



Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 2 December 2019

Environment weekly meeting 3.45 – 4.30 pm, Monday 2 December

Attendees: Hon Eugenie Sage, Associate Minister 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

David Stephen, Programme Manager, Investments and Partnerships

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Vicky Robertson	Verbal update	5
2.	Update to Cabinet on waste management initiatives	Shaun Lewis	Paper (A3)	10
3.	Plastics – response to Scientific Advisor report	Shaun Lewis	Paper	10
4.	Landfill Levy Consultation	Glenn Wigley	Verbal	10
5.	Monthly Programme update	David Stephen	Paper (A3)	10

1. Updates for noting

1.1. s 6(a)

[Redacted content]

1.1. **New Zealand to join Japanese initiative on fluorocarbons lifecycle management**

New Zealand will be joining a new initiative by Japan to promote the lifecycle management of fluorocarbons, with the aim to reduce emissions and contribute to mitigating climate change and ozone depletion. New Zealand's involvement will be announced at the United Nations Climate Change Conference (COP 25) on 10 December 2019 at an event hosted by the Japanese Government. The Minister for Climate Change has given his approval for New Zealand to join based on a joint recommendation from the Ministry for the Environment and the Ministry of Foreign Affairs and Trade.

The initiative will focus on promoting mid- and down-stream measures like leak prevention and end of life recovery, recycling and disposal of fluorocarbons. It will work alongside measures being undertaken under the Montreal Protocol on Substances that Deplete the Ozone Layer (eg, encouraging the development of alternative low-global warming potential refrigerants) and other existing frameworks like the Efficient Cooling Initiative under the Climate and Clean Air Coalition.

The initiative will facilitate information sharing and collaboration among governments, international institutions and the private sector. Proposed actions under the initiative include areas where New Zealand could share knowledge (eg, the effectiveness of emissions pricing in encouraging recovery of used fluorocarbons) and some where we could benefit from further international cooperation (eg, removal of market barriers and uptake of alternative technology). The initiative also aligns with the work we are currently undertaking to design a new product stewardship regulatory framework for refrigerants. There is no financial requirement to join, and meetings will be held around relevant international conferences (including the UNFCCC and the Montreal Protocol).

1.2. s 6(a)

[Redacted content]

1.3. Consultation Series 2020 Update

The Ministry for the Environment has eight consultations scheduled between October 2019 and March 2020 as listed in the table below.

To ensure effective and meaningful engagement with iwi/Māori, and stakeholders, we will develop joint agendas where relevant. We will also identify other consultations underway from other agencies that may also be relevant and add them to the agenda.

Consultation series 2020 – timings	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20
Climate-related financial disclosures (LIVE)	31 Oct		13 Dec			
NZ ETS auctioning (LIVE)		12 Nov	19 Dec			
RM Issues and options (LIVE)		12 Nov			3 Feb	
NZ ETS operational issue (LIVE)		21 Nov	20 Dec			
National Policy Statement for Indigenous Biodiversity (LIVE)		26 Nov				14 Mar
Waste levy		27 Nov			3 Feb	
National Environmental Standards for Air Quality (TBC)			16 Dec TBC		28 Feb	
NZ ETS supply (TBC)			11 Dec		28 Feb	

3. Briefing notes

2 December – 22 December

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2019-B-06228 Hazardous substances assessments: Summary of submissions and policy advice	MfE	This briefing provides a summary of submissions on the discussion document: <i>Hazardous substances assessments – Improving decision-making: proposed improvements to the assessments and reassessments of hazardous substances</i> . It also outlines our advice on preferred options for improvements and seeks your direction on next steps to obtain Cabinet decisions on the policy package.	3 December
2019-B-06193 – Update on use of Exhaust Gas Cleaning Systems	MfE	An update on the work happening to establish initial guidance on scrubber discharges by international ships, in order to meet the 2020 limit on sulfur content in Marine fuels.	12 December
2019-B-06263 Technical Working Group review of the Hazardous Substances Compliance System	MfE	You have received a report from the Technical Working Group that reviewed hazardous substances compliance. This briefing will provide you with advice on the initial actions that the Ministry and the EPA could take following the review.	22 December

