

## **In Confidence**

### **Office of the Minister for the Environment**

### **Chair, Cabinet Environment, Energy and Climate Committee**

### **Additional proposals to improve the availability of waste data**

#### **Proposal**

1 This paper seeks your agreement to develop regulations under the Waste Minimisation Act 2008 (the Act) to require additional mandatory reporting of waste data to improve understanding of waste creation and disposal in New Zealand.

2 It also seeks your agreement to potential amendments to Schedule 1 of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 (the levy Regulations) and Schedule 2 of the Waste Minimisation (Information Requirements) Regulations 2021 (the information Regulations).

#### **Relation to Government priorities**

3 These proposals contribute to achieving the commitments in the Labour party manifesto and waste action plan to future proof our economy through improving data availability and quality, which will help us prevent, reduce and recycle waste consistent with a zero waste approach where waste and pollution are designed out. This will create jobs, grow the economy and protect our environment.

4 These proposals are also relevant to the goal of “taking action to minimise waste” in the Cooperation Agreement between the Labour and Green Parties.

#### **Executive summary**

5 New Zealand faces substantial challenges in its waste management systems, and the ways in which we are producing, using, and disposing of materials. These challenges are exacerbated by a lack of data on the activities that create waste.

6 While recent changes to the waste disposal levy will lead to some improvements in waste data, there is still a large gap in our knowledge about waste flows, types and quantities. We need better data on which activities are generating waste (for example, household, business, construction activities – termed activity source data), in order to monitor compliance with the Act.

7 Reporting by territorial authorities on the waste levy is key to identifying whether they have met their obligations under the Act, including in relation to

**IN CONFIDENCE**

how they spend levy funds and provide waste minimisation services and facilities. This reporting is currently limited and voluntary, which affects the quality of reported data and the Ministry's ability to audit outcomes.

8 Cabinet recently agreed regulations that expand a waste disposal levy (waste levy) to additional sites, and require all landfill classes and transfer stations to report tonnage information [CAB-21-MIN-0112].<sup>1</sup> In making its policy decisions in June 2020 on the expansion of the waste levy, the Environment, Energy, and Climate Committee (ENV) invited the responsible Minister to report back to Cabinet with final policy advice on additional proposals to improve the availability of waste data [CAB-20-MIN-0264.01]. This paper provides you with those additional proposals.

9 I propose new regulations under section 86 of the Act which will expand the reporting requirements of waste facilities, and will make territorial authority reporting mandatory. This will improve the availability, quality and consistency of information received by the Ministry.

10 Table 1 below outlines the current reporting requirements under the Act for landfills and transfer stations, how this will change with the expansion of the waste levy, and how it would change with the additional reporting requirements proposed in this paper.

11 Table 2 below outlines the current and proposed reporting requirements for territorial authorities under the Act.

12 Schedule 1 of the levy Regulations and Schedule 2 of the information Regulations set out factors for converting volume measurements to tonnages for different types of waste. With the requirement to report tonnages being expanded to additional sites, landfills other than class 1 municipal sites will now need to use suitable conversion factors if they don't have a weighbridge and are therefore unable to directly calculate tonnages.

13 The Ministry will undertake work to investigate whether the current conversion factors are suitable for these landfills. If the current conversion factors are not suitable for the additional sites, the levy and information Regulations may need amendments to reflect changes to conversion factors or the method of calculating tonnages for those sites required to report tonnages.

---

<sup>1</sup> These additional requirements are contained in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2021 and the Waste Minimisation (Information Requirements) Regulations 2021.

