



7 December 2021

Te kawa i te haepapa para - Taking responsibility for our waste
Ministry for the Environment
PO Box 10362
Wellington 6143

Dear Sir/Madam

Hurunui District Council Submission to “Te kawa i te haepapa para - Taking responsibility for our waste”

Thank you for the opportunity to submit on the proposed “Te kawa i te haepapa para - Taking responsibility for our waste”. Please find attached the Hurunui District Council’s submission regarding these documents.

Should you have any queries regarding the content of this document, please contact Sally Cracknell, Team Leader Waste on 027 240 1107 or by email: sally.cracknell@hurunui.govt.nz

The Consultation Document sets out a range of questions which we provide answers to the relevant questions below.

Regards



Helga Bennett
Senior Planner

Mobile 027 1800 1025
Email helga.bennett@hurunui.govt.nz

Part 1: Why we need to transform our approach to waste

1. Do you think changes are needed in how Aotearoa New Zealand manages its waste?

With New Zealand being one of the highest generators of waste per person internationally, Hurunui District Council (the Council) agrees changes regarding the management of waste are required.

The Council recommends a stronger mandate is introduced to make waste producers accept responsibility for the end of life of those products they manufacture via a circular economy, with packaging being an example of a product which this should apply to. To achieve this, changes in regulations and improved infrastructure within Aotearoa New Zealand are required.

2. Do you support tackling our waste problems by moving towards a circular economy?

The Council supports the progression towards a circular economy but on the proviso it is affordable, the risk to the Council is minimised, and there is no other local or more economically beneficial alternative. To support this, increased regulation and policy will be necessary.

Manufacturers should be required to reconsider how the products they produce can be improved to maximise their lifespan, and to ensure the repair of such products becomes a viable option, as opposed to purchasing a replacement.

Part 2: Proposed new waste strategy for Aotearoa New Zealand

3. Do you support the proposed vision?

4. Do you support the six core principles or would you make changes?

Yes the Council supports the proposed vision for the new waste strategy.

The Council also supports the six core principles, but feels that there needs to be more emphasis on education and encouraging behavioural change.

5. Do you support the proposed approach of three broad stages between now and 2050, and the suggested timing and priorities for what to focus on at each stage?

In principle, the Council supports the proposed approach of the three broad stages, but would like to highlight the following points:

- The development of infrastructure, where possible on a regional basis to prevent duplication and ensure efficiencies, needs to be fast tracked to ensure when progressing to Stage 2, the appropriate systems and facilities are already established.
- To enable progression through the stages to commence, the use of legislation, incentives and regulations need to be maximised in Stage 1, with compliance utilised to drive and enforce behavioural change.
- Priorities and the options for funding need to be identified early on.
- The question was raised regarding the impact the proposed waste strategy would have on Council Waste Management and Minimisation Plans and whether upcoming reviews should be placed on hold until the outcome of this consultation process is known.

6. *Looking at the priorities and suggested headline actions for stage one, which do you think are the most important?*
7. *What else should we be doing in stage one?*

The Council considers priorities 1, 3 and 4 to be most important.

Priority 1 – **Complete the foundations for transformational change** – Building the foundations is imperative for transformational change.

Priority 3 – **Establish long-term information and education programmes** - The Council considers education to be of utmost importance and recommends it be brought from Stage 2 to Stage 1 to encourage behavioural change to support the implementation of the proposed strategy.

Priority 4 – **Get resource recovery and recycling systems working well** - The Council supports the standardisation of what should be collected via Council collections, but does not support the standardisation of services, as one model does not fit all.

Hurunui is predominately rural, covers a wide geographical area and has a low rating base. Council provides a dual collection service proven to be cost effective, which ensures high quality recycling is collected (contamination is continually under 2%), with no recycling landfilled during Covid. For these reasons, it is recommended Councils have the ability to determine and use those collection methods best suited to their locality.

Priority 5 – **Reduce emissions from organic waste** For rural Council's like Hurunui, organic waste volumes collected are low due to this material being managed on peoples properties through methods such as home composting.

