

SUBMISSION: PROPOSED NEW WASTE STRATEGY, AMENDMENTS TO THE WASTE MINIMISATION ACT and the LITTER ACT

Introduction

The Dunedin City Council (DCC) is supportive of a new national Waste Strategy and new legislation to replace the Waste Minimisation Act (2008) and Litter Act (1979). The DCC advocates for improvements to these to reduce Aotearoa New Zealand's high volumes of waste to landfill.

Trends indicate volumes of waste going to landfill will increase unless a more comprehensive approach is taken for minimising waste and reducing high-value materials going to landfill across the country.

The Dunedin City Council (DCC) has adopted a circular economy approach to waste through the DCC Waste Minimisation and Management Plan 2020.

In addition, the DCC has adopted a target of reducing Dunedin city's carbon emissions to net-zero by 2030; this requires reducing waste to landfill as a source of greenhouse gas emissions.

Funding Methods

The DCC notes that the proposed changes in the consultation will require additional funding. Action Investment Plans are proposed, but the source of funding for these is not determined. It is understood that the majority of this consultation is to seek guidance on how the increased waste levy would be best used; however, other methods for change are also proposed in the consultation, such as through investment, incentives, facilitation, encouragement, regulatory changes and financial penalties. There is no clear indication in the consultation document regarding which organisations will be contributing the funding for these elements.

DCC supports using 'polluters pay' methods as the primary funding source, such as the Waste Levy, Product Stewardship Schemes, and extended producer responsibility schemes. This way, the increased costs are equitable to those responsible and avoids costs defaulting onto local businesses and residents. It also incentivises producers to change the way they produce their goods and disincentivises the production of waste.

The DCC notes that it is important that local government determine how their waste levy is used.

Part 1:

Q1: Do you think changes are needed in how Aotearoa New Zealand manages its waste?

The DCC agrees that changes should be made to how Aotearoa New Zealand manages waste.

The DCC supports following the waste hierarchy to address waste and resource consumption. Aotearoa New Zealand should move to an approach that designs waste out before production, designs out waste in production, and rewards resource recovery. The current system is seeing waste being diverted, but volumes to landfill are increasing.

Waste is not a problem to be solved in isolation. More emphasis is needed on changing the economy at the production stage. Widespread product stewardship could be used to encourage designing out waste during production.

Q2: Do you support tackling our waste problems by moving towards a circular economy?

The DCC agrees with moving towards a circular economy. The DCC has adopted a circular economy approach to waste, as reflected in the DCC Waste Minimisation and Management Plan 2020.

Part 2:

Q3: Do you support the proposed vision?

The DCC supports the proposed vision but recommends the following areas be strengthened:

- The DCC agrees with the vision of taking responsibility for actions attributed to waste and their implications on achieving a circular economy. Adding 'to enhance environmental and social outcomes' to the vision could clarify the overall aim achieved by a circular economy.
- The vision statements reflect Te Ao Māori and include a Te Tiriti approach.
- The vision is missing any reference to reducing reliance on the use of virgin resources. The predominant business model is based on premature obsolescence. Therefore, Aotearoa New Zealand's waste problems should be addressed by also considering overconsumption. The vision statements need to make this more obvious.

Q4: Do you support the six core principles, or would you make changes?

The DCC supports the six core principles. Avoiding unnecessary waste to reduce disposal, pollution, emissions, and continued use of virgin resources are important for moving away from a linear economy. The DCC supports an economy that provides consumers with the choice of durable materials and products that are easy to repair. The DCC supports using natural resources regeneratively and public education programmes that promote behaviour change to achieve a circular economy and a healthier future environment. The DCC suggests investing in training, such as apprenticeships and business mentoring programmes, to encourage sustainable product development and achieve the 'highest' value products and materials as they are circulated in the economy.

It would be helpful if the principles directly referenced the types of legislative levers that could enable these to be turned into action.

The DCC suggests that the definition of 'value' is required to "Keep products and materials in use at their highest value". DCC also suggests further definition of whether value represents the financial, environmental, or social value, or all three.

Q5: 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?

The DCC supports the proposed approach using three broad stages. The DCC's target is to reduce Dunedin city's carbon emissions to net-zero by 2030; this includes reduced waste to landfill as a source of greenhouse gas emissions.

