

Memo

4 September 2018

To: Adam Milina
From: Hayley King

Subject: Urgent decision request of the Ōrākei Local Board

Purpose

The purpose of this memo is to initially seek the local board relationship manager's authorisation to commence the urgent decision-making process and if granted, seek formal approval from the chair and deputy chair (or any person acting in these roles) to use the process to make an urgent decision.

The decision required, and the supporting report, are attached to this memo. The urgent decision being sought needs to be authorised by the chair and deputy chair (or any person acting in these roles) by signing this memo. Both this memo and the report will be reported as an information item at the next business meeting if the urgent decision-making process proceeds.

Reason for the urgency

The case for an urgent decision is made due to the need for local board input into the Auckland Council submission to be made by Monday, 10 September 2018. The Ōrākei Local Board's next scheduled business meeting is for Thursday, 20 September 2018.

Waste planning department staff have produced a report for local board elected members outlining the key points of the consultation document and the process for local boards to provide input into the Auckland Council submission. This report is attached to this urgent decision document as attachment A.

The urgent decision will be reported to the full local board during the next scheduled meeting on Thursday, 20 September 2018.

Decision sought from the chair and deputy chair (or any person acting in these roles)

That the Ōrākei Local Board:

- a) approve the feedback, as contained in attachment B, on the government's proposed mandatory phase out of single use plastic shopping bags.
- b) note that the Ōrākei Local Board feedback will be attached verbatim to the Auckland Council submission which will be recommended to Environment and Community Committee for their approval on 11 September 2018 and sent to the Ministry for the Environment by the due date of 14 September 2018.

Background

1. The New Zealand government are consulting on a mandatory phase out of single-use plastic shopping bags.
2. The consultation document outlines the available options for managing these issues, which include a mandatory phase out, a charge on bags, a formal agreement between government and industry, and mandatory product stewardship.

3. Council staff are preparing a draft regional submission on this proposal. The draft submission will be provided to Environment and Community Committee for their approval on 11 September 2018.
4. The draft council submission makes the following key points:
 - That Auckland Council supports option one in the consultation document – a total and mandatory ban. Reducing plastic use, litter, and marine pollution are priorities in the Waste Management and Minimisation Plan 2018. The inappropriate consumption, use and discarding of plastic bags has significant impacts on Auckland's natural environment and our waste collection systems.
 - The ban should apply to all retailers who distribute single-use plastic bags, rather than just the larger retailers. An incomplete ban will dilute the effectiveness of this behaviour change intervention on consumers.
 - Support for the proposed six-month phase-out timeframe.
5. The draft submission also identifies areas where Auckland Council considers that further work and discussion is needed post-consultation. These include the thickness of bags captured by the ban and how the ban will be effectively enforced.
6. This report provides an opportunity for local boards to formally provide feedback on the government's consultation on the proposed mandatory phase out of single-use plastic shopping bags.
7. Submissions close on 14 September 2018. Any formal feedback received from local boards before 13 September 2018 will be attached to the council's final submission.

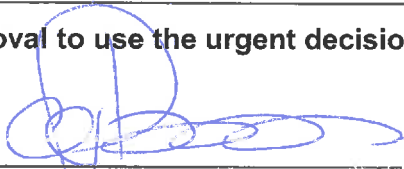
Authorisation of the urgent decision-making process



Signed by Adam Milina
Relationship Manager, Ōrākei Local Board

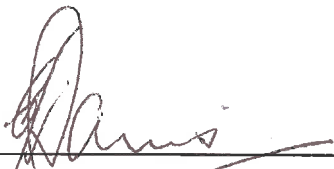
Date 6/9/2018

Approval to use the urgent decision-making process



Kit Parkinson
Chair, Ōrākei Local Board

Date 6/9/2018



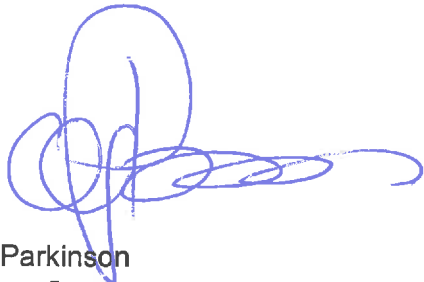
Colin Davis
Local Board member, Ōrākei Local Board

