
CLM Sector Group minutes, Wednesday 17 August 2016

Location:	Tonkin + Taylor, Auckland and via teleconference	
Present:	Graeme Proffitt	Pattle Delamore Partners
	Gregory Beck	Environment Canterbury
	James Court	BP Oil New Zealand
	Kelly Deihl	Environmental Management Solutions
	Michelle Begbie	Waikato Regional Council
	Shane Moore	Tonkin + Taylor
	Terre Maize (Chair)	4Sight Consulting
In attendance:	Nic Quilty	WasteMINZ
Guests:	Cath Schofield	Ministry for the Environment
Apologies:	James Corbett	Auckland Council
	Wayne Plummer (Board Champion)	EnviroNZ

1. Welcome, introductions and apologies

- Apologies were received from James Corbett and Wayne Plummer.

2. Update on MfE's CLM work programme (Catherine Schofield)

- Project team – CL within the national direction team:
 - Louise McKenzie is joining the Ministry shortly from Greater Wellington Regional Council. She has a background in landfill compliance.
 - Projects:
 - Review of the NES has led to the amendments of the NESCS and the HAIL:
 - Objective of review:
 - ⇒ Give effect to the original policy intent
 - ⇒ Ensure the NES is targeted to the risk to human health
 - ⇒ Provide more certainty and clarity to those using the NES.
 - We can't talk too much about the proposed amendments because they need to be signed off.
 - There were two working groups, one which looked at the policy options and scenarios for amendments to the NESCS and HAIL and another which looked at adopting bioavailability testing for arsenic and lead.
 - Consultation:
 - ⇒ We have written up a consultation document that covers the whole NES framework and we are seeking cabinet approval before we go out for consultation.
 - ⇒ Consultation will seek views on the potential impacts of the amendments and any intended outcomes of the proposed amendments.
 - ⇒ We had hoped that consultation would start near the end of August, but the Minister has been quite busy looking at housing and the RMA, and this has delayed the timelines.
 - ⇒ We are hoping that we can start consultation in September and it is likely to be a six week consultation period.
 - ⇒ It is important that everyone makes a submission, as we want it to work, so please give us your feedback.

CLM Sector Group minutes, Wednesday 17 August 2016

- Post-consultation:
 - ⇒ We will consider submissions and make any necessary changes
 - ⇒ It will then go back to cabinet in early 2017 to get those updated amendments approved
 - ⇒ The approved updated amendments will be drafted up to put into the regulation
 - ⇒ While that's happening, we are hoping to release an exposure draft in March 2017, to make sure we get the wording right and make sure it is practical to implement. Depending on the timing, the audience might just be the working group but we are hoping it will be wider.
 - ⇒ We are hoping the updated regulations will be gazetted in mid-2017 (July).
 - ⇒ We are aiming to get the updated regulations in place before the central government elections, which could be between September and October 2017.
- CLMG 1 & 5, NES Users' Guide, HAIL guidance and CLMG 4:
 - We are releasing updated CLMG 1 & 5 drafts with the consultation document.
 - We want to update the NES Users' guide, which will take place next year.
 - We also want to provide some new HAIL guidance, because this is something that most people have highlighted.
 - We are also looking at CLMG 4, as we are taking into account the work that the Environmental Monitoring and Reporting Group has been doing (they are meeting at the Ministry today).
- Are there any upcoming WasteMINZ events/meetings where we could talk about the consultation document? It would mostly be the Ministry presenting, talking about the discussion document and asking people to put their comments in writing.
- Questions from the Steering Committee:
 - Kelly: Is it likely to be open for consultation while the conference is on?

CLM Sector Group minutes, Wednesday 17 August 2016

- Cath:
 - The submission period was going to be six weeks and close just before the conference. We will consider whether we can extend it by two weeks so it can close one week after the conference.
 - I will talk to Nic about setting up a webinar in September.
 - We are aware that the local government elections are in early-mid October. Will this interfere with councils' submission approval process?
 - James: There might be a council stand-down around local government elections but the process varies from council to council.
 - Michelle:
 - ⇒ It's really difficult to get in front of our councillors now because the timelines and agendas are set so far in advance.
 - ⇒ I will find out about the councillor stand-down period.
 - James: Are there any plans for workshops/roadshows during the consultation period?
 - Cath: We will look at existing opportunities.
 - Nic: Can everyone forward any meetings they are holding that they would like the Ministry to attend to me and I will forward them to Cath.
 - Michelle:
 - ⇒ The Waikato and Bay of Plenty Liaison Group's next meeting date hasn't been set but we are open to the Ministry attending. Webinars – could have more than one date.
 - ⇒ It would be good if WasteMINZ held more than one webinar.
 - ⇒ James: As well as webinars, could there be workshops in more than one place, so there were face-to-face opportunities?