## IN CONFIDENCE

**Table 1: Proposed reporting requirements for landfills and transfer stations**

| Site                                             | Current reporting requirements (under the Act)             | Waste levy expansion reporting requirements | Waste levy expansion reporting to start | Proposed additional reporting requirements | Proposed additional reporting to start |
|--------------------------------------------------|------------------------------------------------------------|---------------------------------------------|-----------------------------------------|--------------------------------------------|----------------------------------------|
| Municipal landfill (class 1)                     | Tonnage of waste disposed of at and diverted from the site | No change                                   | N/A (already in place)                  | Activity source <sup>2</sup>               | § 9(2)(f)                              |
| Industrial monofill (class 1)                    | None                                                       | Weight of received & diverted material      | 1 January 2023                          |                                            | § 9(2)(f)                              |
| Construction and demolition fill (class 2)       | None                                                       | Weight of received & diverted material      | 1 January 2022                          |                                            | § 9(2)(f)                              |
| Managed fill and controlled fill (class 3 and 4) | None                                                       | Weight of received & diverted material      | 1 January 2023                          |                                            | § 9(2)(f)                              |
| Cleanfill (class 5)                              | None                                                       | Weight of received & diverted material      | 1 January 2023                          |                                            | § 9(2)(f)                              |
| Transfer station                                 | None                                                       | Weight of received & diverted material      | 1 January 2022                          |                                            | § 9(2)(f)(iv)                          |

**Table 2: Proposed reporting requirements for territorial authorities**

| Data provider           | Current reporting requirements (under the Act)                                                                                                                                                                                                                                                    | Proposed additional reporting requirements                                                                         | Proposed additional reporting to start |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Territorial authorities | None<br><br>(Annual voluntary reporting of territorial authorities waste levy spending is received from councils individually, and can include details of project/ initiative, quantitative and, where measurable, qualitative data relating to waste minimisation, and the amount of levy spent) | Spending of allocated waste levy money                                                                             | § 9(2)(f)(iv)                          |
|                         |                                                                                                                                                                                                                                                                                                   | Performance in achieving waste minimisation in accordance with their Waste Management and Minimisation Plan (WMMP) | § 9(2)(f)(iv)                          |
|                         |                                                                                                                                                                                                                                                                                                   | Performance against standards for implementation of their WMMP                                                     | § 9(2)(f)(iv)                          |

14 An exposure draft of the amendments will be made available to a limited group of affected persons to ensure workability of the amendments.

## Background

15 There is significant room to improve the data that is collected on waste and diverted materials. This is particularly the case regarding the types of waste disposed of in New Zealand and the data necessary for the Ministry to conduct statutory reviews and accurately measure the effectiveness and purpose of the waste levy and the Act.

<sup>2</sup> Refer to footnote 5 for the current activity source categories.

**IN CONFIDENCE**

16 In the Environmental Performance Review: New Zealand 2017<sup>3</sup>, the Organisation for Economic Co-operation and Development (OECD) recommended that New Zealand improve the collection of data on the generation, disposal, and treatment of waste, with a view to producing timely, comprehensive and internationally comparable information.

17 The Climate Change Commission 2021 Draft Advice for Consultation, dated 31 January 2021, stated that “there is currently a lack of quality data across the waste sector in Aotearoa. Better data collection will help identify mitigation opportunities and move Aotearoa to a more circular economy.” The document also recommended that the Government legislate and coordinate funding for data collection across the waste industry before December 2022.<sup>4</sup>

*Waste levy expansion*

18 In 2019/2020, the Ministry for the Environment consulted on a more effective waste levy, providing an opportunity for stakeholders to submit further information on anticipated costs and benefits of an increase and expansion of the waste levy. This consultation also requested input on improvements to the collection of waste data. Ninety-six per cent of submitters agreed that waste data needs to be improved.

19 As part of the waste levy expansion, Cabinet has already agreed to some data improvements [CAB-21-MIN-0112]. More specifically, the expansion of the waste levy to construction and demolition fill sites and fill sites that take inert material (landfill classes 2, 3, and 4) will require these sites to report on tonnages of waste received to and diverted from the site.

20 Class 1 industrial monofills and class 5 cleanfills will not be subject to the waste levy. These sites will, however, be required to report on tonnages of waste received to and diverted from those sites, commencing 1 January 2023, as agreed by Cabinet [CAB-21-MIN-0112].

21 Transfer stations are not subject to the waste levy. As agreed by Cabinet [CAB-21-MIN-0112], transfer stations will be required to report the tonnage of waste sent from the site to a landfill for disposal, and the tonnage of waste diverted, commencing 1 January 2022.

22 In June 2020, ENV invited the responsible Minister to report to Cabinet with final policy advice on additional proposals to improve the availability of waste data [CAB-20-MIN-0264.01]. This paper provides you with those additional proposals.

