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Waste Strategy and Legislation
Ministry for the Environment
P O Box 10362
Wellington 6143

Dear Sir/Madam

Submission on “Taking responsibility for our waste” – discussion document on proposed new waste strategy and waste legislation options

Thank you for the opportunity to make a submission on the “Taking responsibility for our waste” – proposed new waste strategy and waste legislation options discussion document.

The West Coast Regional Council’s (WCRC or the Council) submission on the discussion document is attached to this letter. The Council has prepared this submission in consultation with the three West Coast District Councils, and our Poutini Ngāi Tahu partners.

The main points in our submission are:

- The Council supports the Government’s aspiration to move toward a circular economy and include waste management in this. Achieving this may affect all West Coast manufacturers and industry, and Council therefore seeks an **adaptive approach** with a transition period and support before any requirements become mandatory.
- Council has concerns with the burden on local rural Communities to deal with waste that is produced unnecessarily.
- WCRC also has concerns about the burden of additional functions and suggests that a regional approach to waste management should not be mandated.

Further explanation about the changes we seek is given in the submission.

Our contact details for service are:

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Please contact Rachel Vaughan if you have any questions regarding the content of our submission or require additional information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Mabin', with a long horizontal flourish extending to the right.

Heather Mabin

Acting Chief Executive Officer

WEST COAST REGIONAL COUNCIL COMMENTS ON PROPOSALS FOR A NEW WASTE STRATEGY; AND ISSUES AND OPTIONS FOR NEW WASTE LEGISLATION

SUMMARY OF FEEDBACK

West Coast Regional Council (WCRC) supports the Government's aspiration to move toward a circular economy and include waste management in the aspiration.

A circular economy would mean waste would stop entering our communities. The Government is seeking to reduce waste generation, and this may affect all West Coast manufacturers and industry.

What this means for the West Coast Region is:

- All businesses may have to pay more for production to ensure waste is designed out of their processes.
- All waste products should be able to be returned to the manufacturer.

This submission is supporting a circular economy but seeking an **adaptive approach**, from the Government. That means WCRC are seeking consideration of a transition period before the requirement is mandatory and asking for support with transition to this sort of production model. This would allow time for our manufacturers to adapt to the new system.

Consultation with Communities is required around what defines waste products, and what products need to be included in the adaptation model.

WCRC believes there needs to be consideration given to an adaptive approach to achieve a circular economy aspiration, to allow a just transition for manufacturers and producers on the West Coast.

WCRC considers that waste is a burden on remote communities, particularly the provision of expensive waste infrastructure to deal with a problem that could be addressed during production. The Government should start with a rethink and redesign of product generation and production.

No cost benefit analysis of how best to address regional waste needs has yet been undertaken, therefore it is difficult to comment on changing mandatory functions of local authorities.

INTRODUCTION

The West Coast Regional Council (WCRC or the Council) agrees with the intent of the:

- draft National Waste Strategy and,
- Issues and options for new waste legislation, and recognises the need to review the framework for waste management in New Zealand.

WCRC supports the Government's intention to create a circular economy. WCRC has concerns with the burden on local Communities to deal with waste that is produced unnecessarily.

WCRC also has concerns about the burden of additional functions on the Community and suggests that a regional approach to waste management should not be mandated.

Due to time constraints and workload, this submission responds to some of the discussion document's questions. The submission is structured around the questions most relevant to the West Coast Region.

Council consulted with the three West Coast District Councils, and our Treaty partners, Poutini Ngāi Tahu, on the draft National Waste Strategy and issues and options for new waste legislation.

A circular economy is defined in the document as meaning:

A circular economy is a set of organising principles promoting economic activity that restores and regenerates natural systems.

It's designed to replace our current 'take-make-dispose' system with a 'make-use-return' system. The circular economy has three global principles.

- **Design out waste and pollution** – View waste as a design flaw. Loss of materials and energy through the production process is minimised.
- **Keep products and materials in use** – Think in systems. Products are designed to be reused, repaired and recycled, and waste materials for one process become an input for another.
- **Regenerate natural systems** – Shift perspectives from minimising environmental harm to doing good. Valuable nutrients are returned to the soil and ecosystems are enhanced.

ABOUT THE SUBMITTER

The West Coast region covers a vast area: it extends from Kahurangi Point in the north and as far south as Awarua Point, a distance of 600 kilometres. This is the same distance as between Auckland and Wellington. It has a low population and is predominantly rural. 84.17% of land area is in the Conservation Estate.