The proposed Action and Investment Plan (AIP) reviews are indicated to be every 2-3 years. Within these 2-3 years periods, the DCC suggests setting timeframes for each target to be achieved. The targets could be used as ambitions and milestones. AIPs should also include clear explanations of where funding for these plans will come from. The DCC suggests focussing on attaining funding from

‘polluters pay’ avenues, such as the waste levy and product stewardship schemes, to incentivise change and keep the cost equitable for residents and small businesses.

The DCC suggests the investment for infrastructure in Stage 1, ‘Catching Up’, should be made available to local councils to develop resource recovery facilities. However, for more extensive resource recovery networks, there needs to be some oversight from central government to strategise and coordinate across districts. For example, investment in rail connections by central government and local government could form part of the solution to reduce the carbon impact of transport; however, the focus should be on regional infrastructure, rather than transporting materials long distances.

It should also be recognised that the lower South Island territorial authorities and waste service providers have logistical challenges for some onshore recycling opportunities, which are otherwise more accessible in the North Island.

The DCC agrees that the following named work programmes should continue:

- phasing out hard to recycle plastics,
- standardising kerbside collections,
- investigating container deposit schemes,
- investing in optical sorting technologies and other equipment through the COVID-19 Response and Recovery Fund

However, implementation should first be focussed on Stage 1 ‘Catching Up’ of the strategic journey.

The DCC would support waste incineration that prioritises separating materials that could be effectively recycled or reused and prioritises reducing the environmental impacts of unavoidable residual waste. However, loss of valued resources by incineration, or adverse environmental effects caused by incineration, would not be favoured by DCC.

The DCC supports public education delivered by central government, as well as locally, across all three stages. This will be important to help change mindsets, behaviours, and embed circular economy principles. In addition, local government could support more locally focussed campaigns and education initiatives.

Part 3: Embedding a long-term, strategic approach to reducing waste

Q6: Looking at the priorities and suggested headline actions for stage one, which do you think are the most important?

The DCC agrees the most important priority is Priority One in order to provide clear direction and mechanisms for a transformed waste sector. Of the actions within Priority One, the most important are ‘enacting and implementing the new waste legislation’, and ‘support and resource newly configured enforcement responsibilities.’

The DCC suggests elevating Priority Four to Priority Three. Education is important, but until people have the recovery and recycling options available, they cannot act. Therefore, having Aotearoa New Zealand’s resource recovery and recycling systems working well before rolling out education programmes may achieve better outcomes.

Priority 3, 'Establish Long-term Information and Education Programmes', should be described as 'Developing and Supporting New Behavioural Norms to Avoid or Reduce Waste' in order to emphasise the need to change behaviour through education programmes, not only 'informing'.

Priority 5 should recognise the value of organic waste, systems thinking, and reducing food waste at source across all parts of the food chain. Reducing food waste at source reduces greenhouse gases, saves economic loss, and improves food security¹.

Once food waste is reduced at source, there should be a focus on highlighting the value of residual organic waste to support regenerative agriculture. If more organic waste is diverted, markets will be needed for these products, and better regulations regarding inputs to ensure the resulting product is of good quality (for example, common contaminants such as clopyralid and Per- and Poly- Fluorinated Alkyl Substances (PFAS) are phased out).

Under Priority 6, producers could be required to offer services that are proven to avoid their product's impacts or prove their products will not cause harmful impacts for people or the environment.

Q7: What else should we be doing in stage one?

The DCC suggests changing Headline Actions in Stage One from 'Consider incentives to manufacture in ways that make recycling easier' to '**Provide** incentives to manufacture in ways that make recycling easier...'. Incentivising companies to improve their products and packaging is an important step in reducing waste generation. Incentivising at the production stage enables Aotearoa New Zealand to get ahead of the waste stream and follow the waste hierarchy.

In addition, a National Environmental Standard for Disposal to Land should be developed and implemented during Stage One.

Product Stewardship is a vital tool to create change. More detail is needed to clarify how this will be designed and used, and what will become a priority product beyond the current six identified products.

Priority Three; this section would benefit from:

- Building waste minimisation into other education sources such as apprenticeships so that it becomes normal within other sectors, such as the construction and demolition sector.
- Including behaviour change alongside educational objectives.

Priority Four;

- The DCC suggests providing or resourcing incubator programmes for businesses to start goods and services fit for a circular economy. This could include targeted categories of funding or embedding circular approaches into business education programmes.
- Where investment in recycling is prioritised, the DCC supports regional infrastructure networks and providing for sharing and reuse programmes.