**Analysis**

23 The proposals in this paper are intended to help us to:

- understand the activities creating waste in New Zealand

<sup>3</sup> <https://www.oecd.org/newzealand/oecd-environmental-performance-reviews-new-zealand-2017-9789264268203-en.htm>

<sup>4</sup> Necessary action 13 Reduce emissions from waste, Climate Change Commission 2021 Draft Advice for Consultation <https://www.climatecommission.govt.nz/get-involved/our-advice-and-evidence/>

## I N C O N F I D E N C E

- review the effectiveness of the waste levy as required by section 39 of the Act
- ensure that we have a fit-for-purpose tonnage measurement system in place for all landfills and transfer stations required to report tonnages of waste being received, diverted from, and disposed of to landfill
- reduce greenhouse gas emissions from the waste sector through targeted interventions informed by the increased availability of waste data, assisting in preparing New Zealand for future emissions budgets
- transition to a low waste future.

*I propose to require additional reporting of waste data from landfill and transfer station operators*

24 I propose that all landfills (class 1-5) and transfer stations report to the Secretary for the Environment data relating to the activity source<sup>5</sup> of waste being received by those sites.

25 A transfer station is a waste management facility where waste is processed and consolidated for transfer to a final disposal site for further processing, treatment or storage. Capturing the activity source information of waste and diverted materials that move through transfer stations to recovery or landfill will enable data to be captured that might not be available to fill site operators receiving consolidated waste from a range of sources.

26 Site operators can report activity source data to an existing platform called the Online Waste Levy System (OWLS). The Ministry will work with the system provider (FINNZ) to expand the reporting capabilities of the system to meet these reporting needs.

*I propose to allow for flexibility in methodologies to ensure the requirements are proportionate and fit-for-purpose for different landfill types and sizes*

27 The method of data collection is likely to differ across sites, due to whether data collection infrastructure such as weighbridges and/or staff are present on site. Where data cannot be collected using on-site infrastructure or on-site staff, other means of collecting the data will be necessary, such as surveys to identify and extrapolate activity source for the site across a year. Investigation into the detail of this is underway – this work will include consideration of ensuring that the compliance burden through the system is not overwhelming.

28 It is proposed that the requirement to report is stated in regulation, but the method by which the data is collected is not prescribed. This means that

<sup>5</sup> Activity source refers to the type of activity that generates the waste or diverted material (eg, households, or construction and demolition). The Ministry is reviewing the current activity source categories to ensure they are suitable for use by all sites proposed to report activity source data. Geographic source data was included as an additional data requirement proposal in the waste levy expansion consultation document, however since then it has been identified that the cost for site operators to routinely acquire that data for reporting exceeds the benefits of the data being available.

**IN CONFIDENCE**

sites are not obligated to have access to a weighbridge. The Ministry will develop guidance to inform operators of other methodologies they can implement to gather the data.

29 Exemptions from activity source reporting were considered for smaller sites, however the cumulative data from these sites is expected to be considerable. It is recommended smaller sites could apply to report less frequently.

30 The Ministry will work with the waste and recovery sector to ensure reporting definitions and other necessary terms and classifications are fit-for-purpose and aligned with previous work to improve waste data within the sector.

31 The public consultation document proposed that landfill-specific composition data<sup>6</sup> would be collected from landfills and transfer stations via periodic surveys by the Ministry, rather than through mandatory reporting of composition data. This gives the Ministry the ability to modify data collection protocols to collect additional information on wastes of interest as they emerge, and ensure national consistency in data collection.

32 I propose that all sites report their activity source data at a frequency that balances timeliness of data, operational practicality, and compliance monitoring needs. The Ministry will work with the sector to identify a frequency that is achievable, based on the method of data collection. I seek delegated authority to make final minor and technical decisions on this policy throughout the drafting process.

33 Where the standard reporting frequency is more than annual, an annual return for small sites (less than 1000 tonnes per annum) will be considered. This aligns with the existing provisions in the levy Regulations in relation to the reporting of tonnage data.