Date 6 September 2018

Ōrākei Local board Resolution/s


That the Ōrākei Local Board:

- a) approves the feedback, as contained in attachment B, on the government's proposed mandatory phase out of single use plastic shopping bags.
- b) notes that the Ōrākei Local Board feedback will be attached verbatim to the Auckland Council submission which will be recommended to Environment and Community Committee for their approval on 11 September 2018 and sent to the Ministry for the Environment by the due date of 14 September 2018.



Kit Parkinson
Chair, Ōrākei Local Board

Date 6/9/2018



Colin Davis
Local Board member, Ōrākei Local Board

Date 6 September 2018

Ōrākei Local board feedback on the government's proposed mandatory phase out of single-use plastic shopping bags

File No.:

Te take mō te pūrongo / Purpose of the report

1. To provide an opportunity for local boards to formally provide feedback on the Ministry for the Environment's consultation on the mandatory phase out of single-use plastic shopping bags.

Whakarāpopototanga matua / Executive summary

2. The New Zealand government are consulting on a mandatory phase out of single-use plastic shopping bags
3. The consultation document outlines the available options for managing the process, which includes a mandatory phase out, a charge on bags, a formal agreement between government and industry, and mandatory product stewardship.
4. Council staff are preparing a draft regional submission on this proposal. The draft submission will be provided to Environment and Community Committee for their approval on 11 September 2018.
5. The draft council submission considers the following key points:
 - That Auckland Council supports option one in the consultation document – a total and mandatory ban. Reducing plastic use, litter, and marine pollution are priorities in the Waste Management and Minimisation Plan 2018. The inappropriate consumption, use and discarding of plastic bags has significant impacts on Auckland's natural environment and our waste collection systems.
 - The ban should apply to all retailers who distribute single-use plastic bags, rather than just the larger retailers. An incomplete ban will dilute the effectiveness of this behaviour change intervention on consumers.
 - Support for the proposed six-month phase-out timeframe.
6. The draft submission also identifies areas where Auckland Council considers that further work and discussion is needed post-consultation. These include the thickness of bags captured by the ban and how the ban will be effectively enforced.
7. This report provides an opportunity for local boards to formally provide feedback on the government's consultation on the proposed mandatory phase out of single-use plastic shopping bags.
8. Submissions close on 14 September 2018. Any formal feedback received from local boards before 13 September 2018 will be attached to the council's final submission.

Ngā tūtohunga / Recommendations

That the Ōrākei Local Board:

- a) provide formal feedback on the Ministry for the Environment's consultation on the proposed mandatory phase out of single-use plastic shopping bags.

Horopaki / Context

9. The New Zealand Government is seeking feedback on a proposed mandatory phase out of the sale or distribution of single-use plastic shopping bags. The phase out would be enacted

through regulation under the Waste Minimisation Act 2008 and introduced over a six-month timeframe.

