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## **Waste Minimisation (Criteria for Funding Emergency Waste Management and Waste Management and Minimisation Infrastructure Repair and Replacement) Notice 2025**

This notice is made under section 38A(1) of the Waste Minimisation Act 2008 by the Minister for the Environment after complying with section 38A(3) of that Act.

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### **Notice**

#### **1 Title**

This notice is the Waste Minimisation (Criteria for Funding Emergency Waste Management and Waste Management and Minimisation Infrastructure Repair and Replacement) Notice 2025.

## **2 Commencement**

This notice comes into force on the day after the date of its publication in the *Gazette*.

## **3 Interpretation**

- (1) In this notice, unless the context otherwise requires,—

**Act** means the Waste Minimisation Act 2008

**costs** means costs that a local authority has incurred or may incur

**Crown entity** has the same meaning as in section 7 of the Crown Entities Act 2004

**Minister** means the Minister for the Environment

**public service agency** has the same meaning as in section 5 of the Public Service Act 2020

**Secretary** means the Secretary for the Environment.

- (2) See section 5(1) of the Act for definitions of—

- (a) emergency:
- (b) emergency waste:
- (c) levy money:
- (d) local authority:
- (e) waste management and minimisation infrastructure.

## **4 Purpose of notice**

This notice sets criteria that the Secretary must follow when spending levy money under section 30(1)(c)(v) of the Act on funding local authorities to manage emergency waste and to repair and replace waste management and minimisation infrastructure damaged by an emergency.

## **5 Limit on spending levy money**

The Secretary may not spend more than \$5,000,000 in levy money in relation to a particular emergency.

## **6 Secretary may exceed spending limit on agreement with Minister**

The Secretary and Minister may agree in writing for the Secretary to spend more than the spending limit in clause 5 in relation to a particular emergency.

## **7 Criteria for funding management of emergency waste**

- (1) The Secretary may fund a local authority to cover its costs of managing emergency waste that poses a risk to public health or the environment.
- (2) In this clause, **managing** means any of the following activities in relation to emergency waste:
  - (a) collection:
  - (b) composting:

- (c) digestion:
- (d) disposal:
- (e) recovery:
- (f) recycling:
- (g) temporary storage and sorting:
- (h) transportation.

## **8 Criteria for funding repair and replacement of waste management and minimisation infrastructure**

- (1) The Secretary may fund a local authority to cover its costs of repairing and replacing waste management and minimisation infrastructure that is—
  - (a) damaged by an emergency; and
  - (b) owned by the local authority; and
  - (c) actively maintained by, or on behalf of, the local authority.
- (2) The Secretary must be satisfied that the emergency has damaged the infrastructure that is proposed to be repaired or replaced such that—
  - (a) the infrastructure does not, or imminently will not, function as intended because of the damage; or
  - (b) the infrastructure is unreasonably expensive for the local authority to operate because of the damage (even if the infrastructure otherwise functions as intended).
- (3) However, the Secretary may fund a local authority to cover its costs of repairing and replacing waste management and minimisation infrastructure that does not satisfy the criteria in subclause (2) if satisfied that there are other factors that make it critical the infrastructure be repaired or replaced.

## **9 Funded repair and replacement of waste management and minimisation infrastructure must be equivalent in form and function**

- (1) The Secretary may only fund a local authority to cover its costs of repairing and replacing waste management and minimisation infrastructure on the basis that the infrastructure, once repaired or replaced, will be equivalent in form and function to the infrastructure before the emergency (except to the extent that any improvement to the infrastructure is a result of using new materials and modern construction techniques).
- (2) However, the Secretary may fund a local authority to repair or replace waste management and minimisation infrastructure that results in improved form and function if satisfied that doing so is appropriate after considering—
  - (a) the cost of improvement compared to the cost of equivalent repair or replacement:
  - (b) the value for money of increased capacity or resilience of the infrastructure:
  - (c) the availability of levy money to spend under section 30(1)(c)(v) of the Act:

- (d) the ability of the local authority to receive funding from other public service agencies and Crown entities to repair or replace the infrastructure.

Made at Invercargill on 27 April 2025.

Hon Penny Simmonds  
Minister for the Environment

### **Explanatory note**

*This note is not part of the notice but is intended to indicate its general effect.*

This notice, which comes into force on the day after the date of its publication in the *Gazette*, is made by the Minister for the Environment under section 38A(1) of the Waste Minimisation Act 2008 (the **Act**), after complying with section 38A(3) of the Act.

This notice sets criteria the Secretary for the Environment must follow when spending levy money under section 30(1)(c)(v) of the Act on funding local authorities to manage emergency waste and to repair or replace waste management and minimisation infrastructure damaged by an emergency.

This notice is secondary legislation for the purposes of the Legislation Act 2019. The notice is administered by the Ministry for the Environment. A copy of the notice can be found on [www.environment.govt.nz](http://www.environment.govt.nz).