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

Paper number and name	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		30 January 2020	

5. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Urban Development Bill: Approval for Introduction	HUD	Cabinet 2 December	This paper seeks approval to introduce the Urban Development Bill that will provide Kāinga Ora – Homes and Communities with a toolkit of powers to assist in the delivery of its urban development function.	MfE have provided HUD with some technical comments for accuracy but are otherwise comfortable with the contents of this paper. 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.
Ngāti Maru Deed of Settlement Cabinet Paper update	Te Arawhiti	MCR 3 December	This paper seeks agreement to proposed changes to the Treaty settlement redress for Ngāti Maru ki Taranaki (Ngāti Maru) since their agreement in principle, to enable a deed of settlement to be initialled s 9(2)(j)	s 9(2)(j)
Additional Appointment To The Sea Change Tai Timu Tai Pari Ministerial Advisory Committee	DOC and MPI	APH 11 December	This paper proposes to appoint a tenth member to the Ministerial Advisory Committee (MAC) on the Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan (Sea Change). The MAC reports to Ministers Nash and Sage and also to you in your Environment portfolio. The tenth member (Dirk Sieling) will represent the recreational fishing sector at the request of that sector. Mr Sieling is a member of the New Zealand Sport Fishing Council and assisted in development of Sea Change.	s 9(2)(g)(i)

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Protecting kauri- Approval of funding for a kauri die-back national response programme	MPI	DEV 11 December	This paper seeks funding to implement and administer a national programme to respond to kauri die-back disease.	s 9(2)(f)(iv)
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 (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	<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.

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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.

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			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.

Released under the Official Information Act 1982

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Renewable Energy and Updated discussion document on Accelerating Renewable Energy and Energy Efficiency	MBIE	DEV TBC	This cabinet paper seeks agreement to release for public consultation a discussion paper <i>Accelerating renewable energy and energy efficiency</i> , which is part of the Ministry of Business, Innovation and Employment's Renewable Energy Strategy work programme.	The updated discussion document, which MBIE's draft Cabinet Paper is seeking agreement to release for public consultation, provides initial advice and seeks public feedback on a wide range of policy options to encourage the use of renewable energy. It covers both supply and demand side measures across both process heat and electricity. MfE's Climate Change and National Direction teams have provided input and comment, which has been reflected in the draft. MBIE have been thorough in assessing the barriers and options in each area at a high level. The updated discussion document provides a sound basis for seeking a public response. We recommend that you support the paper.
Improving whitebait management draft cabinet paper	DOC	ENV TBC	This paper seeks agreement to release a discussion document to support public consultation on management of the whitebait fishery. The proposals aim to achieve healthy and restored whitebait populations, and a sustainable fishery. Methods include regulating the timing of the season, refuge (no fishing areas), practices and export. A high level of interest in the proposals is expected. Threats to the fishery are not just fishing, but include water quality, habitat loss and general declines in freshwater ecosystem health. These additional threats are within scope of the Essential Freshwater work programme.	Whitebait comprises the young of six native fish species, four of which are classified as at risk or threatened. Your Essential Freshwater work programme will complement the aims of the proposal by addressing some of the threats to the fishery.