Priority Five;

- Love Food Hate Waste New Zealand is an Aotearoa New Zealand wide behaviour change programme for household food waste. Currently, 43 Territorial Authority Organisations

¹ NZ Food Waste Champions 12.3 (2020) 'Food Waste Reduction Roadmap', URL: <https://www.nzchampions123.org>.

support this programme financially. Ongoing financial support from MFE using waste levy would enable Love Food Hate Waste New Zealand to make more progress and reach a more diverse audience by partnering with other organisations.

- Use the value of organic waste and its potential to help the agricultural sector transition to a regenerative model by using compost to reduce the need for synthetic fertilizers. However, no one size fits all, so it is important to support decentralised organic waste diversion activities such as home composting, community composting, or subsidised home composting, not only kerbside collections to a large facility.

Q8: What are the barriers or roadblocks to achieving the Stage One actions, and how can we address them?

The barriers to implementing Stage One from the local government perspective are;

- Lack of alignment with the Building Act 2004, including discrepancies in the way the Building Code is enforced locally. For example, Clause G15 of the Building Act, provision for waste storage facilities, is not consistently enforced in all districts when consenting building projects.
- New building materials and alternative methods are rarely taken up, so streamlining approval processes for new materials and methods could enhance this uptake. Currently, approval for new materials and methods is done separately across local government. As a result, providers must go to councils individually for approval to use new methods or materials.
- Waste minimisation plans should be required as part of the consenting process for building and development projects. Equally, food waste minimisation plans should be required for licensing purposes for all restaurants, cafes, and takeaway outlets.
- Reducing litter will require resourcing and enforcement. Resourcing for litter and illegal dumping is recommended to be funded by infringement fees, waste levy, and extended producer responsibility schemes.
- The requirements for evidence to infringe for illegal dumping are currently difficult to enforce. Under current legislation, offenders must be physically caught in the act of illegal dumping for infringement to have a strong chance of success.

Q9: Do the strategic targets listed in Table 1 focus on the right areas?

The DCC agrees that the targets listed in Table 1 focus on the right areas. In addition, the DCC agrees that by targeting waste generated, it will account for reuse, repair, and the new data framework will give insight into the recycling generated.

The DCC suggests including targets or performance indicators for the priority areas because the strategic targets do not provide insight into the specific priority areas and headline actions.

The consultation describes 'Reaching our 2030 targets will mark the end of the first stage of our course. They will indicate that the "catching up" stage is complete as we shift our focus to "pushing ahead".' The DCC notes that Aotearoa New Zealand, or central government, needs to move onto the next stage whether these targets are achieved or not. The next stage will help advance us to a circular economy with less waste generation. However, these targets may not account for the population

undergoing a period of rapid growth or natural disasters. These external factors may distort successful waste outcomes and lead to targets not being met.

The units of measurement for the targets are not specified. It is not clear whether 'per capita' is used for all targets or if they are inclusive or exclusive of hazardous waste.

Businesses produce different amounts of waste. Therefore, the DCC suggests using targets for different commercial sectors such as Construction and Demolition, Hospitality, and Primary Industries.

Other targets that could be considered are:

- Increasing the percentage of the waste stream that is covered by an Extended Producer Responsibility scheme, and
- Increased percentage of packaging that is recyclable within Aotearoa New Zealand, in a standardised system, and
- Decreasing the percentage of packaging waste that is not recyclable or compostable.

Q10: Where in the suggested ranges do you think each target should sit, to strike a good balance between ambition and achievability?

The targets provide a reasonable balance of waste to be reduced in Stage One. Specifying 40% rather than a range for the Public Sector target would indicate the public sector should lead the way.

The categories of responsibility may be difficult to define for measuring these targets. For example, the categories do not make it clear whether the Households category consists of kerbside collections and domestic drop off at waste facilities (such as transfer stations), or if this will be considered as Public Sector because collections and Transfer Stations tend to be led by local government.

It is also unclear whether farms are classed as Businesses or Households or if the Businesses category includes waste service providers. The DCC seeks more clarity for how waste is categorised.

Q11: Do you think the new legislation should require the government to have a waste strategy and periodically update it?

The DCC supports this requirement as it will keep waste as a priority of central government.

Q12: How often should a strategy be reviewed?

The DCC would support reviews of a strategy every six to ten years. This period will allow time for actions to be implemented following the direction set in the strategy. Reviewing the strategy too often would compromise this and risk that the success of interventions could not be implemented and measured before the strategy is reviewed again.

Q13: How strongly should the strategy (and supporting action and investment plans) influence local authority plans and actions?