*I propose that the implementation of landfill and transfer station reporting is staggered*

34 Tables 1 and 2 (on page 2) outline the implementation of reporting, including reporting required by the expansion of the waste levy. The consultation proposed that the new mandatory reporting requirements would take effect from 1 July 2021. However, on further consideration it was identified that landfill and transfer station operators and territorial authorities would likely need more time to prepare and to comply with the proposals.

*I propose to investigate the suitability of the volume-to-weight conversion factors, and consider additional methods of measurement as necessary*

35 The volume-to-weight conversion factors in Schedule 1 of the levy Regulations and Schedule 2 of the information Regulations are used by operators of sites not equipped with weighbridges to convert the measured volumes of incoming waste into weights, to enable the waste levy collection

---

<sup>6</sup>'Composition' refers to the type of material(s) included in the waste (eg wood, paper, green waste).



**IN CONFIDENCE**

process. Current conversion factors are based on recommendations from WasteNot Consulting in 2009.

36 The Ministry is gathering information on the suitability of the current conversion factors for landfills and transfer stations without a weighbridge to ensure that sites can accurately report tonnage data.

37 If the current conversion factors are not suitable for additional sites, it will be necessary to develop additional conversion factors (or another method of calculating tonnages in the absence of a weighbridge) for sites required to report. I propose to amend the levy Regulations and the information Regulations to reflect this as required.

38 Application of the Covid-19 Recovery and Response Fund (CRRF) funding for weighbridge installation at priority disposal sites without such infrastructure is underway. The installation of weighbridges will help support data collection and compliance monitoring and enforcement activities.

*I propose making it mandatory for territorial authorities to report on waste levy spending, effectiveness in achieving waste minimisation outcomes, and WMMP implementation performance standards*

39 The Ministry is responsible for collecting the waste levy under the Act. Half of the waste levy revenue is distributed to territorial authorities, to be spent on waste minimisation activities. A territorial authority may spend the waste levy money it receives on matters to promote or achieve waste minimisation, in accordance with its Waste Management and Minimisation Plan (WMMP).

40 At the end of each financial year, the Ministry asks territorial authorities to report on how the waste levy money is being spent, to ensure that spending is in line with the requirements of the Act. This reporting is voluntary.

41 The Ministry also administers the audit of territorial authorities under Section 88 of the Act, including whether a council has spent levy funds on matters to promote or achieve waste minimisation and whether spend has been in accordance with an up-to-date WMMP.

42 Based on this voluntary reporting and the results of auditing, the Ministry is able to inform the responsible Minister about whether territorial authorities have met their obligations under the Act. This information also assists the responsible Minister in reviewing the effectiveness of the waste levy, as required by section 39 of the Act.

43 Section 37 of the Act enables the Minister to direct the Ministry to withhold payments to territorial authorities where the territorial authority has not met one or more of the following requirements or standards in respect of the previous financial year:

**IN CONFIDENCE**

- the requirement to spend levy money in accordance with section 32 (promoting or achieving waste minimisation and in accordance with their waste minimisation plan)
- a performance standard set by the Minister under section 49
- any prescribed requirement to provide records or information (ie the mandatory reporting proposed in this paper).

The additional reporting will support the Minister to make informed decisions should this enforcement mechanism be required.

44 At the time of its enactment in 2008, the Act did not create mandatory reporting requirements outside of the general power to audit. However, the Act does contain an empowering provision, allowing for regulations to be made in order to mandate territorial authority spend reporting to the Ministry<sup>7</sup>. Mandatory reporting would provide a clear picture of waste levy spending and performance, allow results to be compared, and progress towards targets measured.

45 Although reporting by territorial authorities has generally been cooperative, the variability of data provided under the voluntary reporting regime makes it difficult to draw accurate conclusions from the data provided.

46 Under current legislation, the increased waste levy rates will significantly increase the amount of money allocated to territorial authorities. The introduction of mandatory reporting, and therefore greater levels of accountability, will be aligned with this increase in funding.

47 Current voluntary levy-related reporting by territorial authorities is requested annually. I propose that this reporting frequency remain as the reporting becomes mandatory. The benefits of this include ongoing alignment of reporting with the compliance-auditing programme and maintaining Ministry oversight.