8. *What are the barriers or roadblocks to achieving the stage one actions, and how can we address them?*

The Council considers the principal barriers or roadblocks to achieving the Stage 1 actions is funding. To implement system level change, developing infrastructure and addressing individual material streams and products will be expensive, particularly post Covid, and may prove unaffordable for many Councils.

9. *Do the strategic targets listed in Table 1 focus on the right areas?*

The Council is concerned to observe a higher reduction percentage has been placed against households in comparison to businesses. Many households are already maximising their recycling, so this target may be impossible to achieve.

Businesses and industry produce higher volumes of waste than households, so Council recommends the reduction target for this sector should be made higher, and that there should be a mandatory requirement for them to report waste and recycling volumes.

10. *Where in the suggested ranges do you think each target should sit, to strike a good balance between ambition and achievability?*

The Council is concerned as to how these targets will be measured and also considers that the target for households should be reduced, for the reasons explained under the previous question.

Part 3: Developing more comprehensive legislation on waste – issues and options

11. *Do you think new legislation should require the government to have a waste strategy and periodically update it?*

The Council agrees new legislation should require the government to have a waste strategy as this would permit the fundamentals to be included in the legislation, as opposed to a 'periodically updated' strategy. This would enable the infrastructure required and long-term changes in practices and processes to be underpinned with stability.

12. *How often should a strategy be reviewed?*

It was felt that the strategy should be updated every 5 years to permit the tracking of progress. This reduced timeframe would allow councils to consider and reflect on the vision and targets of the strategy when producing their own waste plans. It would also allow sufficient time for the government to determine whether measures need adaptation.

13. *How strongly should the strategy (and supporting action and investment plans) influence local authority plans and actions?*

The Council considers that the strategy should not be too rigid or prescriptive, but provide flexibility for local councils to determine how to achieve the required outcome in their locality.

14. *What public reporting on waste by central and local government would you like to see?*

The Council would like to see central and local government reporting the following:

- Waste to landfill by area and the origin of the waste i.e. household, commercial, construction, agricultural or industrial.
- Rates of diversion by waste and/or waste stream.

The level of reporting needs to be balanced and sensible as numbers will not necessarily resonate with the public.

15. *Do you agree with the suggested functions for central government?*

The Council agrees with the proposed functions for central government. They appear to be consistent with central government agency functions under other (current) legislation. Of particular importance to the Council would be on-going liaising with local government and other key partners.

16. *What central government agencies would you like to see carry out these functions?*

The Council considers that the Ministry for the Environment would be best suited to continue to undertake these functions providing they are able to accommodate this.

17. How should independent, expert advice on waste be provided to the government?

Concern was expressed by the Council as to whether an advisory body or board can be seen as independent, predominantly due to the range of commercial interests in the waste and recycling sector.

However, engagement that reaches a wide range of the waste and recycling industry, and the public sector, will provide more balanced and unbiased feedback.

18. How could the legislation provide for Māori participation in the new advice and decision-making systems for waste?

The Council feels participation from this sector is currently allowed for and as waste impacts all sectors of the community, participation from all should be encouraged.

19. What are your views on local government roles in the waste system, in particular the balance between local and regional? Who should be responsible for planning, service delivery, regulatory activities like licensing, and enforcement of the different obligations created?

The Council recommends that service delivery continues to be the responsibility of local government to ensure local decision makers achieve the best outcomes for their communities with regard to affordability and levels of service.

The Council agrees there is merit in licensing and enforcement being managed on a national or regional basis, as many waste and recycling providers cross territorial and regional boundaries; however a licensing body would need to be sufficiently funded, resourced and easily accessible.

Local enforcement of bylaws that support the delivery of services is also a core requirement of local government as the Council is concerned that if this was provided by a central government agency, smaller districts such as Hurunui may not receive a sufficient service.

20. Do you see benefit in adapting the United Kingdom's duty-of-care model for Aotearoa New Zealand's waste legislation, supported by appropriate offences and penalties?

