

8 December 2021

Ministry for the Environment
PO Box 10362
WELLINGTON 6143

Email: wastelegislation@mfe.govt.nz

Submitted via Citizen Space

Dear Sir/Madam

Kapiti Coast District Council: Submission on “Taking responsibility for our waste”

Kāpiti Coast District Council (Council) appreciates the opportunity to submit on Te Kawe i te haepapa para: Taking responsibility for our waste. Please find attached the WasteMinz TAO Forum's submission regarding this. The Kāpiti Coast District Council fully supports the submission from the TAO Forum.

Of particular interest to Council is the wider opportunity for the waste strategy and legislation to support transformational change that prevents waste through better design and product stewardship. To support this, we see nationally consistent education as critical to enable widespread behaviour change, both at the household and business level. Waste reduction and circular economy principles must become embedded in economic, social and cultural behaviours and this will lead to better environmental outcomes.

To support waste reduction, particularly in the construction and development sectors, Council has adopted a Waste Management and Minimisation Bylaw 2021 (Bylaw), which is regionally consistent across the 8 councils in the Wellington Region. Two new sections of the Bylaw focus on the reduction of waste in the Construction & Demolition (C&D) sector and in Multi-Unit Developments.

Council is networking with local contractors on the diversion of C&D waste to identify materials and solutions. Under the Bylaw, we will be requiring Waste Management Plans for buildings over a certain value at some point in the future. Implementation of this clause in the bylaw is delayed by a lack of solutions. We believe that a lack of solutions for C&D waste is a national issue. To enable work to progress, we recommend the following:

- Align the Waste Strategy with the Whole-of-life Embodied Carbon Emissions Reduction Framework, particularly Objective 2: Material Efficiency. This objective seeks to use materials effectively and efficiently and considers concept design and reducing waste of materials in construction and upstream processes. However, while the reuse of materials is proposed, it is necessary that solutions are promoted for the diversion of waste downstream for construction and demolition.
- Apply the recommendations in the TAO submission for increased product-stewardship to the building sector, in the first instance for all timber products (especially CCA-treated timber), plaster board and paint.
- Support the development of solutions for timber arising from the C&D sector.

Increasing intensification in urban areas requires consideration of how waste streams from Multi-Unit Developments will be managed. Waste Management Plans for Multi-Unit Developments are required under our Bylaw, and we recommend the Waste Strategy and the Building Act be closely aligned to support effective waste management for Multi-Unit Developments.

- In the Building Act, Section G15 Solid Waste for multi-residential applications, requires 80 litres of waste storage per apartment based on a weekly collection cycle, however, G15 does not include any provision for the recycling of items.
- G15 also requires all waste storage areas to be located no more than 30m from the dwellings to be served.

We recommend the Building Act is amended as follows:

- The definition of waste in G15 be expanded to include recycling and organic waste:
 - Recycling allows for a range of options such as mixed recycling and glass collections, including colour separated glass where required.
 - Organics allows for garden waste, food waste or mixed organic waste collections
- Developers be required to consider kerbside collection in the first instance, especially where the units are designed as independent townhouses. Bin storage space, vehicular access and parking to allow kerbside collection using standard vehicles should be standard design requirements. The designer should demonstrate why this is not achievable in order to propose an alternative.

Regarding waste disposal levy funding, we endorse the TAO Forum support for continuation of distributing 50% of the waste disposal levy to local authorities.

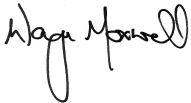
Kapiti Coast District Council has had a waste levy grants policy since 2010 and has supported 129 projects over this time across three categories focusing on community projects, seed funding, and business waste reduction. In 2021/22, the funding allocation was \$40,000. An increase in funding would present an opportunity to engage further with local community groups, education facilities and local businesses to increase waste minimisation activity at a grass-roots level.

Greater local funding of projects will increase access to waste minimisation support for businesses who do not have the capacity to make an application to the Waste

Minimisation Contestable Fund.

Should you have any queries regarding the content of this document please contact Ruth Clarke, Waste Projects Manager, Sustainability and Resilience Team directly on (027) 5555 741 or by email ruth.clarke@kapiticoast.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wayne Maxwell', with a stylized, cursive script.

Wayne Maxwell
CHIEF EXECUTIVE
Te Tumuaki Rangatira



Territorial Authorities' Officers Forum submission on *Te kawe i haepapa para: Taking responsibility for our waste* consultation document

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WasteMINZ is the largest representative body for the waste, resource recovery and contaminated land management sectors within Aotearoa New Zealand. The TAO forum was established to create consistency and efficiency of service amongst territorial authorities through sharing knowledge and best practice around waste minimisation, recycling and resource recovery.