Released under the Official Information Act 1982

6. Official Information Act requests

6.1 Ministerial

Request	Correspondent	Reference	At your office	Due to send
The title of all reports, memos, aide-memoires and other documents Minister Eugenie Sage has received from November 1 to 20 (inclusive of those dates) relating to her role as Conservation Minister and/or Associate Environment Minister, arranged by date received and department/agency that authored the document. This is not requesting emails.	s 9(2)(a)	19-O-02597	5 December	19 December

6.2 Departmental

Request	Correspondent	Reference	Due to send
I was wondering if the ministry can provide any information about the grants? I was thinking maybe the proposal the funding was given to, how much money was actually given (as the funding is for "up to" the amount specified), any reports the applicants had to complete and give back to the ministry in exchange for the funding, and anything else which might relate to the applications from 2010 and 2012. Can the Ministry provide the above and anything further?	s 9(2)(a)	19-D-02522	16 December
With respect, I request the following information under the terms of the Official Information Act 1982: The names of all companies currently operating in New Zealand that export items from New Zealand overseas for recycling. 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. 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. 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. 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. The information sought in this request is to be used as part of a report by the New Zealand Herald.	s 9(2)(a) NZ Herald	19-D-02600	19 December

Request	Correspondent	Reference	Due to send
<p>I am just putting some information together for a packaging strategy and am looking for the impact China's National Sword legislation had on NZ. In particular, I want to know how many tonnes of waste were exported over the last five years from NZ to China. Can you please help me with this information?</p>	<p>s 9(2)(a)</p>	<p>19-D-02633</p>	<p>17 January</p>

Released under the provision of
 the Official Information Act 1982

Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 9 December 2019

Environment weekly meeting 2.45pm – 3.45pm, Monday 9 December

Attendees: Hon Eugenie Sage, Associate Minister for the Environment

Sam Buckle, Deputy Secretary Resource Efficiency

Shaun Lewis, Director, Investments and Partnerships

Kathy Bass, Manager, Investments and Partnerships

Stephen Goodman, Manager, Investments and Partnerships

Sarah Helm, Principal Communications Advisor, Engagement

Stuart McKay Manager, Investments and Partnerships

Meg Larken, Senior Policy Advisor, Investments and Partnerships

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Sam Buckle	Verbal update	10
2.	Report back to Cabinet – follow up	Shaun Lewis	Verbal update	10
3.	Chief Scientific Advisor's Plastics Launch – follow up	Shaun Lewis	Verbal update	10
4.	NES tyres consultation	Shaun Lewis	Paper	10
5.	Waste Minimisation fund	Shaun Lewis	Verbal update	10

1. Strategic priorities

1.1. Fortnightly update on the Container Return Scheme design project

The national Container Return Scheme (CRS), Scheme Design Working Group (SDWG) met on 27 November. Sam Buckle and Dave Brash attended the meeting. Your letter was tabled with the SDWG.

The purpose of the meeting was for the SDWG to meet, discuss and learn about the project design process, and provide feedback on the proposed design process research scope. Sector representation on the SDWG for the meeting is detailed in table below.

The project team will also bring in other experts as needed and each representative has a second who can stand in as needed. For example, CRS expert Robert Kelman also attended and presented at the first meeting.

A concern raised by the group included the short time frame between the four tranches of research. In particular, for those with large stakeholder groups. The project team shared that some sector representatives have set up smaller and more agile working groups (outside of the SDWG) in order to ensure timely feedback from key stakeholders into the SDWG process. The project team is working with SDWG representatives to help them work through the best approach for their situation.

The fortnightly update for the period 18 – 29 November 2019 is attached to this weekly update.

The CRS Technical Advisory Group (TAG) procurement process is progressing and Dave Brash has now been contracted as the Chair. The remainder of the TAG will be finalised in early 2020.

The Project manager has also meet with key members of the Government Agency Reference Group, including officials from the Department of Internal Affairs, the Ministry of Foreign Affairs and Trade, the Treasury and the Ministry of Business, Innovation and Employment. These meetings were reported to have gone well and all were appreciative of the early engagement.

Ministry officials are also accompanying the Project Manager and the Project Researcher on a tour of Australian schemes in December. Site/scheme tours include New South Wales, Queensland and South Australia.

