

Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 27 January 2020

Environment weekly meeting 10:30 – 11:15am, Monday 27 January 2020

Attendees: Hon Eugenie Sage, Associate Minister for the Environment
 Vicky Robertson, Secretary for the Environment
 Sam Buckle, Deputy Secretary Resource Efficiency
 Glenn Wigley, Director, Natural and Built System
 Shaun Lewis, Director, Investments and Partnerships
 Kathy Bass, Manager, Investments and Partnerships
 Stephen Goodman, Manager, Investments and Partnerships

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	10
2.	Work programme update	Sam Buckle and Shaun Lewis	Verbal update	10
3.	NES tyres	Sam Buckle	Verbal update	10
4.	Landfill levy update	Sam Buckle and Glenn Wigley	Verbal update	10

1. Strategic priorities

1.1. Work programme update (agenda item 2)

The table below summarises the priority deliverables and impacts for the Resource Efficiency and Circular Economy (RECET) programme to mid 2020. In order to maintain focus on what is critical, we will discuss the work programme as part of our meeting with you on 27 January. This work programme contains the items we have consistently prioritised for announcements in 2020, namely the:

- Waste Levy Expansion (supported by Investment Plan)
- Regulatory Product Stewardship and
- Container Return Scheme.

The work programme has grown and now includes plastics announcements, as well as longer term work timed to support an expanding levy in 2021, such as an expansion in compliance, monitoring and enforcement and the National Resource Recovery work.

We will brief you on each work stream in advance of each Cabinet decision.

Work	Next Cabinet/Ministerial Decision	Impact
Waste Levy Expansion	s 9(2)(f)(iv)	Announcement on levy expansion
Investment Plan		Confidence in approach to managing and investing an expanded levy fund
Regulatory Product Stewardship		Gazettal of priority products and guidelines.
NES Tyres		Announcement on NES for tyres.
Container Return Scheme		Announcement on a scheme design
National Resource Recovery		Announcement possible on education programme in 2020.

Work	Next Cabinet/Ministerial Decision	Impact
Response to Rethinking Plastic	s 9(2)(f)(iv)	Announcements on: <ul style="list-style-type: none"> - Phase outs and bans - National Labelling Standard - Next steps in an All of Government response - Announcement on an innovation fund for plastics - Possibly a joint announcement on direction for standardising kerbside collection with local government depending on progress within six months.
Waste Minimisation Fund		Announcements on themes (could complement June 2020 plastics announcements)
Compliance, Monitoring and Enforcement (CME)		Support Levy Expansion Announcements.

There are tight timeframes for this work programme, and it takes up all of the Ministry's waste minimisation resources. This leaves little flexibility if there are complexities that delay progress. We will advise you of risks to timelines early, as well as your options.

Upcoming advice includes:

- Regulatory Product Stewardship, late February for a March Cabinet Paper
- Plastics programme update late February for a March Cabinet Paper.

1.2. Waste disposal levy expansion – consultation update

This item provides an update on the waste disposal levy expansion work. Consultation opened on 27 November 2019 and closes on 3 February 2020. We have had strong interest from a range of sectors within the waste management community. Late last year we held four webinars that were well attended (with the construction and demolition sector, business, community groups and WasteMINZ members).

To date this year we have held three consultation hui – Auckland, Wellington and Christchurch. The Auckland and Wellington hui were organised in collaboration with WasteMINZ and were well attended by their members.

We have also continued to have one to one meetings with specific stakeholders who have a strong interest in the outcomes of the policy decision, including the Waste Industry Forum, Auckland, Wellington and Christchurch Councils as well as other territorial authorities, Business NZ and the Waste Industry Advisory Group.

The general themes coming through are:

- Differential rates between class 1 and other landfill classes may result in increased volumes diverted to classes 2,3 and 4
- Compliance, monitoring and enforcement needs to be ramped up significantly in order to avoid fly tipping and diversion to incorrect landfill classes
- Clear direction on how the additional revenue from the levy will be invested, including looking at the current 50:50 split between local government and the WMF
- Concern that farm dumps may provide another opportunity to avoid paying the levy and result in worse environmental outcomes
- The need for much improved data and clear guidance from the Ministry about what data is needed and how it will be collected
- Collaborating more closely with waste collectors and landfill operators on policy development as they have a lot of knowledge and data that is relevant.

Submissions close on 3 February. We will keep you informed as we analysis the submissions.

2. Updates for noting

2.1. Australian Plastics Summit, 2 March 2020

The Australian Department for the Environment and Energy has advised us you will receive an invitation to a Plastics Summit that they are organising for 2 March in Canberra.