3. Previous minutes of 18 May 2016 – accepted?

Resolution: That the Steering Committee receives and approves the previous minutes.

Moved: Michelle Begbie Seconded: Terre Maize

CLM Sector Group minutes, Wednesday 17 August 2016

4. Matters arising from previous minutes of 18 May 2016

- The status of the action points from the previous meeting (outlined below).

Action	Allocated to	Deadline	Status	Date completed
MfE's CLM work programme: Report back to Steering Committee on boundary adjustment discussion with Rachel Batchelor (if the discussion points can be released).	Terre Maize	26 May 16	Completed. Rachel Batchelor advised the Ministry is considering what the options might be.	20 Jul 16
WasteMINZ conference - workshops: Discuss the Steering Committee's feedback on potential workshops with Paul Evans	Nic Quilty	20 May 16	Completed	20 May 16
WasteMINZ conference – keynotes: Forward some information on Julian Cribbs to the Steering Committee	Nic Quilty	20 May 16	Completed	20 May 16
WasteMINZ conference - keynotes: Discuss the Steering Committee's feedback on a potential CLM keynote with Paul Evans	Nic Quilty	20 May 16	Completed	20 May 16
WasteMINZ conference - speakers: Advise Nic which of the below topics they would like Chris to speak about: <ul style="list-style-type: none"> In general terms about contamination issues Specific projects/case studies Cd, F, Cu and As issues in agricultural soils and the implications contamination might have on future land-use changes Specific projects he is involved with, such as the Kopeopeo Canal clean-up Phytoremediation on goldmines in Indonesia. 	Steering Committee	20 May 16	Completed	20 May 16
WasteMINZ conference - speakers: Talk to Auckland Council's Development Project Officer regarding Brownfields management strategy	James Corbett	25 May 16	Completed. No go.	19 May 16
WasteMINZ conference – Call for Papers: Circulate draft CLM content for 2016 Call for Papers for Steering Committee's review	Nic Quilty	20 May 16	Completed	19 May 16
Draft submission: Note at the beginning of the submission that we are mainly interested in asbestos in soil	Nic Quilty	19 May 16	Completed	19 May 16

CLM Sector Group minutes, Wednesday 17 August 2016

Draft submission: Question 2, 4 th bullet point: Add in 'in relation to soil contamination' after 'competent person' and add in 'Users' Guide:' before 'National Environmental Standard...'	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Question 2, 5 th bullet point: Add in 'which makes it difficult to understand' after 'exceptions' and remove ',and other terms' at the end of this bullet point.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Question 3, 2 nd bullet point: Insert '(such as the conceptual site model example shown below)' after 'diagram'.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Forward Nic a conceptual site model example.	James Court	18 May 16	Completed	19 May 16
Draft submission: Question 3, 2 nd bullet point: Insert the conceptual site model example.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Question 4: Separate into two bullet points. The first sentence should be the first bullet point.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Question 6: Remove 1 st and 2 nd bullet points and move 3 rd bullet point to the 'Comments on specific sections'.	Nic Quilty	20 May 16	Completed	19 May 16
Draft submission: 3 rd bullet point (that was under Question 6): Insert the number and name of the relevant sub-section in the 'Comments on specific sections'.	James Corbett	20 May 16	Completed	19 May 16
Draft submission: 4 th bullet point: 'It needs to be made clear in the permitted work section (section 3) that if the risk-based criteria is below a certain threshold, it's permitted'. This may need to be amended. Discuss with James Corbett.	Nic Quilty/James Corbett	20 May 16	Completed	19 May 16
Draft submission: Comments on Specific Sections: Sub-section 18.4: 1 st bullet point: Change wording to 'The Draft Code doesn't link to the NES in soil, which covers a broad range of best practice requirements for management of contaminants in soil' and remove 'or other regulations'.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Comments on Specific Sections: Sub-section 18.4: 1 st bullet point: Insert 'Contaminated site assessment professional' before 'Suitably Qualified and Experienced Professionals'.	Nic Quilty	19 May 16	Completed	19 May 16
Draft submission: Comments on Specific Sections: Sub-section 18.4: 1 st bullet point: Replace 'Suitably Qualified and Experienced Professionals' with 'referred	Nic Quilty	19 May 16	Completed	19 May 16