	Stakeholder	Name	Organisation
1	s 9(2)(a), s 9(2)(b)(i), s 9(2)(b)(ii)		
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10			

	Stakeholder	Name	Organisation
	s 9(2)(a), s 9(2)(b)(i), s 9(2)(b)(ii)		
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2. Updates for noting

2.1. High Court decision in *Klink v Environmental Protection Authority & Others*

On 3 December 2019 the High Court issued its judgment on an appeal and judicial review of an Environmental Protection Authority (EPA) marine consent permitting the dumping of 250,000 m³ of dredged material in the exclusive economic zone east of Great Barrier Island.

The Court found that the EPA's decision was procedurally unfair and unlawful because it had not had proper regard to the advice of its Māori Advisory Committee (the Committee¹). The Court found that as the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 specifically recognises the Treaty of Waitangi principles and required the EPA to have regard to the advice of the Committee to inform its decision from a Māori perspective and to notify iwi, authorities and customary rights groups of consent applications that might affect them.

The Committee had advised the EPA that the consent applicant had not engaged adequately with all iwi and hapū with interests (particularly those in Great Barrier), and had not acknowledged the effects of the proposed dumping on their cultural values. Instead, it had engaged primarily with Ngāi Tai ki Tāmaki, an Auckland iwi.

The Court found that as a result of not properly considering that advice, the EPA took too narrow a view of which groups had "existing interests" for the purpose of the EEZ Act, chose to hold hearings only in Auckland which limited participation by Great Barrier iwi and hapū, and failed to impose monitoring conditions that might otherwise have involved those groups.

The Court ordered the EPA to reconsider the application and have regard to the Committee's advice.

¹ The Committee's functions under section 19 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) include advising the EPA on marine consents.

2.2. Climate Implications Policy Assessment

From 1 November 2019, central government agencies are required to undertake and report on a greenhouse gas (GHG) emissions analysis for all policy proposals that go to Cabinet and meet certain criteria. This analysis is called a Climate Implications Policy Assessment (CIPA).

The CIPA will be required when:

- an objective of the policy proposal is to decrease GHG emissions; or
- the impact on GHG emissions is likely to be equal or above 250,000 tonnes of carbon dioxide equivalent (CO₂e).

250,000 tonnes of carbon dioxide is equivalent to:

- the emissions produced by approximately 90,000 petrol vehicles in a year (which is 3% of the light vehicle fleet)
- the emissions produced by approximately 12,500 dairy cattle (increases or decreases)
- the emissions produced by 1.700 million tonnes of concrete.

What is the purpose of the CIPA?

The assessment will enable New Zealand to measure, monitor and report on government interventions that will impact greenhouse gas emissions. It will help Ministers in Cabinet think about the climate impacts of their policy decisions. This will help us achieve our new 2050 domestic target established by the Zero Carbon Act, and contribute towards transitioning to a low-emissions, climate resilient future. The Ministry has published guidance on how to carry out a CIPA on its website.

2.3. Review of Crown Research Institutes

The Ministry of Business Innovation and Employment (MBIE) is currently reviewing the Crown Research Institutes (CRIs), via a panel led by David Smol. This is relevant to you as we rely on the CRIs (capabilities within the CRIs, the science investment they are able to access and the science they produce) to support our advice to you, particularly when it comes to policy design, implementation and environmental reporting.

We want to be more directive about what CRIs are doing so that we can get the knowledge we want for our policy analysis and advice and so will be providing feedback into the review via our Departmental Chief Science Advisor and Senior Management, focusing on the following three areas:

- The CRIs were established to deliver research relevant for sectors and government agencies (mission research), however, government agencies lack effective mechanisms to influence where research effort is focused or the allocation to funding into critical areas.
- The current business model, including the need to return a dividend, can also incentivise the pursuit of lucrative research for the private sector, sometimes at the expense of impactful work for government agencies.
- While CRIs are essential to growing capabilities and providing 'go-to' expertise to support the use of science in policy, government has little oversight on the development of or management of nationally critical capabilities, especially when under financial pressure.