The WCRC works closely with the regions' three territorial authorities - Buller, Grey and Westland District Councils. Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's population is spread across smaller settlements and rural communities. Compared to larger urban and developed cities and districts, the three District Councils each have a small proportion of

rateable land outside the Conservation Estate (totalling 15%), with a corresponding low rating base from which to provide waste management services. It is important that any changes to the national waste management framework also considers the impacts of such changes on the social, economic, and cultural well-being of small, rural West Coast communities.

Poutini Ngāi Tahu (Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae) are the tangata whenua of Te Tai o Poutini (the West Coast). The Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) between the WCRC, Te Rūnanga o Ngāi Tahu and Poutini Ngāi Tahu captures the intent of the Council and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown. The principles of the Treaty are of constitutional value and sit at the forefront of any national waste management framework.

The Ministry for the Environment assisted with the preparation of a Regional Waste Strategy for the West Coast. This Strategy was prepared and adopted in 2004. The West Coast Waste Management Working Group, comprising representatives of the West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council guided the Strategy's development with information and policy direction and produced the final document. The targets to the 2004 document were subject to funding being made available and also the Long Term Council Community Plan consultation process. This document has been superseded by the Waste Minimisation Act (WMA) 2008 and the need for individual, district Waste Minimisation Plans.

FEEDBACK

PART 1: WHY WE NEED TO TRANSFORM OUR APPROACH TO WASTE

SUMMARY OF RECOMMENDATIONS:

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

WCRC considers that changes are needed to how New Zealand manages waste.

WCRC believe that these changes need to begin with waste generation and production. It is a burden on remote communities to provide additional waste infrastructure for waste collection and management. Waste Generation could be addressed during production.

WCRC submit that the Government needs to tackle waste head on and immediately implement the Waste Hierarchy proposed in the draft Strategy.

WCRC submit that the Government should start with a rethink and redesign of product generation and production. Waste producers should be responsible for their own waste and bear the cost of

collection of that waste (product stewardship). Consumers should be educated on waste reduction and their rights to not bear the cost of waste production.

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

WCRC supports the Government's aspiration to move toward a circular economy and include waste management in the aspiration.

As stated in the WCRC submission on the national emissions reduction plan, "*...any Government decision must be consistent with the mandate of local government. Any Government decision that sets obligations for the West Coast, must entail a just transition, which includes:*

a) enabling democratic local decision-making and action by, and on behalf of, West Coast communities; and

b) promoting the social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future".

ADDRESSING A LACK OF DATA

The draft Strategy (Page 19) states that our data, research and evidence base for waste and resource efficiency still needs to improve.

RECOMMENDATION

3. WCRC seek that the Government is cognisant that monitoring and compliance will put a layer of cost on waste management service providers. Monitoring and compliance needs to be done within existing reporting systems to reduce the burden on small, rural communities/ratepayers.

LEGACY WASTE SITES

Monitoring and compliance of historical waste sites will also put a layer of cost on waste management service providers - this needs to be co-funded to reduce the burden on the small, rural communities/ratepayers, along with an adaptive approach to management.

RECOMMENDATION

2. WCRC seek that the Government adopt an adaptive approach to manage legacy landfills. Legacy landfills will be expensive to remediate, and this is not a burden that can easily be assumed by the Community.

PART 2: PROPOSED NEW WASTE STRATEGY FOR AOTEAROA NEW ZEALAND

RECOMMENDATIONS

1. That the Government supports reducing waste production by designing waste out of circulation.
2. That the Government reviews the cost impacts on small, rural communities and any requirement for councils to purchase upgraded waste infrastructure to achieve Stage 1 priorities.

4. *Do you support the proposed vision?*

The vision captures the intention to tackle Aotearoa New Zealand's waste problems. WCRC supports the vision.

1. WCRC supports the Waste Vision.

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

The six core principles support the vision and create a framework to achieve the vision. WCRC supports these principles, of:

1. Design out waste, pollution and emissions, and unnecessary use of materials
2. Keep products and materials in use at their highest value
3. Regenerate natural systems, so the environment is healthy for future generations
4. Take responsibility for the past, present and future condition of our natural environment
5. Think in systems, where everything is interconnected
6. Deliver equitable and inclusive outcomes

STRATEGIC ISSUES (PGS 29,30)

While the WCRC support the principles outlined, it is considered that the *first issue does not support the principle hierarchy created in the strategy. The first issue* should be mandating re-usable packaging to reflect the principles of circular economy outlined in the Draft Strategy.

Waste processing to deal with residual waste addresses the principles 2 and 4. Therefore, this should be secondary to the first principle.

Waste to energy using incineration is not meeting the first principle nor the waste hierarchy, and is also contrary to the Government's emissions reduction targets. Waste to energy by incineration creates emissions, therefore, it should be a short-term option only to deal with legacy waste.