10. The recognition by the Ministry for the Environment that over the longer term, plastic waste needs to be designed out is aligned with council's aspiration for zero waste. This recognition reinforces that Aotearoa New Zealand can be prosperous while creating an economy that is not reliant on externalising environmental harms, such as plastic waste, in our streams and oceans.
11. Auckland Council's Waste Management and Minimisation Plan 2018 includes three priorities relating to plastic.
 - I. The plan recognises plastic waste as a high priority for avoidance and has identified it as one of three priority waste streams to be addressed.
 - II. Reducing litter is also a priority included in the plan. Managing plastic bags as littered items has a high resource and financial cost to council as well as the natural environment.
 - III. The plan includes a priority relating to reducing marine litter and pollution from plastic waste. This priority was added to the draft plan as a result of significant public concern and feedback on this topic during the consultation period.
12. A mandatory phase-out of plastic bags will be beneficial for achieving all three priorities.
13. The contamination caused by the incorrect disposal of plastic bags by consumers in comingled recycling collection systems also has significant consequences. Plastic bags incorrectly disposed of in kerbside comingled recycling can slow or damage recycling processor's equipment, affecting the quality of recycle and increasing the processing cost.
14. Auckland Council prioritises education and enforcement around recycling contamination to avoid the knock-on effect of incorrect plastic bag disposal in kerbside recycling bins. A mandatory phase-out will reduce these impacts.
15. As such, Auckland Council's draft submission strongly supports a mandatory phase out or ban on the sale or distribution of single use plastic bags.
16. This report provides an opportunity for local boards to give formal feedback on the consultation document. Some of the key points made in Auckland Council's draft submission are outlined below for local boards to consider.

Tātaritanga me ngā tohutohu / Analysis and advice

17. The Ministry for the Environment's consultation document outlines a number of options for reducing the use of plastic bags, including a:
 - mandatory phase out,
 - levy, tax or charge,
 - deposit refund system. This puts a new cost onto a product, which is refunded to the consumer when they bring the material back for recycling.
 - formal agreement with government and industry, in which retailers are required to charge for bags.
 - mandatory product stewardship scheme in which producers that put certain goods on the market are required to be responsible for environmentally sound end-of-life management of the product.
18. The Ministry's consultation document considers the pros and cons of each option in detail. It concludes that the most effective option is a mandatory phase out of sale or distribution of single-use plastic bags through regulations under the Waste Minimisation Act 2008.
19. Auckland Council's draft submission does not include a detailed options analysis. However, it notes that, as there are alternative, reusable options easily available for use by the general

public, the best way to prevent harm from plastic bags is to prevent them from being issued in the first place.

20. Since a charge on plastic bags, a deposit refund system and a product stewardship scheme would all support the continued distribution of plastic bags, these options are not supported.
21. The draft submission does not support a voluntary programme or an agreement between industry and government. This approach would create an inequitable approach to the problem as some businesses or organisations will choose not to participate in a voluntary scheme.

Preferred option

22. Of the potential options presented by the Ministry for the Environment, *Option 1 - mandatory phase out of the sale or distribution of single-use plastic shopping bags* is identified in council's draft submission, as the most effective and wide-reaching mechanism for addressing plastic bag issues.
23. The submission also provides feedback on some other aspects of the proposal, as outlined below.

Other aspects of proposal

24. *Scope of ban:* To be most effective, the ban should apply to all retailers who distribute plastic bags, rather than just the larger retailers. Small retailers should not be exempt as they contribute significant numbers of bags to the waste stream. A ban should also apply to those importing single use bags. An incomplete ban will dilute the effectiveness of this behaviour change intervention for consumers.
25. *Definition of plastic bags:* The draft submission supports the current proposed definition that a single use plastic bag is one that includes handles, and is sold or distributed to the public for the purposes of carrying sold goods. It also agrees with the proposal to include degradable, bio-degradable, oxo-degradable and compostable bags in the proposed definition.
26. However, the submission notes concern that the discussion document currently specifies a particular thickness of plastic bag. This may result in bag producers designing products to be just above this threshold. The submission therefore supports broadening the definition to apply to single-use plastic bags of all thickness.
27. *Timeframe:* The draft submission supports the proposal for a six-month phase-out timeframe as this is considered sufficient time to allow retailers and consumers to prepare and adapt, provided the program of behaviour change interventions is comprehensive.
28. *Education and enforcement:* Council's draft submission supports the description of offences, and the strength of the penalties for those outlined in the consultation document. The submission also supports the proposed approach that the Environmental Protection Authority manage enforcement of this ban. It notes that the approach may have some implications for council resources and welcomes the opportunity to participate in further discussions with the Ministry around the best approaches to education and enforcement.
29. *Equity and opportunity:* The council's draft submissions recognises that concerns have been raised regarding the need for a just transition for workers relying on plastic bag manufacture. However, it notes that the majority of single-use bags are manufactured off-shore and so local job loss is likely to be minimal.
30. In fact, the broader move towards a circular economy has the potential to increase job creation (Ellen MacArthur Foundation, 2015). For example, there are a number of community groups across Auckland who create and distribute alternative bags to their local communities. The submission advocates that these community groups be taken into consideration by the Ministry as potential providers when engaging with retailers on practical options for alternatives to plastic bags.