TAO Forum Committee Members

- Andre Erasmus (Kawerau District Council)
- Angela Atkins (Hastings District Council)
- Eilidh Hilson (Christchurch City Council)
- Jennifer Elliot (Wellington City Council)
- Kimberley Hope (New Plymouth District Council)
- Kirsty Quickfall (Hamilton City Council)
- Parul Sood (Auckland Council) - Board Champion
- Sophie Mander (Queenstown Lakes District Council) - Chair

Preamble: The TAO Forum would like to thank the Ministry for the Environment for their work to date on moving NZ towards better waste outcomes. The TAO Forum supports the Ministry's current work programme which demonstrates a commitment to many of the sector issues highlighted in the TAO Waste Manifesto including kerbside standardisation, mandatory product stewardship schemes and recycling infrastructure investment.

A major aspect that the TAO Forum believes is missing from the strategy and legislation is a focus on

preventing waste in the first place. Estimates suggest that 99% of the things people buy become waste within six months of purchase,¹ presumably because items are made for single use only, or are not made to last or be easily repaired. This illustrates that to transformational change requires solutions that prevent the creation of waste and a commitment to solutions that radically increase activity at the top of the waste hierarchy.

The TAO Forum has submitted a key points submission on the proposed waste strategy and legislation below that addresses specific questions and provides a waste prevention focus.

1. Vision - Questions 1-3: Tackling NZ's waste via a circular economy approach

The TAO Forum supports the intent of the vision and recommends it includes:

- a Te Tiriti framework designed in partnership with tangata whenua to situate a circular economy (CE) within Aotearoa and to acknowledge the Te Ao Māori origin of many of the principles, as well as to ensure equitable participation from mana whenua and urban Māori;
- a systems approach that focuses on designing out waste and addressing models of overproduction and poor design to stem the overwhelming tide of waste;
- an acknowledgement that waste is not a problem to be solved in isolation but a symptom of an economic system that is not working properly. Just tweaking the waste system will not solve the issue nor reduce emissions; and
- an acknowledgement of the whakapapa of a circular economy including mātauranga Māori, Zero Waste, Cradle to Cradle and systems thinking and how a circular economy and these concepts are all different and necessary tools to reach the end goal.

2. Principles and timelines - Questions 4-8

The TAO Forum is supportive of the six proposed principles. The following are recommended for inclusion as 'guiding points':

- Principle 1. Commitment to addressing the import of materials and goods that do not fit within a NZ and Pacific-centric circular economy.
- Principle 3. Include "protect" as well as "regenerate" natural systems to align better with the concept of kaitiakitanga.
- Principle 4. Government agency leadership through procurement as a key tool to tackling the generation of waste.

The TAO Forum agrees with the need for a staged approach but has no consensus on the proposed timelines. Some TAs recommend the timelines be accelerated while others consider the proposed timelines realistic, recognising the need to catch up and lay foundations for transformational change.

¹ <https://theconversation.com/what-a-sustainable-circular-economy-would-look-like-133808>

Regarding the Priorities and Stage 1, the TAO Forum recommends the inclusion of higher landfill levies and the establishment of more regulated product stewardship schemes.

Comments related to specific priorities:

- Priority 1 – the foundations for transformational change are connected to other regulatory review including the Building Act, Local Government Review RMA Reform. The connections and respective actions must be explicit to ensure they are not lost in the process.
- Priority 3 – the easiest way to change behaviour is to change the environment and system within which we live. The priority needs to focus on the change in systems with the learning opportunities and information-sharing supporting the ‘why’. Nationally available resources tailored by communities for communities are the keys to success.
- Priority 4 - The focus must be wider than just household material and their associated recycling systems. It must include construction and demolition waste, medical wastes, soils, and products or equipment containing hazardous components such as lithium batteries and synthetic gas.
- Priority 5 – a ban on organic materials from landfill is supported provided there are alternative ways to recover and process the materials. The use of the waste disposal levy to fund the implementation of this would support local government to deliver on increased diversion activities. The relevant emission values of different waste streams and respective recovery options would help guide Councils and industry to plan for and deliver a de-carbonised future.
- Priority 6 - we recommend Priority 6 include actions to strengthen national guidance for soil and soil contamination. This should include the following actions:
 - standardise the levels of soil contamination acceptable at Landfills Classes 1-5 (as per finalised Landfill Guidelines²⁴)
 - publish long-delayed guidance for the identification and management of ‘HAIL’ (Hazardous Activities and Industries List) contaminated sites, particularly to narrow the definition of HAIL sites so that only sites with a high-level of risk of significant contamination fall into this category
 - revise the National Environmental Standard for Contaminated Sites to exclude consenting requirements for low-level contamination (where levels comply with human health criteria), and
 - encourage the retention and re-use of topsoil within construction projects as a valuable resource