On the other hand, pyrolysis as a means of disposing of non-recyclable waste does not involve incineration and emissions, but breaks down waste in a vacuum (with no oxygen) under high temperatures to produce various by-products, including fuel type by-products. Fuel by-products can be further used, or the system can be designed to deal with problem and composite wastes.

WCRC seeks that a national waste strategy should promote the use of pyrolysis as a means to address residual waste from the waste stream.

6. *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?*

STAGE 1: 2022–30: CATCHING UP

The requirements around monitoring and compliance need to be done within existing reporting systems to reduce the cost burden on the Community.

WCRC support the Government in ascertaining the scale and best approaches for remediating the damage from past waste disposal practices. WCRC would welcome engagement and consultation jointly with the West Coast District Councils on methods and proposals to remediate old landfill sites.

STAGE 2: BY 2030

WCRC is concerned the Government is only allowing 9 years for remediation activities to:

“Break the back of the remediation task for legacy sites.”

This timeframe is considered very short to allow wide remediation to occur.

STAGE 3: EMBEDDING A NEW NORMAL

1. WCRC submit that the Ministry should increase the timeframe for allowing for remediation activities (from 9 years) to a timeframe that is agreed with Communities.

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

Priority 1 actions are not considered to support the vision and six core principles as presented at the start of the draft Strategy. WCRC seek that the Government re-considers Priority 1 actions.

Priority 1 actions appear to address the infrastructure and local authority planning and delivery of service obligations. Much of the necessity for extensive waste infrastructure comes from the volume of waste being produced. There would be a reduced demand for waste infrastructure if the

Government gave effect to their vision of a circular economy and the ambition to design out waste, keep materials in circulation and build regenerative systems.

While the WCRC supports strengthening waste infrastructure planning and delivery, the Government must be mindful of the cost to Communities. WCRC seeks that the Government uses an adaptive and just approach, while considering the economic benefit to Communities. WCRC cannot support upgrading expensive infrastructure and strategic assets when the intention is to design waste out of circulation. WCRC submit that the Government re-consider Priority 1 actions.

The Draft Strategy is not sufficiently clear in what the Government means by the action to enact and implement new waste legislation. More detail is needed on what the following actions are required to do:

- include embedding the strategic planning framework and reporting into law,
- bringing new obligations and systems into operation (starting with licensing systems for the waste sector and duty-of-care obligations for households, businesses and others), and
- support and resource newly configured enforcement responsibilities.

WCRC would like more information on what it would mean for their functions and responsibilities and how this would affect resourcing and rating requirements. Our communities are facing an economic downturn due to Covid border restrictions, additional obligations for primary producers and phasing out of some industries. Imposing additional resourcing and rating requirements is not considered cognisant of economic wellbeing nor the mental health of the West Coast Communities.

Any Government decision that sets obligations for the West Coast must entail a just transition, which includes:

- a. enabling democratic local decision-making and action by, and on behalf of, West Coast communities; and
- b. promoting the social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future.

That the Government provides more information to clarify regional council functions and responsibilities, and how these new roles for regional councils will affect resourcing and rating requirements. If the Government is considering a requirement for regional subcommittees to coordinate a regional approach to other local government functions, it is suggested that this model is considered for waste.

The WCRC submit that regional councils picking up a role in delivery of services would be a significant shift and may need to consider implications to changes to functions under the Local Government Act.

The directive for provision of future waste services for local government needs to be flexible enough for burden of distance and the cost to service West Coast communities to be considered. Options may include collaboration and, where sensible, formal shared services.

FEEDBACK:

WCRC supports Priority 2 and consider that Priority 2 should be elevated to Priority 1

WCRC supports priorities 3 -5.

WCRC supports Priority 6 to address the issue of Legacy Landfills.

RECOMMENDATIONS

3. Promote the use of pyrolysis in a national waste strategy.

4. Increase the timeframe for allowing for remediation activities (from 9 years) to X years.

5. That the Government:

a. re-considers Priority 1 actions: and

b. uses an adaptive and just approach, while considering the economic benefit to Communities.

6. That the Government provides more information to clarify regional council functions and responsibilities, and how these new roles for regional councils will affect resourcing and rating requirements.

8. *What else should we be doing in stage one?*

The Government should be supporting a reduction in waste production by regulating waste out of circulation and mandating product stewardship of waste. This should occur alongside reviewing waste systems.

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

WCRC submits that the cost burden is a barrier to achieving Stage 1 priorities. WCRC also question the need to upgrade waste facilities and infrastructure if a circular economy is being proposed.