The DCC suggests the strategy should provide strategic planning by central government that should influence, but not control, local authority plans and actions. Local authorities will ensure locally appropriate solutions and community engagement and influence occur. Outside of nationwide projects, local authorities should have the ability to carry out their initiatives. This is useful for incubating new solutions and different approaches.

Local authorities can be useful ‘testing grounds’ and meet the different needs of their local communities. AIPs should be focussed on directing how central government uses its levy funding for national projects such as a strategic regional, coordinated approach to infrastructure and transporting materials. AIPs should have less influence on how local and regional authorities use their levy funding.

Central government has more ability to influence the waste stream, but local government is responsible for providing the waste and recycling services. Central government can use legislation to control waste at source, and therefore achieve better outcomes for avoiding waste, and making the materials in the waste stream more suitable for diverting.

Q14: What public reporting on waste by central and local government would you like to see?

The DCC suggests it would be helpful to have reporting on composition, source, and quantity of waste. These are the key data that are useful for working out how to minimise waste and what diversion methods to target.

Gaining visibility of data collected from private companies would also be helpful to work out what waste streams to target.

Q15: Do you agree with the suggested functions for central government agencies?

The DCC agrees with the suggested functions for central government agencies. Central government needs to provide the national strategic direction and action investment plans in a transparent manner so that councils can plan accordingly.

Licensing of waste operators should be at the national level to achieve consistency; otherwise, this could become piecemeal and lead to inconsistent outcomes and data. The licensing scheme should fund its auditing and enforcement using licensing fees.

One proposed central government responsibility is “approving significant spending, such as major infrastructure investments”. The DCC would like to understand what defines ‘significant’ and ‘major’ infrastructure investments and how these will be funded.

If central government intends to direct local authorities in how they invest levy funding, the proposed approving role of central government could have unintended consequences for the local government 10 year planning process. For example, achieving significant infrastructure investments in local government is already a complex process (e.g., business cases, procurement plans, budgets, council approval, and public consultations), so adding an additional layer of direction or authorisation from central government could further slow down the ability to approve and implement projects.

Direction from MFE on the use of local government waste levy should consider local government 10-year plans in order to maintain local democracy. However, the DCC acknowledges some oversight is needed to coordinate national projects across districts and rationalise infrastructure networks.

The consultation document proposes the following as headline action: ‘Directly invest in projects and programmes, using funds from the waste levy and potentially other central and local government funders and funding programmes’. If central government directs the use of local government waste levy, this is likely to detract from local governance. It is essential to maintain the integrity of local democracy within the Waste Minimisation Act (or reviewed equivalent). Therefore, any direction from MFE for spending local government waste levy should only apply to additional funds, i.e. not rates or

funding received in good faith and spent under the WMA WMMP guidelines, determined through local democratic processes.

Clarity is needed on what the statement “determining spending priorities for the levy revenue available to central government” means. The DCC suggests that the following should be addressed for this funding:

- the application process is simplified
- improve the process for applicants to find out whether they have been successful
- align funding priorities with the strategic work of MFE
- increase transparency, and foster collaboration between applicants working on similar projects.

Q16: What central agencies would you like to see carry out these functions?

The DCC supports keeping strategic and regulatory functions for waste within central government, rather than a separate entity. This is to keep emphasis clear and close to decision making, rather than losing sight of progress and issues in the sector and having to communicate with multiple organisations to gain consensus and achieve outcomes.

However, since the amount of work in the sector will be expanding and multiplying to achieve the strategy and implement the new legislation, the DCC suggests the creation of a separate entity or potentially building new responsibilities into other entities such as the Environmental Protection Agency. Some functions such as licensing, duty of care, producer responsibility, enforcement, monitoring, data collection, and reporting would fit well together in an entity.

Q17: How should independent, expert advice on waste be provided to the government?

The DCC suggests the best use of time and resources is to implement the strategy and new legislation using the current method for independent expert advice. The DCC suggests an existing independent agency (such as an expansion of the Energy Efficiency and/or Conservation Authorities roles), is the most efficient method to oversee the process for product stewardship designs.

Additionally, WasteMinz is a well-established organisation with existing expertise and relationships. This could be a valuable independent body for providing additional advice to central government.

Q18: How could the legislation provide for Māori participation in the new advice and decision-making systems for waste?

The DCC supports a Māori view, and a Te Tiriti approach including Māori participation in advising and decision-making.