Barriers to achieving the stage one actions identified by the TAO Forum are:

- potential lack of staff resources to implement the strategy. More support is needed to upskill, train and expand our workforce and promote our sector as a strong career option;
- other legislative reform that may delay or act as a barrier. With integrated all-of-government thinking and good planning, the opportunities will be aligned and optimised;
- procurement of infrastructure and materials due to supply chain issues resulting from COVID-19 (e.g. electric collection vehicles) may create barriers or delays and impact the timeframe proposed for Stage 1;

- funding – it is hard to comment on the barriers to funding when there is a lack of clarity on the economics and how initiatives will be funded. Clear financial impacts and responsibilities need to be identified; and
- lack of baseline data – ambitious waste targets have been set despite the absence of baseline data and measurement systems. The TAO supports the establishment of measurement systems and gathering of data from a centralised agency.

3. Waste Strategy targets - Q9 and 10

The TAO Forum recommends targets should not just apply to households. Greater attention should be focused on the business and public sectors by identifying the different business sectors and the gaps in their waste minimisation systems. The public sector should demonstrate leadership with high targets for schools, hospitals, police, local and central government.

The “business” target should include industries such as construction and demolition and have higher targets. To achieve a circular economy before 2050 we need to move from the current business model of ‘produce more faster, sell more’ to a regulated product stewardship that incentivises and rewards design for low emissions, durability, reusability, repairability and lastly recyclability.

Comprehensive data collection systems for businesses could be a requirement of Waste Licensing. Targets only relate to material disposed of to Class 1 landfills and will not capture construction and demolition wastes disposed to other landfills or cleanfill facilities.

The whole country target needs to clarify that with better tonnage data, from farm dumps for example, the values will be higher than currently understood.

Emissions target

The TAO Forum supports this and recommends it includes biosolids and sewage sludge as these have large emissions footprints and increase with population growth. It is very difficult – if not impossible – to reduce sewage sludge, and the processing of sewage sludge impacts other parts of the waste stream. While the Ministry for the Environment (MfE) has drafted standards for the management of sewage sludge in the past, the proposed management methods have not been acceptable from a Te Ao Māori perspective. If sewage sludge is not addressed now as a priority, however, the processing of sewage sludge will continue to prevent the diversion of other organic wastes to compost.

Litter target

Illegal dumping needs to be clearly included in the definition of litter. Reducing harm from litter and illegal dumping is important and well-defined targets will help to drive action, along with the methods proposed to measure and monitor it such as ongoing funding for the Litter Intelligence Programme. The TAO Forum supports the inclusion of fines for companies whose products are littered (especially tobacco and takeaway) leading to micro-plastics and other toxins in the environment. This lever could sit

alongside incentives such as the Plastics Innovation Fund to support changes to packaging, such as reusable models.

By removing barriers to disposal options, fast-tracking and expanding regulated product stewardship schemes will reduce litter and illegal dumping of rubbish.

Other targets

The TAO Forum also supports other targets that are focused on top-of-the-waste-hierarchy activity, such as a target for the implementation of regulated product stewardship schemes and targets for reuse and repair activity (data could be gathered through Repair Cafe Aotearoa NZ, Consumer NZ, retailers and repairers). Plastic reduction targets should be included to create long-term and binding guidance to the waste and manufacturing industries on the direction of and expectations for material usage in Aotearoa, as well as targets for construction and demolition waste, and organic waste.