## **Implementation**

### *Improved compliance, monitoring and enforcement*

48 The Ministry is responsible for the compliance assurance programme that monitors disposal facilities and territorial authorities to ensure they are fulfilling their legislative obligations. The Ministry will need to increase its capacity for compliance assurance with a focus on:

- communication with and education of landfill operators
- site visits by compliance staff to landfill operators and territorial authorities
- ongoing use of external auditors when required.

<sup>7</sup> Section 86(1)(c), Waste Minimisation Act 2008.



**IN CONFIDENCE**

- 49 The Ministry also plans additional support for stakeholders, including:
- guidance on how reporting requirements can be achieved, including on a recommended activity source data collection methodology, developed with stakeholders
  - funds to support investment in weighbridge infrastructure at priority sites
  - enhancing the Ministry's relationship with territorial authorities
  - creating an online platform to streamline territorial authority reporting
  - working with territorial authorities to develop performance standards under section 49 of the Act.
- 50 Tables 1 and 2 [on page 3] summarise the timeframes within which I propose the new reporting requirements take effect.

*Penalties and offences*

51 The Act establishes the penalties and offences in relation to information provision requirements. Namely, a person who contravenes regulations made under section 86(1)(a) or (b) (the data reporting requirements), or knowingly supplies false or misleading information or makes any material omissions under section 86 (1) (c) (the territorial authority waste levy spend and waste minimisation performance reporting requirements), is liable on conviction to a fine not exceeding \$100,000.

52 The planned review of the Act will modernise the offences and penalties regime, which will ensure alignment with best practice enforcement models and increase the range of compliance tools available.

**Financial implications**

53 Some data collection and storage activities can be funded through the waste levy.

54 The majority of the budget to cover the anticipated costs of proposal implementation and to work with site operators and territorial authorities is available through the Ministry's baseline. The mechanism through which territorial authorities will report (ie, an online reporting platform) is funded from levy appropriation.

55 There will be costs incurred by the Ministry in implementing changes required to the Ministry's audit programme of territorial authorities to incorporate the new requirements. This will include changes to the internal and external procedures, guidance provided to the regulated community and include an expansion of compliance resource to monitor incoming reporting.

**IN CONFIDENCE**

**Legislative implications**

56 s 9(2)(f)(iv) [Redacted]

57 s 9(2)(f)(iv) [Redacted]

**Te Tiriti o Waitangi implications**

58 No individual Treaty Settlements to date have relevant clauses on waste or resource efficiency, although a number establish ongoing, good faith relationship between the Ministry and settlement entities. No other Te Tiriti o Waitangi implications have been identified.

**Impact analysis**

59 The costs and benefits of the proposals for additional data from landfills and transfer stations are dependant to some extent on how site operators respond. How site operators respond is influenced by a range of factors including what data reporting systems they have in place already, and what resource is available to them to implement new data collection procedures.

60 In relation to mandatory reporting for territorial authorities, the benefits outweigh the costs to territorial authorities as voluntary reporting is already in place. The Ministry will also facilitate territorial authorities to follow a standardised reporting process.

61 Further analysis of the costs and benefits of proposals is contained in the Regulatory Impact Analysis (Appendix 1).

**Costs**

62 The direct costs of expanded waste data reporting will be borne by landfill and transfer station operators and territorial authorities. The main costs identified are establishing supporting systems (such as software), staffing, maintenance, power and communications.

63 Sites will not be required to have access to weighbridge infrastructure, although this is likely to facilitate data collection.

64 s 9(2)(f)(iv) [Redacted]

65 Some submitters noted increased costs could have a disproportionate effect on smaller sites and territorial authorities, which are likely to have less

**IN CONFIDENCE**

resource to implement data collection processes or systems. Where the standard reporting frequency is more than annual, an annual return for small sites (less than 1000 tonnes per annum) will be considered. This reporting frequency may help reduce the cost for smaller sites.

66 The main internal costs identified in relation to mandatory territorial authority waste levy spend reporting relate to developing a fit-for-purpose reporting platform. These costs are included in the Ministry's budget for the 2020/21 financial year, and so this work does not require any additional budget.