The DCC would support:

- A dedicated position on the third-party Advisory Board to ensure all recommendations align with nga tikanga.
- All legislation, strategies, and AIPs giving effect to Te Tiriti o Waitangi, its Principles, and provide for mana whenua knowledge and beliefs.
- Work programmes designed with mana whenua input at the earliest stage to ensure the work aligns with nga tikanga and mana whenua rather than retrospective alterations.

Part 3: Putting responsibilities at the heart of the new system

Q19: 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 DCC recommends planning should be carried out by local government because it is closer to their communities and more conscious of local needs. Service delivery also fits well with local government as, in most cases, it is already providing these services as required by the Local Government Act.

Regulation and enforcement currently sit with regional councils. The DCC supports that this continues. Regional councils already work with the community on water and land practices, so waste could be further incorporated into their regulatory function. The relationships are already established, so this provides a natural confluence for this responsibility. Currently, there is a disparity in how this is carried out regionally. This needs to be addressed through national standards and resourcing to improve standards, regulations, monitoring, and enforcement.

The significant disparity between regions in Regional Waste Plans should be addressed by central government by setting national minimum standards for land disposal practices and setting permitted and non-permitted activities.

Q20: 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?

The DCC agrees that the duty of care model will benefit Aotearoa New Zealand's waste legislation.

Enforcing offences and penalties will be helpful, but this needs adequate resourcing. It is difficult to enforce existing penalties and offences due to a lack of resourcing.

The concept of duty of care already exists in indigenous concepts such as kaitiakitanga. This could be used to develop a duty of care model that reflects the collective nature of many ethnic groups here, including Māori.

Kaitiakitanga, the duty of care, should also include producers, importers, exporters, and retailers. They should also be responsible for designing out waste, swapping non-recyclable or non-reusable packaging for recyclable or reusable packaging, ensuring only durable products are sold, and that repair is available for all products sold.

Duty of care could also require waste collectors to refuse to transport contaminated recycling. For example, leaving it with the householder alongside educational material (as done in some districts already).

Q21: Do you support strengthening obligations around litter by creating an individual 'duty of care' to dispose of waste appropriately?

The DCC supports creating an individual duty of care that strengthens the obligation of basic litter disposal. This should include improved education, enforcement, and more significant penalties.

Q22: What else could we do so that litter is taken more seriously as a form of pollution?

The DCC supports continuing to deliver education about the effects of littering so that it becomes entrenched in everyday life. An ongoing educational programme to discourage littering could be introduced into early learning centre programmes, schools, and the wider media. Education

programmes should include impacts on the environment, biodiversity, soil, water and air pollution. It should include the social and environmental impacts of litter and the consequences should you be caught littering. The DCC suggests funding for Keep New Zealand Beautiful to be included in an AIP.

Q23: Do you support a nationwide licensing regime for the waste sector?

The DCC supports a nationwide licensing regime for the waste sector. This should be mandatory and reinforce to producers, businesses, waste collectors and processing facility operators to share responsibility to reduce unnecessary waste going to landfill.

Licensing should require data to be provided to a regulatory licensing entity, independent of local authorities.

Relinquishing a licence (and publicly notifying at the point of any prosecution) due to ill practices will help deter non-compliance.

The licensing scheme will place extra demands on local businesses. The DCC supports the nationwide licensing regime; however, regard needs to be given to how the operators will be impacted by this. Support for businesses will need to be provided, e.g. access to funding for the transition, a business support team to give advice, or business mentors.

Q24: Should the new legislation include a power to require a tracing system to be developed for some or all types of waste?

The DCC supports a tracing system for either some or all waste categories, including products that are in product stewardship schemes.

The tracing system should be administered at the central government level where comprehensive records of the type and number of disposal facilities are kept.

By requiring a tracing system, the entity determined to be responsible through the proposed changes, can collect waste data and regulate non-compliant activity.

Q25: What aspects of the proposal for regulating the waste sector could be extended to apply to hazardous waste?

The DCC supports extending regulation for the waste sector through new waste legislation, combined with the reform of the RMA, HSNO Act and Imports and Exports (Restrictions) Act. This should capture private and industrial use.

Part 3: Improving legislative support for product stewardship schemes

Q26: Should the new legislation keep an option for accreditation for voluntary product stewardship schemes?

The DCC supports mandatory product stewardship schemes. There has been little uptake from industry for voluntary product stewardship schemes. Mandating producer responsibility to see their product through whole of life will be one of the critical elements for developing a circular economy model. The process for becoming part of a mandatory scheme should be simple.

