

Hon Penny Simmonds

Minister for Disability Issues
Minister for the Environment
Minister for Tertiary Education and Skills
Associate Minister for Social Development and Employment



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Simon Upton
Parliamentary Commissioner for the Environment
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Wellington 6140
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Dear Simon

Thank you for your letter of 21 December 2023 about the need for adequate action on air quality. I appreciate you taking the time to raise your concerns with me.

I acknowledge your frustrations with the current national direction on air quality and recognise that the National Environmental Standards for Air Quality (NES-AQ) are due for an update. As you know, the Government has committed to making changes to the resource management system and we will consider changes to air quality as part of that broader programme of reform.

Our first step, for resource management reform, has been to repeal the Natural and Built Environment Act 2023 (NBA) and the Spatial Planning Act 2023 (SPA), which we completed before the end of 2023. These were commitments made in the Government's coalition agreements. Legislation now reverts to the Resource Management Act 1991 (RMA).

In the second phase of the reform, the Government will amend the RMA and develop new, or amend existing national direction. This will occur over the short term and will include progressing fast-track consenting within the first 100 days.

The third phase of the reform will replace the RMA with new resource management laws based on the enjoyment of property rights, while ensuring good environmental outcomes. There is an opportunity during this reform to improve alignment between air quality regulations and greenhouse gas emission reductions, enhancing the co-benefits for both reduction goals.

As you highlight, councils have the ability to manage air quality through their planning documents and can set more stringent provisions than those in the NES-AQ. I am informed that Ministry for the Environment (MfE) officials will continue to work with councils to understand the implementation challenges they face and how they might be improved through reform.

The amendments to the NES-AQ proposed by the previous Government focused on reducing fine particulate matter (PM_{2.5}), especially that emitted from domestic home heating. The update to the Health and Air Pollution in New Zealand study (Kuschel et. al, 2022) highlighted that nitrogen dioxide (NO₂) emissions, primarily from transport, are also a significant contributor to adverse health outcomes for New Zealanders. As you note, odour, volatile organic compounds (VOCs) and other ambient contaminants (e.g. CO, SO₂, O₃) were also not included in the previous Government's planned amendments. I will be asking MfE officials for advice on these contaminants (as well as PM_{2.5} and NO₂) and how best to approach their future management.

I am informed that MfE officials are assessing the attainability of the new World Health Organisation guidelines for New Zealand towns and cities, and I look forward to receiving that advice. I will ask MfE officials for advice on the next steps required to update the NES-AQ, and how any update might fit into the wider package of resource management reform.

Again, I thank you for highlighting your concerns and your continued work to improve the quality of New Zealand's environment.

Kind regards

A handwritten signature in blue ink, appearing to read 'P. Simmonds', written in a cursive style.

Hon Penny Simmonds
Minister for the Environment