CLM Sector Group minutes, Wednesday 17 August 2016

to as Suitably Qualified and Experienced Professionals in the NES in soil' and place in brackets).				
Draft submission: Comments on Specific Sections: Section 7: 1 st bullet point: Reword this section to make it clearer and forward to Nic.	James Corbett	20 May 16	Completed	20 May 16
Draft submission: General comments: 1 st bullet point: Review content and forward Nic suggested wording for this section which should reflect: The Draft Code doesn't adequately address the issues associated with the presence of asbestos in soil, which requires a risk-based framework. Other soil contaminants have risk-based frameworks, e.g. the NES in soil and the Western Australian guidelines. Asbestos in soil does not automatically represent a hazard.	Steering Committee	23 May 16	Completed	26 May 16
Draft submission: General comments: 2 nd bullet point: Review content and advise Nic if agree with the content or if don't agree, what the replacement content should be.	Steering Committee	23 May 16	Completed	26 May 16

5. WasteMINZ conference:

- CLM keynotes:
 - Julian Cribb (Principal, Julian Cribb & Associates): Cleaning a poisoned planet
 - Rachel Devine (Partner, Minter Ellison Rudd Watts): Is contaminated land liability now easier to avoid?
 - Albert Juhasz (Associate Research Professor, University of South Australia): Harnessing the potential of bioavailability and bioaccessibility assays for refining human health exposure to environmental contaminants
 - Steve Wragg (Senior Associate, Kensington Swan): Asbestos and the Health and Safety at Work Act 2015 – what can NZ learn from the UK and Australia?
- CLM workshops:
 - Defining our future the future of CLM in NZ: Facilitated by Chris Hillman & Joanne Ferry (Tonkin + Taylor) and Paul Evans

CLM Sector Group minutes, Wednesday 17 August 2016

- Bioavailability and bioaccessibility: Facilitated by Albert Juhasz (University of South Australia)
- Interpreting the changes to Guidelines 1 & 5: Facilitated by Michelle Begbie and Kelly Deihl:
 - Could we approach someone else from the Ministry team to talk about the HAIL guidance?
 - Once the Steering Committee have advised Nic what they would like to Ministry to talk about, Nic will approach Cath Schofield.

6. BRANZ' asbestos guidelines

- Two representatives from WasteMINZ, along with some other senior contaminated land practitioners, attended a BRANZ workshop in Wellington on 2 August to discuss the following documents:
 - *BRANZ Guide to Managing Asbestos in Soil* takes New Zealand home, property and business owners step-by-step through the process of managing asbestos in soil, including the legal obligations, the testing and analysis options, the remediation alternatives and completion of the work to the point where the site can be used for its intended use
 - *BRANZ Technical Guidance Report on Managing Asbestos in Soil* contains the same overall information as the guidance document, but has a larger focus on industry practitioners.
- Feedback was provided by attendees on both documents and BRANZ will incorporate the feedback into revised drafts.
- It was originally envisaged that the guide and report would be finalised in September, but they are likely to be delayed while this feedback is incorporated, reviewed and finalised.

7. CEnvP Contaminated Land Specialist scheme – update from the CEnvP's administrator and NZ's convener

- There are now 100 CEnvPs in New Zealand, including 13 CEnvP contaminated land specialists.
- There was a delay in processing the original March 2015 intake, where interviews were put on hold by the EIANZ CL SIS as they worked through the criteria with various State Government and related groups, but when it was finally released again in October 2015 the convenors really pulled out the stops to get interviews scheduled (using the very limited pool of panelists).
- The last of the interviews from the March 2016 intake were finished last week.
- We have started to be able to include CEnvP CL people (now that we have people certified) on panels.