Q27: How could the accreditation process for new product stewardship schemes be strengthened?

The DCC recommends the accreditation process should include categories of resources for data collection. Accreditation should also apply to imported products, such as electronic equipment manufactured overseas.

There is currently a funding gap between a report being submitted to the MFE with the proposed product stewardship scheme, and the scheme being accepted and accredited. While funding is provided (through the Waste Minimisation Fund) for the co-design of schemes once it has been submitted, more work may be required to get it to the point where it can be accredited.

Q28: How else could we improve the regulatory framework for product stewardship?

The DCC recommends studying successful overseas models of mandatory product stewardship schemes for imported and locally manufactured products. In addition, the DCC suggests including large overseas manufacturers who already sell into mandatory product stewardship markets to be part of the development.

A straightforward accreditation process should be created which involves industry in all development stages, and uses an independent agency to review.

An independent agency is needed to oversee Product Stewardship, with a legislated compliance regime that ensures scheme outcomes and targets are set, delivered, and consistently improved upon. This agency must be adequately resourced to work proactively across Ministries and manage a growing work programme.

The updated Waste Minimisation Act should establish the agency's mandate and key responsibilities, including:

- advancing products for priority product status;
- leading and overseeing inclusive scheme design processes;
- setting ambitious, measurable reduction targets with regular, transparent reporting requirements, and monitoring and reviewing accredited schemes for compliance;
- advocating for the waste hierarchy and public interest in all schemes; and
- recommending new regulatory powers to achieve ambitious waste reduction outcomes.

The principles of product stewardship should be revisited with an emphasis on the waste hierarchy built into legislation. Currently, only the proposed Battery Industry Group and e-waste schemes have a focus on repair and reuse. The latter is because of the work of the voluntary Community Energy Network advocating for this. Other proposed regulated schemes focus on recycling only. There are examples where existing schemes don't align with a circular economy approach (such as, burning tyres for cement).

Part 3: *Enhancing regulatory tools to encourage change*

Q29: What improvements could be made to the existing regulatory powers under section 23 of the Waste Minimisation Act 2008?

The DCC recommends Section 23 of the WMA should include aspects aligned with other regulatory guidance such as the RMA, Consumer Guarantees Act 1993, and Imports and Exports (Regs) Act 1988. This will likely require changes to these Acts.

The DCC suggests introducing changes for specific carbon-emitting waste streams. For example, restricting commercial food waste from entering landfill would help reduce the overproduction of food and provide for better, more efficient distribution.

The DCC also recommends identifying items that are hard to reuse or recycle, that are particularly harmful to the environment, and placing a ban on them from entering Aotearoa New Zealand. A mandated product labelling scheme to include information on how it can be reused or recycled in Aotearoa New Zealand should be considered.

A National Environmental Standard for Disposal to Land (or an equivalent) should be required under the Resource Management Act's replacement. The current resource consenting of land disposal does not promote investment in alternatives to land disposal. The DCC suggests that minimum standards should be developed for farm or rural waste management practices.

The DCC supports a standardised recycling system across Aotearoa New Zealand which includes rural areas. Infrastructure planning should reflect a national approach and not be confined to main centres.

Other suggestions that the DCC would like to see considered include:

- mandating reduction targets for particular products, chemical additives, and materials;
- eco-modulating fees; This is where producers (typically brands/manufacturers, importers, and distributors/retailers) are financially responsible for managing the end-of-life of products and packaging. Using a modulated approach, the fees paid by the producer will vary according to specific criteria relating to aspects of their products' environmental performance. So, the idea is that the more 'environmentally-friendly' products and packaging are charged at a lower rate than those less 'environmentally friendly' to incentivise eco-design². A non-modulated approach means a flat fee is applied to all products, leaving no incentive for producers to improve the sustainability of their products.
- tools to incentivise the service/sharing economy; and
- bans on single-use applications of specified products, regardless of material composition.
- Providing a consumer choice for responsible disposal at point of purchase, which is transparent on what happens to the product after its use.

Q30: What new regulatory powers for products and materials would be useful to help Aotearoa move towards a circular economy?

The DCC would support new regulatory powers that enforce and prohibit problematic, environmentally harmful products. New regulatory powers that provide for data collection will also be important. Data from the following areas would be helpful to improve waste minimisation objectives:

- High-level quarterly statistics to track progress.
- Product stewardship schemes
- Charities (op shops), food rescue, and repair shops
- Hazardous waste volumes, including abandoned materials
- Unknown waste streams such as silage wrap and shrink wrap
- Reports on retail imports and volumes of returned packaging to retailers
- Rural waste management such as the use of, or consenting, for farm fills

Q31: Would you like to see a right to return packaging to the relevant business?