The purpose of the summit is to generate new ideas on dealing with plastics and to gain community-level buy-in to behaviour change. The department expects approximately 200 people to attend, including Ministers, community leaders and school children.

We understand that the New Zealand Prime Minister will be in Australia on 28 February for a leaders' summit. Given her interest in plastics, you may wish to check if the Prime Minister also wants to attend.

Released under the provision of
the Official Information Act 1982

3. Briefing notes

27 January – 28 February

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2019-B-06343 Public consultation on regulatory measures to ratify the Minamata Convention on Mercury	MfE	Seeking Cabinet approval to consult on regulatory measures to ratify the Minamata Convention on Mercury.	5 February
2020-B-06355 Public consultation on options to implement amendments to the Basel Convention to better manage the trade in plastic waste	MfE	You will receive a copy of this briefing to Minister Parker seeking Cabinet approval to consult on options to implement amendments to the Basel Convention to better manage the trade in plastic waste.	5 February
2020-B-06363 Recommended next steps on proposed priority products and priority product guidelines	MfE	This briefing will offer recommended next steps in response to public submissions on proposed priority products and priority product guidelines, including proposed amendments to wording and a timetable for Cabinet consideration of proposed Gazettals. The Minister received a draft submissions summary in December 2019 and this follows on from that.	11 February
2020-B-06380 Agreeing to the 2020 EPA Board appointment process and seeking nominations	MfE	This briefing seeks your agreement to the 2020 EPA Board appointments process and provides advice and materials on seeking candidate nominations for one vacancy on the Board.	11 February

Released under the Official Information Act 1982

4. Cabinet material

27 January – 28 February

Paper number and name	Committee	What this paper covers	Our suggested timeframes
2019-C-06400 Public consultation on the proposed NES for Outdoor Storage of Tyres	ENV	Seeks Cabinet approval to release discussion document for a second round of public consultation because of significant changes to the original proposal.	Due to your office: TBC Due to lodge: 13 February TBC Due to Committee: 20 February TBC
2019-C-06344 Public consultation on regulatory measures to ratify the Minamata Convention on Mercury	DEV	This Cabinet paper seeks Cabinet approval to undertake public consultation on regulatory measures to ratify the Minamata Convention on Mercury.	Due to your office: 5 February Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March
2019-C-06356 Public consultation on options to implement amendments to the Basel Convention to better manage the trade in plastic waste	DEV	You will receive a copy of this Cabinet paper for Minister Parker, requesting Cabinet approval to implement the Basel decision in principal (subject to policy approvals), and undertake public consultation on options to implement the Basel decision to better manage the trade in plastic waste.	Due to your office: 5 February Due to lodge: 27 February Due to Committee: 4 March Due to Cabinet: 9 March

Released under
the Official Information
Act 1982

5. Cabinet material for proactive release (30 working days after confirmation by Cabinet)

Paper title and number	What this paper covers	Date confirmed by Cabinet	Date due to your office	Date due for proactive release	Date published
2019-C-05776 Consultation on increasing and expanding the landfill levy	Seeks approval to release a public consultation document which sets out proposals for increasing the rate and expanding the coverage of the waste disposal levy under the Waste Minimisation Act 2008.	18 November	TBC	23 January 2020	
2019-C-05889 Vulnerable Landfills	Vulnerable landfill - risks from climate change.	18 November	TBC	23 January 2020	
Overseas Travel Report		25 November	TBC	30 January 2020	