CLM Sector Group minutes, Wednesday 17 August 2016

- We are still getting some delays in the process but a lot of this has to do with applicants not submitting all the required information (e.g. work experience not signed off, certified copies of documents). This slows things down as until all the information is provided, the application cannot be screened by the Register and determined whether it is suitable to go through to the interview stage. There is a preference to screen applications in bundles (i.e. intakes) for efficiencies so if applications are not complete it creates more work.
- Minimal feedback has been received, a few complaining about delays in processing (for reason stated above) .
- If WasteMINZ has received any feedback, forward it to the CEnvP administrator, as we're always looking at ways to improve the Scheme.
- The list of those that are certified can be found at <http://www.cenvp.org/directory/?clspecialist=y>
- The next intake closes on 2nd September.
- Terre advised she was on a panel recently.
- Graeme recommended the following when completing the CPD on the application form:
 - The CPD doesn't have to be solely CLM related.
 - Include memberships to organisations like the Resource Management Law Association.
 - Include being a CLM Sector Group Steering Committee member.
 - When you write up your CPD, note the relevance of each CPD element.

8. Work plan

- Activity 5.1: Work with the Ministry for the Environment, Local Government New Zealand, Regional Waste Officers Contaminated Land Forum, WorkSafe New Zealand, Property Institute, District Health Boards and Resource Management Law Association to develop and promote good practice throughout the industry:
 - Greg and Michelle are to advise Nic when the Regional Waste Officers Contaminated Land Forums take place and the close-off time for agenda items. Nic will then advise the Steering Committee at the relevant times. The Steering Committee are then to advise if they would like Greg or Michelle to submit agenda items and talk to them at the meetings.

CLM Sector Group minutes, Wednesday 17 August 2016

- Michelle: WasteMINZ members would interact with the Property Institute, District Health Boards and the Resource Management Law Association on a regular basis.
- Activity 5.2: Establish what contaminated land management courses tertiary institutes are offering throughout New Zealand and identify the gaps:
 - Michelle: We have a third year student from Waikato University who is doing work around the NES.
 - Terre: We have an environmental engineering intern who wasn't told about the NES at University.
 - Shane: Funding is the main constraint at Auckland universities and technical institutes – they need the numbers to justify running the courses. Hydrogeology courses have suffered because they can't be delivered on a sustainable basis.
 - Terre: In the United States, there were classes at a polytech level, but at the university level, guest speakers gave presentations on what goes on in the real world. Could we approach tertiary institutions and ask if they are interested in guest speakers from the CLM sector?

9. Next meeting

- 23 November 2016 at Tonkin + Taylor.

Action items from this meeting:

Action Point	Allocated to	Deadline
NES review: Talk to Cath Schofield about setting up a couple of webinars in September for the Ministry to promote the consultation.	Nic	19 Aug 16
NES review: Michelle will find out what the councillor stand-down period is for her council, as councillors may need to approve submissions, and a stand-down period may affect the NES review submission period	Michelle	26 Aug 16
NES review: Forward any meetings you are holding that you would like the Ministry to attend, to promote the consultation, to Nic and she will forward them to Cath	Steering Committee	26 Aug 16
CLMG 1 & 5 workshop: Advise Nic what you would like the Ministry to talk about in the 9.05am to 9.30am slot	Steering Committee	19 Aug 16
Advise Nic when the Regional Waste Officers Contaminated Land Forum take place and the deadline for agenda items	Michelle & Greg	As they occur

CLM Sector Group minutes, Wednesday 17 August 2016

Action Point	Allocated to	Deadline
Advise the Steering Committee of the deadline for agenda items at Regional Waste Officers Contaminated Land Forum and request agenda items	Nic	As they occur
Forward agenda items for the Regional Waste Officers Contaminated Land Forum to Nic for Greg or Michelle to put forward and talk to at the Forums	Steering Committee	Deadline stipulated by Nic in her email
Discuss with Paul Evans the possibility of approaching tertiary institutions and asking if they are interested in guest speakers from the CLM sector	Nic	26 Aug 16

Meeting closed at 11.30am