² Eunomia (2020) 'What are Modulated Fees and How Do They Work?', URL: <https://www.eunomia.co.uk/modulated-fees-and-how-they-work/>

The DCC would support the right to return packaging to the relevant businesses. The option should be well advertised, and information provided at the time of purchase. Returning packaging should not be an additional cost to the purchaser at the item end-of-life, but rather a cost to the producer, covered at the time of purchase. The ability for packaging to be recyclable within Aotearoa New Zealand could also be included in this scheme.

Producers should provide information to the consumer describing how the packaging is reused or recycled, assuring the purchaser that it will not be landfilled. In addition, a review by product manufacturers to remove unnecessary packaging should be encouraged.

The packaging returned for reuse and recycling should be noted for reporting data. This should include all types of packaging but may need to be a staged approach as opportunities for reuse or recycling evolve.

Clarity is needed on whether a product stewardship scheme would cover the right to return single use packaging. No subsidies from waste levy should be offered to single use packaging.

A comprehensive Container Return Scheme should be implemented for beverage containers.

Central government needs to consider the costs that implementing right to return packaging will have for businesses. The DCC requests that support for businesses is built into the approach. This could consist of access to mentors, funding, and business support advice.

There is potential for the right to return packaging to be interpreted differently across the country (by businesses and across local authorities). Therefore, the DCC suggests that this is led by central government by, for example, adding a training function to the MFE enforcement and compliance team.

Q32: Would you like to see more legal requirements to support products lasting longer and being able to be repaired?

The DCC supports more legal requirements for durable products which are easy to repair.

The DCC suggests that information about product eco-design and producer responsibility should be available for the consumer to consider before purchasing.

Any new legal requirements introduced would need to consider addressing the Consumer Guarantees Act, and tighten copyright law so that repairers are not sued for breach of IP while making repairs.

Any legal requirements should also require that items sold in Aotearoa New Zealand are durable and repairable. This could include electronic products and other items such as furniture items which are increasingly made from cheap, less durable materials which cannot be repaired. (i.e. MDF, and particle board).

This change will likely increase costs for products, and have significant impacts on consumers. The legal requirements will need to be phased in, and account for social equity to avoid impacting those who are financially disadvantaged.

Q33: 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 plastics?

The DCC supports strengthening import and export controls. Imported goods should comply with their relevant mandatory product stewardship schemes.

The DCC supports importing and exporting durable products that have a defined life expectancy, are easy to repair, and have parts readily available. The DCC suggests products should be accompanied by straightforward, jargon-free warranties from the manufacturer.

The DCC suggests packaging should be required to be easy to reuse or be able to be recycled in New Zealand. It should not require special handling or processing to do so.

A permit system could be suitable for compostable packaging. For example, permits could be given for compostable packaging with no PFAs (per and poly-fluoroalkyl). This could also permit the use of compostable materials for specific items that carry food waste to a composter in a closed-loop system.

Q34: 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 DCC agrees the waste levy should apply to all final disposal activities, including incineration and waste to energy. This means that waste minimisation is always incentivised and doesn't lead to disposal to landfill, or disposal by other methods. Applying the levy to all linear disposal methods would mean they would be equally disincentivised. This would expand on making other alternatives a more attractive option. The levy should be applied to anything creating linear waste.

Q35: What factors should be considered when setting levy rates?

The DCC suggests setting the waste levy rates to reflect the changing costs of corresponding alternatives. For example, increases in freight costs due to increasing carbon costs. This increase in cost will make recycling and other diversion options more expensive. Therefore, the waste levy needs to change proportionately to maintain its effectiveness.

Q36: How could the rules on collection and payment of the waste levy be improved?

The DCC agrees that stockpiling should become a regulated activity. An approving process should be required so that quantities, composition, and time periods can be managed. A minimum threshold would need to be instated, such as stockpiling for over six months.

The DCC suggests that the reuse of materials on-site at disposal facilities should not be subject to the waste levy. Inert waste for daily cover and structural bunds in landfills needs to be exempt from the waste levy. This activity avoids new materials being purchased and used for these purposes. Requiring exemptions for this activity would introduce an extra process, seeking approval for an activity that can reduce cost, encourages reuse of materials, and avoid new resources being consumed in their place. However, the DCC supports exemptions and waivers for other activities in exceptional circumstances, particularly in aid of civil emergencies and adapting to climate risks.

