

# Methyl Bromide Meeting

## 16 August 2017

The certainty or otherwise of a  
National Environment Standard

Trish Fordyce

# Outline

- Issue
- The provisions of section 43 RMA
- The provisions of section 43 A RMA
- Government champions-MFE and ???
- The hurdles
- The benefits
- Conclusions

# Issue

- Must clearly identify issue to be solved by a NES
- Background information to be collated
- Is it a need to have one approach, consistency of regulatory standards, consistency of monitoring requirements?
- Do existing processes provide inconsistency?
- Identification of stakeholders and issue for them

# Section 43

## RMA-National Environment Standards

- Qualitative or quantitative standards
- Standards for a discharge, standards for ambient environment
- Methods to implement standards-can be non-technical
- NES may apply generally, specified district or region, or to a specified part of NZ

# Section 43 A

- Can not be a permitted activity if **significant adverse effects** on environment
- If permitted may set standards
- Can provide for activity by way of resource consent
  - Controlled, restricted discretionary, discretionary, non-complying
  - Can set matters control/discretion are reserved

# Section 43 A

- Set public notification provisions
- If permitted may provide for charging for monitoring

# Government

- NES overall responsibility of MfE, is process to undertake/consultation
- ? Another government department
- Need funds as government will have to undertake independent assessments, cost benefit analysis of the issue and any proposals-advantages/disadvantages on all stakeholders

# The Hurdles

- Clearly identifying the issue
- If wishing for permitted activity status must have science to show **no** significant adverse effects
- Championing by government
- Government budget to assess, undertake process, undertake cost benefit analysis
- Loss of control of “application”
- Timeframes-9 years for NES Plantation Forestry

# The Benefits

- If permitted activity status-consistent standards
- If restricted discretionary activity-consistency as to matters retained as council discretion and not full discretionary consent
- Still issue different councils decide the consents
- All stakeholders not have to deal with same issues at different regional plan development/and or consents/appeals
- Oversight of councils by MfE

# Conclusion

- ????????
- The questions are:
  - What is the issue and
  - Is it the issue one best dealt with by an NES
  - Is an NES the best place to spend money, time and effort?

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