*Benefits*

67 At a high level, the proposals are likely to lead to environmental, economic, and social benefits. The main benefits identified by stakeholders during the consultation included:

- the avoidance of waste being diverted from one landfill class to another
- helping territorial authorities plan for and report on the performance of waste minimisation activities at a district/city level
- a better understanding of the nature and scale of the waste problem to enable informed decisions about where to target effective waste minimisation efforts.

68 Local government submitters considered improved data would help councils plan for waste minimisation activities. The Ministry's view is that it will also improve compliance monitoring and enforcement of the waste levy, by clarifying the classification of the landfill (via activity source data) and enabling a more thorough levy review (via receipt of territorial authority information).

69 Stats NZ identified that increased availability of waste data will help to inform Ngā Tūtohu Aotearoa/Indicators Aotearoa New Zealand, specifically the 'Material intensity (including recycling, land-fill inflows, second-hand economy)' indicator under the waste topic.

70 The Act requires the relevant Minister to review the effectiveness of the waste levy at least once every three years. Previous reviews have been limited by a lack of waste data and have identified this as a priority area for improvement. The proposals to improve data on waste described in this paper will improve the quality of future reviews, and improve on our understanding of the impact of waste levy revenue investments.

71 Making territorial authority reporting mandatory means that the quality and quantity of the data can be better managed. This leads to improved consistency of data across regions, a clearer understanding of terms used, and a clearer process of data reporting for territorial authorities.

**Regulatory Impact Analysis**

72 The Regulatory Impact Analysis (RIA) is included at Appendix 1.

**IN CONFIDENCE**

73 The Regulatory Impact Analysis Panel at the Ministry has reviewed the RIA “Proposals for additional waste data” produced by the Ministry dated 11 March 2021. The review team considers that it **meets** the Quality Assurance Criteria.

74 The RIA is well written and concise and demonstrates a convincing problem definition (informed by evidence and consultation). However, the impact analysis is constrained by the fact that detailed anticipated costs of the proposals for regulated parties has not been provided. On balance, we consider that the availability of funding from the Ministry for the Environment to alleviate some of the implementation costs will lower the impact on affected parties. It is evident that the feedback from consultation undertaken on the proposals has been taken into account and has informed the impact analysis and the recommended approach.

**Climate implications of policy assessment**

75 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these proposals, as there is no direct emissions impact. However, these proposals will support emissions reductions, as they will help to improve our understanding of waste emissions and identify opportunities to reduce greenhouse gas emissions from the waste sector in the future.

76 Activity source and tonnage data, matched with composition data where available, is one way to improve our understanding of the types and quantities of waste being disposed of. Identifying resources being landfilled will allow for alternative management options to be considered, such as redirecting wastes that discharge emissions to composting facilities. This can help support emissions reductions through targeted interventions.

**Population implications**

77 The proposals will specifically affect territorial authorities, as well as operators of landfills and transfer stations. I do not consider there are specific population impacts for groups including children, seniors, disabled people, women, people who are gender diverse, rural communities (including remote Māori communities), Pacific peoples, veterans, or ethnic communities.

**Human rights**

78 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

**Consultation**

79 Relevant government agencies have been consulted on this paper, including Treasury, Ministry for Primary Industries, Ministry of Business, Innovation and Employment, Te Puni Kōkiri, Waka Kotahi NZ Transport Agency, Department of Conservation, Inland Revenue, Kāinga Ora Homes and Communities, Ministry of Foreign Affairs and Trade, Ministry of Justice,

**IN CONFIDENCE**

Ministry of Transport, Ministry of Social Development, Ministry of Health, Department of Internal Affairs, Te Arawhiti, Stats NZ, and the Parliamentary Counsel Office.

80 The feedback received from government agencies was wholly in support of the proposals, and many encouraged further proposals for mandatory waste data, reiterating that there is a lack of waste data to inform waste management systems.

81 The Department of the Prime Minister and Cabinet was informed and has reviewed the proposals in this paper. Pursuant to section 86(3) of the Act, the Government Statistician has been consulted on the data reporting proposals.

82 The Green Party was consulted on this Cabinet paper. The Green Party's view is broadly supportive of strengthening the collection of data regarding waste in Aotearoa.