Q37: What should waste levy revenue be able to be spent on?

The DCC supports the current allowances for the use of waste levy to be continued. In addition to current allowances, using waste levy for enforcement will lead to better waste outcomes.

The waste levy could also be used to support organisations that are well-positioned to provide access to diversion and waste services to those who are financially disadvantaged or have insufficient access to transport.

Territorial authorities could also be incentivised to offer waste minimisation grants at the local government level for commercial and community organisations. The incentive could be structured by ring-fencing a percentage of waste levy for waste minimisation grants.

Waste levy should continue to be able to be used to fund new positions if workloads increase due to new legislative requirements.

The DCC suggests that long-term partnerships should be funded on an ongoing basis to support behaviour change (e.g. Love Food Hate Waste New Zealand, and Keep New Zealand Beautiful), circular activities (such as repair cafes), and work with tangata whenua (e.g. Para Kore), and community-led waste diversion services.

Waste levy should also be used to support businesses transition to the new requirements proposed in this consultation.

Q38: 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?

Continuing the current approach for allocating waste levy across levels of government is supported by the DCC.

Providing regional authorities with waste levy funding to use for enforcement and monitoring waste disposal facilities and rural farming practices would also enhance outcomes at the regional and district level.

The entity responsible for licensing and data collection from waste operators will also need to be funded and resourced at the central government level. The waste levy and licensing system could be used to resource this as well.

Q39: How should waste levy revenue be allocated between territorial authorities?

The DCC suggests waste levy should be allocated based on the quantity of waste to landfill and the population of usual residents. By combining these, a better, proportionate allocation will be achieved. Where territorial authorities export waste from their district to another district, the licensing data from waste operators can be used to work out how much waste is being generated by that district. If some districts are still disadvantaged, easy access to waste levy from the MFE for special projects could be a way to correct this.

Q40: 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 DCC agrees that central government, through an independent agency, is best placed to cover compliance of the waste levy, product bans, and regulated product stewardship schemes.

Regional authorities need to be resourced and report on regulating, enforcement, and monitoring of rural waste practices, and different classes of disposal facilities. For example, farm fills and burning of waste are currently permitted activities in some regions. Introducing national minimum land disposal standards would be useful for addressing regional disparities and banning these activities.

The DCC agrees that territorial and regional authorities are best placed to maintain working relationships, carry out audits, and gather and act on information received.

The DCC agrees that compliance checks for several Acts could be carried out at the same time. For example, compliance checks with construction waste minimisation plans could be undertaken alongside building compliance inspections.

Q41: The need for enforcement work will increase under the new legislation. How should it be funded?

The DCC suggests additional resources for enforcement should be funded by a combination of the licensing system, waste levy, product stewardship fees from imported and exported goods, and enforcement penalties. For example, enforcement of regulations for the construction and demolition sector could be funded from Building Consent charges. This could include a separate waste compliance fee for transparency. Enforcement for waste operators should be funded through the associated licensing fees.

Q42: What expanded investigation powers, offences and penalties should be included in new waste legislation?

The DCC supports having the ability to infringe for litter on private property when it reaches the point of being an environmental hazard. Monitoring and enforcement for this could be tied to the legislated 'duty of care'. Infringing could also be aided by minimum standards for land disposal and storage, and the ability for authorities to monitor and enforce these standards.

Uncontrolled and unregulated activities such as farm fills and burning of inorganic waste should also be controlled uniformly across all regions. Legislating offences and penalties for these activities will provide the power to enforce appropriate penalties.

Q43: What regulatory or other changes would help better manage inappropriate disposal of materials (that is, littering and fly-tipping)?

Easing access to recycling and disposal services would help improve how materials are disposed of. Access to these services could be improved by supporting organisations that serve clients who find waste disposal costs are financial barriers and have limited transport.

The DCC also suggests considering an option to reduce rubbish disposal costs for households who are financially disadvantaged. The DCC recommends providing education on the environmental impacts of littering and inappropriate disposal methods to all areas of society.

The DCC also notes the 'Recommendations for standardisation of kerbside collections in Aotearoa' report prepared for the Ministry for the Environment (May 2020), which states that rates funded refuse collections, or the use of bylaws to limit the provision of 240-litre wheelie bins by the private sector, is shown to reduce residual rubbish and reduce contamination in recycling.