31. The submission also notes that the ban has the potential to reduce council litter clean-up costs and volunteer hours spent on litter clean ups.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe / Local impacts and local board views

32. The draft submission has been informed by the feedback that local boards gave on the draft Waste Management and Minimisation Plan 2018 in April and May 2018.
33. This report provides an opportunity for all local boards to give formal feedback. A memo has previously been sent to all local board members outlining the consultation proposal and the process for local boards to give feedback.
34. Submissions on the consultation document close on 14 September. The council's regional draft submission will be provided to Environment and Community Committee for their approval on 11 September. To be considered by the committee, local boards need to provide their feedback by 10 September.
35. Local board feedback received after this date will not be considered by the committee but can also be attached to the final submission, if provided to staff by 13 September 2018.

Tauākī whakaaweawe Māori / Māori impact statement

36. The mandatory phase out of single-use plastic bags is consistent with the priorities and values that Maori have identified to Auckland Council through engagement on the Waste Management and Minimisation Plan 2018. These include priorities such as protection of waterways and ecology which receive waste and the protection of Papatūānuku.
37. The ban also aligns with Te Ao Māori as it recognises the traditional system in which nothing was wasted – everything was able to be returned back to Papatūānuku without detriment to the whenua, awa or moana. By reducing the prevalence of single-use plastic bags, this ban will support a move towards para kore (zero waste).
38. The draft submission notes that mātauranga and tikanga Māori should be incorporated into solutions and decision-making by working with mana whenua, enabling Māori participation in decision-making as per Te Tiriti o Waitangi obligations. This will ensure that the implementation of a phase-out works well for Māori.

Ngā ritenga ā-pūtea / Financial implications

39. The financial costs of a plastic bag ban to Auckland Council are likely to be minimal.
40. Possible financial benefits include:
- a reduction in damage caused by plastic bags on plant and equipment at the Visy Materials Recycling Facility
 - reduction in penalties paid by the council for contamination of kerbside commingled recycling
 - reduction in streetscape litter clean up by street maintenance contractors.

Ngā raru tūpono / Risks

41. The risks of local boards providing input on the draft consultation document are minimal.


Ngā tāpirihanga / Attachments

There are no attachments for this report.

Ngā kaihaina / Signatories

Authors	Bonnie-May Shantz - Principal Policy Analyst
Authorisers	Louise Mason - GM Local Board Services

- The Ōrākei Local Board supports the intention of the proposed mandatory phase out of single-use plastic shopping bags.
- The Ōrākei Local Board supports research into a blanket ban on single-use plastic bags. The board believes a classification system for plastic bags is overcomplicated and may encourage manufacturers and retailers to move to thicker bags. This would have the undesirable effect of plastic bags taking even longer to break down.
- The Ōrākei Local Board supports a complete voluntary ban being applied to all retailers and importers who distribute plastic shopping bags.
- The Ōrākei Local Board supports the introduction of initiatives to reduce plastic packaging from imported and New Zealand made products, including plastic bags without handles.
- The Ōrākei Local Board supports enforcement being managed by the Ministry of the Environment and should not rely on Local Bodies to resource and fund.
- The Ōrākei Local Board supports the proposal of by-laws by local councils and boards for further enforcement that is appropriate for the local area.

Approved  6 September 2017