3. Briefing notes

9 December – 22 December

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2019-B-06193 – Update on use of Exhaust Gas Cleaning Systems	MfE	An update on the work happening to establish initial guidance on scrubber discharges by international ships, in order to meet the 2020 limit on sulphur content in Marine fuels.	12 December

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

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s 9(2)(f)(iv)				

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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

6. Official Information Act requests

6.1. Ministerial

Request	Correspondent	Reference	At your office	Due to send
The title of all reports, memos, aide-memoires and other documents Minister Eugenie Sage has received from November 1 to 20 (inclusive of those dates) relating to her role as Conservation Minister and/or Associate Environment Minister, arranged by date received and department/agency that authored the document. This is not requesting emails.	s 9(2)(a)	19-O-02597	5 December	19 December
A copy of all Cabinet papers and minutes relating in any way to a container deposit scheme or a container refund scheme over the last 24 months.	s 9(2)(a)	19-O-02690	10 January	20 January

6.2. Departmental

Request	Correspondent	Reference	Due to send
I was wondering if the ministry can provide any information about the grants? I was thinking maybe the proposal the funding was given to, how much money was actually given (as the funding is for "up to" the amount specified), any reports the applicants had to complete and give back to the ministry in exchange for the funding, and anything else which might relate to the applications from 2010 and 2012. Can the Ministry provide the above and anything further?	s 9(2)(a)	19-D-02522	16 December
With respect, I request the following information under the terms of the Official Information Act 1982: The names of all companies currently operating in New Zealand that export items from New Zealand overseas for recycling. 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. 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. 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. 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. The information sought in this request is to be used as part of a report by the New Zealand Herald.	s 9(2)(a) NZ Herald	19-D-02600	19 December

7. CRS Project Status Report 18-29 November 2019 (in confidence)



Container Return Scheme Design - Project Status Report

Report Date: 02 December 2019

Reporting Period: 18-29 November 2019

Project Details

- Project underway:
 - Meeting 1 - Scheme Design Working Group kick-off meeting completed
- Financial status:
 - On budget

Project Status for This Period

- Scheme Design Working Group (SDWG) members confirmed and Terms of Reference updated to reflect this.
- Scheme Design Working Group (SDWG) stakeholder map completed.
- November 27, 2019 Scheme Design Working Group meeting successful with full stakeholder attendance.
- Research scope amended based on feedback received at the 27/11 Scheme Design Working Group (SDWG) meeting.
- Australian travel itinerary in final stages of development – travel to focus on meetings with scheme design managers and coordinators, scheme operators including Reverse Vending Machine (RVMs) operations, over the counter receivers, Materials Recycling Facilities.
- Ministry for the Environment currently securing members of the Technical Advisory Group (TAG) and will revert to the Project Team when confirmed.
- High-level project summary provided to the Waste Advisory Group on 25/11 in Wellington.
- Project framework documentation completed with consistent project reporting templates implemented.
- Research Support confirmed with initial research tranche 1 underway.

Next Steps

Item	Responsibility
Ministry for the Environment to confirm TAG members and revert information to the Project Team	Ministry for the Environment
Confirm Australian travel itinerary	Project Team
Confirm work programme associated with research deliverables and project reporting requirements	Project Team
Formal initiation of Tranche 1 research programme requirements	Project Team

Project Status

Item	Status
Overall Status	On Track
Budget	On Track
Timeframe	On Track
Scope	On Track
Risk	Amber
Issues	Amber
Resourcing	On Track
Quality	On Track

Key Project Risks (with mitigation measures)