4. Legislation and waste strategy, roles and responsibilities - Questions 11- 19

The TAO Forum supports the requirement of a waste strategy that is periodically updated, and suggests that:

- local government are part of the development of AIPs
- the waste strategy and supporting AIPs are extended beyond political cycles and priorities, such as the approach used in forming the Climate Change Response (Zero Carbon) Amendment Act 2019 which provides the framework for long term policy (such as the requirement for government to have an Emissions Reduction Plan and National Adaptation Plan)
- the waste strategy review period be no less than a 6-yearly cycle as currently required for local government waste plans
- local government plans need to be consistent with the national waste strategy to strengthen efforts and make progress towards common goals. In addition, the legislative requirement should be stronger than the current 'have regard to', while at the same time being flexible enough to enable the tailoring of local plans to local circumstances and priorities

The TAO Forum supports annual public reporting for both local and central government to measure progress towards targets set by central government. A consistent methodology should be used such as the National Waste Data Framework and SWAP categories, in addition to any new data collection methodologies required to capture, for example, activity at the top of the waste hierarchy such as reuse and repair. It is also suggested that:

- for central government, reporting should include GDP to allow the analysis of trends between the economy and waste habits;
- state of mauri and cultural monitoring frameworks and reporting (as called for by the Independent Māori Statutory Board and mana whenua in Tāmaki Makaurau) become business as usual;

- there is an expansion of the 'supplied materials and waste emission factors' to enable local authorities to model the carbon impacts of waste management in their region, including which materials to target, and the emissions footprint of different processing options (e.g. re-use and recycling versus landfill, anaerobic digestion versus composting). This should include the emissions footprint of production, processing, transportation as well as disposal e.g. a life cycle / materials flow analysis;
- local and central governments be required to share information about trans-boundary waste movements;
- there is an alignment with public reporting requirements and proposed changes to legislation regarding licensing and duty-of-care requirements;
- there is better reporting on the use of levy revenue through the Waste Minimisation Fund in a similar way that local authorities are required to report on levy expenditure through WMMPs;
- Class 2 and 4 landfills are included in reporting requirements;
- a standardised methodology for local authority to measure behaviour change and activity at the top of the waste hierarchy be developed; and
- data from other organisations such as repairers, repair cafes and makerspaces, op shops, retailers and brands be collected to ascertain activity at the top of the waste hierarchy. Volunteer organisations, small repairers and charities would be supported to implement systems that easily capture this data.

Central and local government functions

The TAO Forum supports the establishment of a separate government entity that is founded in a Te Tiriti o Waitangi framework, is independent of political cycles and philosophies and can oversee the proposed all-of-government Circular Economy Strategy. Having a Te Tiriti Framework would facilitate a genuine partnership with iwi/Māori with a seat at the table rather than being advisors with no influence over strategy and policy. This entity could also identify the new regulated product stewardship schemes and oversee the design processes so they are independent of industry. Overseas examples include Sustainability Victoria, Zero Waste Scotland and WRAP.

Central government should continue to develop and implement strategy, policy and the levy and licensing framework and provide a clear direction of travel along with data and reporting and some compliance functions.

Local authorities will continue to have the vital role of providing services to local communities following direction from central government and are best placed to deliver education alongside local community organisations they partner with.

Regional approaches are becoming increasingly important and can provide clear benefits to local authorities, especially those with limited resourcing. Regional authorities could provide an insight into how other legislation interacts with the waste strategy and waste legalisation.

Standardisation of kerbside materials

The standardisation of kerbside recycling materials is supported by the TAO Forum as it will decrease confusion and contamination and allow for the development of national educational materials. It will also encourage sharing of facilities, save cost, and increase diversion rates. The Love Food Hate Waste programme is a leading example of nationally developed material, adopted and adapted by and for local communities.

The standardisation of kerbside collections should be outcomes-focused with set diversion rates and a maximum contamination threshold. A local example of this is Hastings District Council where the tender for new kerbside collection services did not specify the type of collection required but specified that the recycle needed to be of high enough quality to be able to go to local reprocessors. An overseas example is the Welsh Blueprint model which has a phased in diversion rate that local authorities need to meet.² This has led to the voluntary adoption of a model that ensures high quality recycle and low contamination levels.

5. Putting responsibility at heart - Questions 20-25

The TAO Forum believes the duty of care model should emphasise a duty to design out waste by producers.

A duty of care model should be applied to waste and recycling collectors to ensure recycling is maximised and of the highest quality possible.

The TAO Forum supports the concept of a national licensing regime for the waste sector (with waste materials clearly defined) that follows the National Waste Data Framework and is subject to councils maintaining their ability to establish local licensing conditions that may be contextually relevant to their territorial area. A national licensing system would ensure private waste operators are required not only to be licensed, but also to report waste data. Other considerations could also include mandatory waste data reporting from large waste producers to provide a more complete picture of waste data flows (i.e., activity-source data).