We consider that there would be benefits to New Zealand adapting the United Kingdom's duty of care model and supporting it with appropriate offence and penalties, but question whether the effectiveness of the this model had been measured?

If the duty of care model is introduced it needs to be meaningful and adapted to meet the specific needs for Aotearoa New Zealand and cover all industries and business sectors.

21. Do you support strengthening obligations around litter by creating an individual 'duty of care' to dispose of waste appropriately?

Yes - the Council supports strengthening the obligations around litter on the proviso there is the ability for Councils to infringe littering and illegal dumping and that the process is simplified. This should be included in Stage 1.

22. What else could we do so that litter is taken more seriously as a form of pollution?

The Council recommends increased education and publicity on a local, regional and international level to drive behavioural change and supports the fining of those identified to be responsible for littering.

Initiatives like the Keep New Zealand Beautiful clean-up week should be given more impetus, funding, and the outcomes of such programmes publicised to further raise awareness.

23. Do you support a nationwide licensing regime for the waste sector?

The Council supports a nationwide licensing system for waste providing it permits enforcement powers to be conducted at a local level.

24. Should the new legislation include a power to require a tracing system to be developed for some or all types of waste?

The Council agrees that the new legislation should include the power to require a tracing system to be developed for all waste operations beginning with those forms of waste deemed high risk i.e. tyres and hazardous wastes.

25. What aspects of the proposals for regulating the waste sector could be extended to apply to hazardous substances?

The Council feels the proposals for regulating the waste sector should be extended to co-ordinate with the building consent process to ensure that waste, both hazardous and non-hazardous, can be traced to ensure it is disposed of via licenced operators only.

26. Should the new legislation keep an option for accreditation of voluntary product stewardship schemes?

Yes the Council agreed the new legislation needs to provide an option to enable accreditation via a voluntary product stewardship scheme, providing the producers of the product achieve accreditation within a stipulated timeframe.

27. How could the accreditation process for new product stewardship schemes be strengthened?

28. How else could we improve the regulatory framework for product stewardship?

The Council support's the accreditation process for new product stewardship schemes being managed via a dedicated agency to overcome the need to obtain Ministerial sign off. It is also recommended that schemes are audited by the agency to ensure compliance, to overcome the need to apply for re-accreditation.

Early notification should be provided to commercial entities and producers regarding products identified as being prioritised to allow work to commence on meeting the regulatory framework.

29. What improvements could be made to the existing regulatory powers under section 23 of the Waste Minimisation Act 2008?

The Council considers the powers under section 23 to be broad and questions whether they are fundamentally right or whether the mechanics of using these powers need to be refined? Therefore the Council supports the proposal to make the intent, purpose and scope of powers under section 23 clearer.

30. *What new regulatory powers for products and materials would be useful to help Aotearoa move towards a circular economy?*

The concept of requiring specified products to incorporate a proportion of recycled material, banning or restricting the import of hard to recycle products was supported by Council, as this would help Aotearoa New Zealand progress towards a circular economy.

31. *Would you like to see a right to return packaging to the relevant business?*

Yes this proposal was supported by the Council, as it would encourage, incentivise or force businesses and manufacturers to accept responsibility for the products they produce, and associated packaging.

32. *Would you like to see more legal requirements to support products lasting longer and being able to be repaired?*

Yes the Council would support increased legal requirements for products to last longer or have the capability to be repaired, providing it is a financially viable option. This would also support behavioural change.

33. *Is there a need to strengthen and make better use of import and export controls to support waste minimisation and circular economy goals? For example, should we look at ways to prohibit exports of materials like low-value plastic?*

The Council agrees the use of import and export controls need to be strengthened and better used and suggest prohibiting or controlling the imports of products and associated packaging, that can't be effectively dealt with in Aotearoa New Zealand.

34. *What types of activities should potentially be subject to a levy? Should the levy be able to be imposed on final disposal activities other than landfills (such as waste to energy)?*

The Council considers that the levy should be placed on final disposal activities other than waste, but the rate charged be proportionate to the undesirability of the product and impact of the final activity.

