list-style-type: none"> <li>Every six months, the Ministry and Statistics New Zealand deliver a state of the environment report under the Environmental Reporting Act 2015.</li> </ul>
<b>Local government</b>	<ul style="list-style-type: none"> <li>Local government is largely responsible for environmental management and implements many of the environmental regulations set by central government.</li> <li>The Chief Executives' Environment Forum is a regular meeting of local government and natural resources sector Chief Executives, which aims to maintain a strong working partnership between central and local government and enable joint strategic planning and action.</li> </ul>
<b>Science sector</b>	<ul style="list-style-type: none"> <li>This sector includes other government departments, the Crown Research Institutes, universities and regional councils</li> <li>One of the Ministry's key tools to influence the direction of future research investment is through the Conservation and Environment Science Road Map.</li> </ul>
<b>Iwi/Māori</b>	<ul style="list-style-type: none"> <li>The Iwi Chairs Forum is an informal grouping of the Chairpersons of over 70 iwi across the country, established as a platform for sharing knowledge and information, and discussing the challenges and aspirations of iwi/Māori.</li> <li>Various Iwi Leaders Groups have been established from the membership on particular kaupapa, including conservation, climate change, and fresh water.</li> </ul>
<b>Business sector</b>	<ul style="list-style-type: none"> <li>Some businesses are well advanced in their thinking about how they use, value and invest in natural resources. For example, Te Hono is a diverse group of 220 Chief Executives and leaders working to develop and innovate for transformational change in the New Zealand primary sector and agribusiness.</li> </ul>
<b>Young New Zealanders</b>	<ul style="list-style-type: none"> <li>The Ministry has an ongoing relationship with the Youth Enviro Leaders Forum; an annual forum for young leaders who have a passion for the environment, run by the Sir Peter Blake Trust.</li> <li>The Ministry partnered with agencies to launch the Environmental Education for Sustainability national strategy in 2017 and will collaborate over the next four years to implement the action plan.</li> </ul>

<sup>1</sup> Ministry for the Environment, Ministry for Primary Industries, Ministry of Business, Innovation and Employment, Department of Conservation, Land Information NZ, Te Puni Kōkiri, Department of Internal Affairs, Ministry of Transport.

<sup>2</sup> Ministry for the Environment, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Ministry of Transport, the Treasury, Department of Prime Minister and Cabinet.

Partner	Role
	<ul style="list-style-type: none"> <li>The Ministry administers Crown funding for the Toimata Foundation to ensure national coordination and ongoing development of the Enviroschools and Te Aho Tū Roa programmes. Regional support for delivery and teacher training is funded by regional and district councils and community groups (84% of programme funding), and the programmes are active in well over 1,000 schools, early childhood centres, kura and marae.</li> </ul>
<b>International engagement</b>	<ul style="list-style-type: none"> <li>Many environmental challenges are not confined to national boundaries. The Ministry engages internationally to contribute to, and benefit from, efforts to identify solutions to global, regional and national environmental challenges.</li> </ul>

## Appendix 3: Existing national direction instruments

'Protecting' national direction	'Enabling' national direction
<ul style="list-style-type: none"> <li>• National Environmental Standards for Air Quality</li> <li>• National Environmental Standard for Sources of Drinking Water</li> <li>• National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</li> <li>• National Policy Statement for Freshwater Management</li> <li>• New Zealand Coastal Policy Statement</li> </ul>	<ul style="list-style-type: none"> <li>• National Policy Statement on Urban Development Capacity</li> <li>• National Environmental Standards for Plantation Forestry</li> <li>• National Policy Statement for Renewable Electricity Generation</li> <li>• National Policy Statement and National Environmental Standard on Electricity Transmission</li> <li>• National Environmental Standards for Telecommunication Facilities</li> <li>• Three exemption regulations relating to pest control, marine pollution, and insecticides</li> </ul>