Risk Description	Risk Impact	Risk Rating (Red, Amber, Green)	Existing Controls
Dairy producers not represented on the SDWG	SDWG non-alcohol producers do not provide representation for NZ Dairy producers	Amber	Dairy is now represented on the SDWG
Scope change. The SDWG has requested an additional chapter be included in the Research Scope increasing the number of chapters from 15 to 16	The addition of an extra chapter will increase research requirements. This will have potential impacts on current resourcing and programme reporting timeframes	Amber	The Project Team is confirming the research programme timeframe including the associated SDWG reporting timeframes and the option of dialling-in additional resourcing at specific points to meet deadlines and milestone reporting
Members of the SDWG requesting a protracted 3-week period to complete review of any research tranche in advance of each workshop SDWG	A protracted SDWG review period from 1-week to 3-weeks will shorten the current approved research timeframe	Red	The Project Team will confirm the feasibility of a longer review period that the current 1-week, including the resultant impact on research requirements and associated timeframe

Key Project Issues

- No issues identified to date.
- Amber status related to identified key project risks (as detailed above).

Key Project Milestones

- Project milestones on track.

Key Milestone Dependencies

- Research programme timeframe dependent on confirmation of SDWG review period.
- Composition of research tranches dependent on SDWG review period and any delays in receiving feedback of significance.

Project Actions

- Update SDWG with revised research programme and timeframe.
- Confirm any additional research support requirement to align with the request for a longer review period by SDWG.
- Initiate formal research programme as per the amended research scope.
- Initiate formal project reporting as per project plan.

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the Official Information Act 1982



Weekly Update

Hon Eugenie Sage, Associate Minister for the Environment

For the week starting 16 December 2019

Environment weekly meeting 3.00pm – 3.45pm, Monday 16 December

Attendees: Hon Eugenie Sage, Associate Minister 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

Sarah Helm, Principal Communications Advisor

	Agenda Item	Lead	Paper / verbal update	Mins
1.	Discuss Weekly Update	Sam Buckle	Verbal update	10
2.	Waste Minimisation Fund – funding decisions	Shaun Lewis	Paper	10
3.	Budget Bid	David Stephen	Verbal update	5
4.	Levy Consultation – initial feedback	Kathy Bass	Verbal update	5
5.	Plastics Work Programme – process and timelines	Stephen Goodman	Verbal update	5
6.	Waste to Energy – timeline for advice	Shaun Lewis	Verbal update	5
7.	Summer Campaign	Sarah Helm	Verbal update	5

1. Updates for noting

1.1. Entry into force of the Basel Convention Ban Amendment

On 5 December 2019, an amendment to the Basel Convention to ban exports of hazardous wastes from OECD countries to non-OECD countries (Ban Amendment) entered into force. We provided you with initial advice on the entry into force of the Ban Amendment in the weekly report for the week commencing 23 September 2019.

New Zealand primarily exports its hazardous waste to OECD member countries and therefore the entry into force of the Ban Amendment would not likely have any major impact on New Zealand. New Zealand regularly exports mixed e-waste to Singapore (which is not a member of the OECD) for the environmentally sound management of the waste. As Singapore has not ratified the Ban Amendment, the trade will likely continue.

s 9(2)(g)(i)

1.2. Next Community Environment Fund funding round and assessment panel

Next Community Environment Fund funding round

In late January 2020 we will be seeking your agreement to run a contestable funding round for the Community Environment Fund (CEF), along with your agreement to a new model for CEF funding for Environment Centres, potentially through Environment Hubs Aotearoa. A new funding round is possible, due to a technical request we have made to Treasury to allow us to convert the fund to a multi-year appropriation that will allow us combine funding years to holder larger but less frequent funding rounds.

In January we will provide you with options for funding criteria, as well as information about the funding available for Environment Centres and the contestable round. Subject to your agreement, we will aim to release information about the funding round in late March, accept applications from late April to late May, and provide you with recommendations for which projects to fund in early August.

Community Environment Fund assessment panel

To prepare for a potential funding round in the coming months, we are proactively updating our CEF Assessment Panel. In September 2017, the then Associate Minister for the Environment, Hon Scott Simpson, appointed Maggie Bayfield, Bill Dahlberg, and Arapeta Tahana to the CEF Assessment Panel. John Tregidga and Ali Timms were appointed to the Panel as reserves. The term of the appointments were for three years to September 2020.