Released under the Provision of the Official Information Act 1982

6. Cabinet material we have been consulted on

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

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
New form for determination applications under new building emergency management powers, and updated form to modernise current determination applications	MBIE	LEG TBC	The Building Amendment Act 2019 will implement a new system to improve the management of buildings that are damaged or at risk of damage after an emergency event. This paper seeks authorisation to give effect to policy decisions made in that Act regarding applications for determinations, and also makes minor and technical updates to the Building (Forms) Regulations 2004.	MfE is comfortable with the proposal and had no comments on this paper.
Bill to amend the Greater Christchurch Regeneration Act 2016: Accelerating transition to local government leadership	DPMC	DEV TBC	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.
Ahuriri Hapū Claims Settlement Bill: Approval For Introduction	Te Arawhiti	LEG TBC	This paper seeks approval to introduce the Ahuriri Hapū Claims Settlement Bill when the Minister for Treaty of Waitangi Negotiations considers it appropriate. This will likely occur when the Waitangi Tribunal issues a decision relating to Wai 2573 (relating to the mandate of Ahuriri Hapū). The Bill gives effect to the Ahuriri Hapū Deed of Settlement, signed by the Crown, Ahuriri Hapū and the post-settlement governance entity, Mana Ahuriri Trust.	MfE supports the proposal to introduce the Ahuriri Hapū Claims Settlement Bill when the Minister for Treaty of Waitangi Negotiations considers it appropriate. MfE have sought clarity as to the process for possible changes to the Bill in response to any decision from the Waitangi Tribunal.
Report back on proactive release of Cabinet material policy	SSC	GOV TBC	s 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
			s 9(2)(f)(iv)	
Railways Amendment Regulations 2019	MoT	LEG TBC	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.
New Zealand's financial security regime for offshore installations- Proposed amendments to Marine Protection Rules	MoT	DEV TBC	This noting paper reports back to Cabinet on the outcomes of public consultation on proposed amendments to Marine Protection Rules Part 102 and 131. The changes strengthen the offshore financial security regime for offshore installations which includes increasing the maximum limit of insurance to \$1.2 billion and introducing a new scaled insurance framework with costs proportionate to the risk posed.	MfE broadly supports the changes that have been made since consultation in April. We made minor comments on the text and also asked that reference to exploratory activities being "more risky" than other activities be removed.
Airport Authorities Act: Order in Council Approval – Auckland Transport and West Auckland (Parakai) Airport 2019	MoT	LEG TBC	These papers proposes to confer airport authority status by Order in Council under the Airport Authorities Act 1966 to Auckland Transport and West Auckland (Parakai) Airport. This will also enable the airport company to become a network utility operator under the Resource Management Act 1991, which enables the authority to apply to become a requiring authority and thereby seek designations to protect land and airspace.	MfE is comfortable with the proposals and does not have any additional comment on these papers. It is worth noting that Auckland Transport is already deemed requiring authority under the Local Government (Auckland Council) Act 2009.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Amendments to the Tax Rules for Land	DIA	LEG TBC	<p>This paper intends to firm up current law so it applies as originally intended. The changes do not intend to tax additional land.</p> <p>The changes recommend</p> <ul style="list-style-type: none"> • closing a loophole that currently allows for individuals and trusts working together, to purchase improve and sell land and businesses (habitual buyers and sellers) without paying the intended tax. • introducing an 'intention test' - a measurement of whether or not a property was purchased with the intent to then 'dispose' as a determinant of whether taxes should apply (I assume a statement of intent is the mechanism for ensuring this but that is not explicit). • ensuring that the law is fair so there are no unintended consequences that would see 'genuine' homes and business premises captured by the tax. 	MfE is comfortable with this paper and has provided comments to the DIA.
Building Consent Exemptions in Schedule 1 of the Building Act 2004.	MBIE	DEV TBC	<p>This paper proposes amendments to Schedule 1 of the Building Act 2004 to include 12 additional exemptions for minor and low risk building work from the Building Consent process. The exemptions include short span bridges, carports, single storey detached pole sheds and hay barns, solar array panels, veranda, awnings, single storey detached buildings, pipe support structures and flexible water bladders. Guidance to TA's would also be updated.</p>	MfE is comfortable with this paper and has provided comments to the MBIE.

Released under the Official Information Act 1982

7. Official Information Act requests

7.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
<p>I am requesting all correspondence between you, your office including all political and departmental officials, and the Ministry for the Environment, regarding Waste and Recycling Management, Policy, and Thumbs Up New Zealand in 2019. I also seek all correspondence between you and your Green Party Colleagues on these subjects.</p> <p>Correspondence includes: Cabinet Papers, WhatsApp messages, Texts/ iMessages, Facebook Messenger, Emails, Transcripts of Phone Calls, Transcripts of Conversations, Letters, Briefings, Advisories, Aide Memoirs, Sound Recordings, Meeting Notes</p>	s 9(2)(a)	20-O-00041	7 February	13 February

7.2. Departmental

Request	Correspondent	Reference	Due to send
<p>The names of all companies currently operating in New Zealand that export items from New Zealand overseas for recycling.</p> <p>The locations where New Zealand's recycling is exported to, including names of the companies that export recycling to those locations and names of the companies that receive and process those recycling materials.</p> <p>Copies of any reports, documents, memoranda, briefings, correspondence, legal advice or emails, both internal and external regarding recycling products exported from New Zealand in the past 12 months.</p> <p>Any information held about containers of contaminated recycling returned to New Zealand from overseas in the past 12 months, including the origin, the number of containers, volume, the contents, details about the level of contamination, the name of the company implicated and any information about actions the ministry has taken against them.</p> <p>An account of all the actions the ministry has taken in the past 12 months to ensure New Zealand's actions are consistent with the Basel Convention.</p> <p>The information sought in this request is to be used as part of a report by the New Zealand Herald.</p>	<p>s 9(2)(a)</p> <p>NZ Herald</p>	19-D-02600	10 February