*Stakeholder consultation*

83 Public consultation occurred from 27 November 2019 to 3 February 2020. A total of 479 submissions were received, including from: iwi (2); local government (41, including some joint submissions); environmental NGOs (24, including some joint submissions); other NGOs (11); businesses (96); individuals (264) and other or unspecified submissions (41).

84 The public consultation document was made available on the Ministry's website. It included a section on data proposals, including activity source and territorial authority reporting. Stakeholders were informed of the consultation through a range of channels, including email and social media. The Ministry also discussed the proposals at a number of meetings and webinars and by phone call. Letters were sent to all known landfill and cleanfill operators to notify them of the consultation.

85 Iwi partners were informed about the consultation through the Ministry's Te Kōmiromiro newsletter. The Ministry also worked with Para Kore, an organisation that works with marae on waste minimisation, to reach out to iwi and other interested parties.

86 Submitters' views are reflected in the discussion of my specific proposals, elsewhere in this paper. As noted, submitters were broadly in support of improving the availability of waste data. Concerns were raised regarding how the data would be collected and the associated costs, as well as the confidentiality of commercially sensitive information.

87 Further engagement with the sector is planned, particularly with the operators of sites not currently required to report, and also with territorial authorities. This is to ensure that stakeholders impacted by the proposals have further opportunity to understand and comment on the proposed changes.

**IN CONFIDENCE***Waste Advisory Board*

88 I have obtained and considered the advice of the Waste Advisory Board. The Board agreed with the consultation proposals that improving the amount and availability of waste data will help to enable improved planning and direction at both a local and national level.

**Communications**

89 I propose that the Cabinet policy decisions are communicated to relevant stakeholders via email, and a press release may be issued at an appropriate time. It will be important for communications to clearly indicate when the new legislation is to take effect, and which stakeholders will be affected.

**Proactive release**

90 I intend to proactively release this paper on the Ministry for the Environment's website, subject to withholding of information where appropriate, consistent with the Official Information Act 1982.

**Recommendations**

I recommend that the Committee:

1. **agree** that regulations be developed under the Waste Minimisation Act 2008 to:
  - a. require operators of landfill class 1 municipal landfills and industrial monofills, class 2 construction and demolition fills, class 3 managed fills, class 4 controlled fills, and class 5 cleanfills to keep, and to provide to the Secretary for the Environment (the Secretary) information on the activity source of waste received at and diverted from the site
  - b. require operators of transfer stations to keep, and to provide to the Secretary, information on the activity source of waste received at the site, reused or recycled at the site, and sent from the site to a disposal facility
  - c. require territorial authorities to keep, and provide to the Secretary, information on:
    - i. their spending of waste levy money
    - ii. their performance in achieving waste minimisation with the services, facilities and activities provided or funded in accordance with their Waste Management and Minimisation Plan
    - iii. their performance against standards for implementation of their Waste Management and Minimisation Plans, if a performance standard applies to the territorial authority



**IN CONFIDENCE**

2. **delegate** authority to the Minister for the Environment to make final policy decisions and drafting changes in respect of:
  - a. the types of information required to be kept and reported for site operators and territorial authorities, and the frequency of activity source reporting from site operators to the Secretary
  - b. technical amendments to Schedule 1 of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 and Schedule 2 of the Waste Minimisation (Information Requirements) Regulations 2021, to ensure the methods by which landfill sites and transfer stations can measure and report their quantities of waste are fit-for-purpose
  - c. categories of activity source data for sites required to report data to the Secretary
3. **note** that the above recommendations do not include the preparation of performance standards under section 49 of the Act
4. **agree** that the responsible Minister may take further decisions on minor and technical matters in line with the policy decisions agreed by Cabinet
5. **invite** the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to draft regulations under section 86 of the Waste Minimisation Act 2008
6. **agree** that the Ministry will seek feedback from a defined group of stakeholders on an exposure draft of the proposed regulations, to obtain technical input
7. **note** that this creates an opportunity to achieve improved understanding of New Zealand's waste creation and management by standardising the collection of, and improving the availability and quality of, waste data
8. **invite** the Minister for the Environment to report back to the Cabinet Legislation Committee to present regulations for approval.

Authorised for lodgement

Hon David Parker

**Minister for the Environment**

## Appendix I – Regulatory Impact Analysis

Proactively released