It is suggested that waste to energy be charged a lower rate due to the benefits, which can be derived from the process in comparison to disposal of waste to landfill.

35. *What factors should be considered when setting levy rates?*

The Council considers it imperative that when the levy is set, the impact be considered e.g. if too high, increased levels of illegal dumping will result, which will become a Council cost to manage.

In conjunction with setting a levy, education and how to incentivise behavioural change need considering to try and counteract potential negative impacts of the levy.

36. *How could the rules on collection and payment of the waste levy be improved?*

The Council considers that a mandatory licensing system for all waste operators would ensure the tonnages for which the levy is payable are captured.

37. What should waste levy revenue be able to be spent on?

The Council feels that the waste levy revenue should continue to be able to be used by Councils to fund the diversion of waste from landfill through the creation of new resource recovery programmes and the purchase of infrastructure to support such schemes.

Undertaking education and encouraging behavioural change should also continue to be a beneficiary of the waste levy and be expanded to include litter reduction and awareness campaigns.

The Council also recommends that funds be permitted to be utilised by the Contaminated Sites Remediation Fund to help manage the legacy of redundant landfill sites.

The Council did not support it being used for compliance activities or the clearance of illegal dumping and concluded that compliance, monitoring, and enforcement should be funded by any licensing regime implemented.

38. How should revenue from the waste levy be allocated to best reflect the roles and responsibilities of the different layers of government in relation to waste, and to maximise effectiveness?

It is felt that the income from the levy should continue to be managed via Councils being the predominant service provider and in many areas the only provider of waste services.

The Council also agree that it is timely for a review of the current allocation method.

39. How should waste levy revenue be allocated between territorial authorities?

The Council recommends that the waste levy revenue continue to be allocated by population, but consideration and additional funding needs to be provided for those areas with high visitor numbers to acknowledge the impact of tourism on their waste volumes. For a smaller district like Hurunui this would make a significant difference.

40. 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?

The Council recommend that licencing and data collection be the responsibility of Central Government, ideally managed through a dedicated agency.

However, local councils should continue to be responsible for the delivery of compliance services and monitoring of licenced operators, a cost covered by licence fees and local rates.

41. The need for enforcement work will increase under the new legislation. How should it be funded?

The Council consider it imperative that the increased revenue work is funded through the income received from compliance fees and licensing charges, as opposed to the rates.

Higher penalties are required for offenders and the process for councils to recover costs through fees needs to be easier.

42. *What expanded investigation powers, offences, and penalties should be included in new waste legislation?*

The Council recommend that the expanded investigation powers need to consider disclosure of information e.g. if a householder, car or business is identified as part of a littering offence investigation, could the owner/operator be obliged to tell an enforcement officer everything they know?

Consideration should also be given to how waste from the building and construction industry is monitored, with local councils being given the powers to require evidence of the end destination of waste from these sources to be provided or proven.

Waste operators should be audited to ensure they are reporting correctly and sending all waste to approved locations.

43. *What regulatory or other changes would help better manage inappropriate disposal of materials (that is, littering and fly-tipping)?*

The Council feels that the introduction of a national licencing system will make a significant difference to overcoming some of the problems associated with the inappropriate disposal of waste.

To be successful, when infringing, local councils need the appropriate powers to be able to recover the actual (true) clean-up and disposal costs. This should include an allowance for the volume and type of waste and whether it is considered hazardous.

Controls regarding the stockpiling of waste are urgently required. This would enable local councils to stop stockpiling and ensure those responsible for depositing the waste on the land are held accountable rather than the legacy being left with the landowner or the local council or community to fund the clean-up.

Yours sincerely,



Marie Black, Mayor (on behalf of the Hurunui District Council)

Address for service:

Hurunui District Council
Attn: Helga Bennett, Senior Planner
PO Box 13
Amberley 7441
Email: helga.bennett@hurunui.govt.nz
Mobile: 027 1800 1025