The TAO Forum supports the idea of tackling hazardous waste through a full track-and-trace system that starts with the producer and assigns responsibility through the entire chain of custody to disposal point. The system must be appropriately resourced to enable ongoing monitoring and compliance, and penalties for non-compliance must be higher than the cost of treatment to discourage dumping.

6. Other regulatory powers - Questions 26-33

The TAO Forum supports a rapid increase in regulated product stewardship schemes, as well as the concepts of right-to-return packaging, right to repair measures, better use of import and export controls and track-and-tracing systems. Anti-Waste and Circular Economy legislation in France provides a good

² <https://collectionsblueprint.wales/>

example of policy that specifically tackles planned obsolescence and aims to design out waste.³ The TAO Forum also urges the implementation of the Container Return Scheme that the Minister has yet to make a decision on.

Recommendations for product stewardship:

- Increase the number of regulated product stewardship schemes in design and speed up the process of implementation. Mandatory schemes will drive real change and shift to a shared responsibility model for preventing waste.
- The process for designing schemes should be overseen by an independent government agency and more resource put into supporting the small, dedicated team at MfE to speed up the regulatory process for implementation.
- A portion of levy funds be allocated to seed-fund the co-design phase of mandatory product stewardship schemes to ensure the design process has broader stakeholder involvement.
- Adopt an 'eco-modulation' scheme approach that specifically targets and incentivises durable design and repairability. Rather than leaving it to scheme designers to determine the fee model, eco-modulation has been used in France and there are clear lessons that can help Aotearoa develop an eco-modulated fee model that is fit for purpose.⁴

The TAO Forum supports the powers in section 23 of the current WMA being maintained, enhanced and expanded to ensure that these powers remain available for both non-priority and priority products. In particular, the TAO Forum supports product design specifications, labelling requirements for products and packaging and standards for waste management and resource recovery.

The TAO Forum supports a right to return packaging to retailers if:

- The packaging is not disposed of to landfill by retailers and must be diverted through reuse or recycling
- The measures include incentives for packaging to shift to reuse systems

7. Waste disposal levy - questions 34-39

The TAO Forum recommends the waste levy be applied to all materials that fall below recycling and composting on the waste hierarchy. The TAO Forum also supports the Ministry's proposal for the levy rate to be reviewed at the same time as the proposed Action and Investment Plans (potentially three-yearly) and notes the 2017 Eunomia report suggests the best practice waste levy rate for Aotearoa New Zealand would be \$140 per tonne.

³ <https://ellenmacarthurfoundation.org/frances-anti-waste-and-circular-economy-law>

⁴ https://561fa32e-aa15-4cf4-9a17-84a646abe653.filesusr.com/ugd/f9296e_bbb3657e2e32465cb30c67e0ffed60d5.pdf

The TAO Forum supports the continuation of 50% of the waste disposal levy going to local authorities, and believes allocation should be at a base level with additional amounts based on resident and visitor population numbers.

The waste disposal levy should continue to be used and available for activity tied in with Councils WMMPs. Additional funds need to be available to address environmental risks relating to contaminated land, hazardous wastes, closed landfills, and monitoring and enforcement programmes.

Allocation of waste levy funding should be available to Māori-led solutions.

8. Compliance, monitoring and enforcement - questions 40-43

The TAO Forum does not have a collective view on which elements of compliance, monitoring and enforcement should be the responsibility of which parts of government (central government, regional councils, territorial authorities) under new waste legislation, because it is dependent on how well resourced individual TAs are. New compliance, monitoring and enforcement responsibilities delegated to local authorities will require additional funding from central government.

However, there is support for expanded powers to address non-compliant behaviour and address issues such as littering (including windblown material from building sites) and illegal dumping, as well as the additional power to investigate anyone advertising waste removal services.

Information-sharing arrangements between enforcement agencies and the powers to provide information is supported, but stopping and searching vehicles and access to premises is a function of NZ Police, not TAs.

Measures to address litter (including illegal dumping of rubbish) could include:

- Holding companies accountable for their littered packaging
- Enabling penalties for littering and illegal dumping of waste to include community service to clean up litter and illegally dumped waste
- Increased penalties for inappropriate disposal of hazardous waste or waste dumped in waterways
- The ability to issue fines for a range of litter and illegal dumping offences based on different levels of evidence such as littering from a car, with the owner being fined from licence plate information
- Removing the requirement for a Litter Control Officer (or equivalent) to “observe” a person committing an infringement offence
- Inclusion of an infringement offence provision for people dumping litter on their own land
- Comprehensive behaviour change programmes shaped by better understanding and research for what drives illegal dumping

Ends