On 8 August 2019, Arapeta Tahana resigned from the Panel. John Tregidga will fill the vacancy left by Arapeta's resignation for the remainder of the Panel's term. As John accepted the role as a reserve member on the panel in 2016, no action is required by you to appoint him to the panel. Ali Timms is no longer available to be part of the Panel.

1.3. Plastic bag ban and the Information Resources Incorporated (IRI) Market Edge Grocery Survey

In response to media reports about the growth in sales of heavier grade plastic bags, you have queried whether the Ministry monitors the sale of heavier weight plastic bags, and whether we analyse any trends in those sales.

The Ministry does not collect any data on the sale of heavier weight plastic bags so is unable to provide more insight into trends. We can however, provide some more general comments:

- The survey results discuss the “sale” of plastic bags. Given that quantity of sales would have been almost non-existent before the ban came into force (bags were mostly distributed for free), a relatively low increase in purchases could cause a marked spike in sales data.
- Many retailers have introduced fees for heavier plastic bags, while also complying with the ban on their lighter-weight counterparts. In Australia, retailers that have introduced bag fees along with ceasing to offer banned bags report up to 90% reduction in the total volume of bags distributed to customers, which is a positive outcome for the environment.

More generally, the Ministry will be elevating its plastic bag monitoring and compliance activity in the New Year. The programme will involve a mixture of complaints follow up and proactive audits of retailers and investigation. This programme of work will be a valuable opportunity for the Ministry to gather more information about how the ban is working across the retail sector and identify any opportunities or unintended consequences. We will provide you with regular updates as this work progresses.

1.4. s 9(2)(b)(i), s 9(2)(b)(ii)

[Redacted content]

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2. Briefing notes

16 December – 22 December

Reference number and title	Lead agency	What this briefing covers	Date due to your office
2019-B-06326 APH appointments for 2020	MfE	This briefing will provide you with a list of appointments you will be making in 2020, as required by Cabinet office.	16 December
2019-B-06314 Proposed priority products- draft summary of submissions	MfE	This provides an early draft and a collection of key submissions for the Minister's consideration and discussion with officials in the new year.	19 December

3. 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		30 January 2020	

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4. Cabinet material we have been consulted on

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
Additional Appointment To The Sea Change Tai Timu Tai Pari Ministerial Advisory Committee	DOC And MPI	Cabinet 16 December	This paper proposes to appoint a tenth member to the Ministerial Advisory Committee (MAC) on the Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan (Sea Change). The MAC reports to Ministers Nash and Sage and also to you in your Environment portfolio. The tenth member s 9(2)(a) will represent the recreational fishing sector at the request of that sector. s 9(2)(a) is a member of the s 9(2)(a) and assisted in development of Sea Change.	s 9(2)(g)(i)
s 9(2)(f)(iv)				
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.

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Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
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.
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	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	MfE is comfortable with the proposal, supportive of the transition back to local leadership and had no comments on this paper.

Paper title	Agency	Committee and date due	Risk/issue/opportunity	MfE comments
local government leadership			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.	
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	The paper notes that the policy is still embedding, but already producing results with regard to the number of papers released, s 9(2)(f)(iv)	MfE supports the paper and has been involved in cross agency discussions on the proposed reporting regime.
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.

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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.
Amendments to the Tax Rules for Land	DIA	LEG TBC	This paper intends to firm up current law so it applies as originally intended. The changes do not intend to tax additional land. The changes recommend <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 	MfE is comfortable with this paper and has provided comments to the DIA.

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			unintended consequences that would see 'genuine' homes and business premises captured by the tax.	
Building Consent Exemptions in Schedule 1 of the Building Act 2004.	MBIE	DEV TBC	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.	MfE is comfortable with this paper and has provided comments to the MBIE.

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