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

WCRC believes that the targets are achievable but reducing household waste requires designing out waste in the source, including in production systems.

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

WCRC submits that given the Government's vision, waste reduction targets should be re-written to direct the management of problem waste at the products, such as:

Product	Target
Soft Plastic	90%
Hard Plastic	75%
Treated timber	50%
Rubber	75%
Hard fill	90%
Hazardous Waste	99%

RECOMMENDATIONS

7. That the Government supports reducing waste production by designing waste out of circulation.
8. That the Government reviews the cost impacts on small, rural communities and any requirement for councils to purchase upgraded waste infrastructure to achieve Stage 1 priorities.

PART 3: DEVELOPING MORE COMPREHENSIVE LEGISLATION ON WASTE: ISSUES AND OPTIONS

EMBEDDING A LONG-TERM, STRATEGIC APPROACH TO REDUCING WASTE

SUMMARY OF RECOMMENDATIONS

1. That central Government forms, and seeks advice from, a waste advisory board. The Board should be made up of mana whenua, local government advisors, members from the waste industry, business and industry members. The Board should be sufficiently resourced to encourage membership, and be given meaningful advice.

2. The duty of care should be extended to all businesses and industry, and include the requirement that if an alternative product is available, that must be used in the product production.
3. That the Government:
 - a. increases obligations around litter to reduce the amount of fly dumping and litter, and functions are extended to all local authorities;
 - b. undertakes more education about, and promote personal responsibility for, reducing waste, including hazardous waste;
 - c. supports processes for safe waste disposal such as mobile Hazardous Waste Collection, pyrolysis plants and mandatory disposal for businesses of special waste;
 - d. makes Product stewardship mandatory, including for all importers and producers of goods.

There is a risk of a heavier compliance burden on the West Coast Region through further regional rate increases if waste minimisation planning needs to be undertaken at a regional level instead of, or as well as, at a local level.

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

As waste is an expensive burden for communities, the Government should have a waste strategy and update it regularly.

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

Every 10 years to align with Council planning processes.

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

When formulating the Strategy, the Government needs to be mindful of resourcing and rates burdens when seeking to influence local authority functions. Economic burdens on small communities can create economic distress and mental health issues.

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

Local government already reports on waste through the Waste Minimisation Act and Emission Trading, in addition to any local performance indicators in the Long Term Plans requirements to formulate Waste Plans and subsequent reporting. That is a sufficient burden on communities.

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

Government would need to take a lead to implement the waste hierarchy as proposed.

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

Central Government should seek advice from a waste advisory board. The Board should be made up of mana whenua, local government advisors, members from the waste industry, business and industry members. The Board should be sufficiently resourced to encourage membership, and be given meaningful advice.

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

A Waste Advisory Board should be formed.

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

Mana whenua participation on a Waste Advisory Board to assist with decision making functions of the Government.

20. *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?*

1) The WCRC has spoken to the District Council's in the Region. The support is for an integrated waste management solution between Districts and WCRC. The integrated solution will include a variety of approaches to dealing with waste streams, in New Zealand these are likely to include education, reduction (avoid generating the waste), reuse options, recycling (including composting) and final disposal.

RECOMMENDATION

9. That central Government forms, and seeks advice from, Regional Waste Advisory Boards. The Boards should be made up of representatives from regional sub-committees. That the sub-committee for each region reflect the existing representation of mana whenua, local government advisors, members from the waste industry, business and industry members.

The Board should be sufficiently resourced to encourage membership and be given meaningful advice.

PUTTING RESPONSIBILITY AT THE HEART OF THE NEW SYSTEM

RECOMMENDATION

10. The duty of care should be extended to all businesses and industry, and include the requirement that if an alternative product is available, that must be used in the product production.

11. That the Government:

- a) increase obligations around litter to reduce the amount of fly dumping and litter;
- b) Undertake more education about, and promote personal responsibility for, reducing waste, including hazardous waste;
- c) Support processes for safe waste disposal such as mobile Hazardous Waste Collection, pyrolysis plants and mandatory disposal for businesses of special waste;
- d) Make Product stewardship mandatory, including for all importers and producers of goods.

21. *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?*

Duty of care should be a requirement for everyone in the community. The primary duty should be on producers to ensure the most efficient product model is followed to reduce unnecessary waste product. That is, the duty of care should be extended to include the requirement that:

Group	Duty
All Businesses and Industry	If an alternative product is available, that must be used in the product production

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

WCRC would like to see the obligations around litter increased to reduce the amount of fly dumping and litter.

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

More education and personal responsibility.

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

given the potential issues with waste dumping from disposal and demolition operators, WCRC support this recommendation but more consultation is needed on who would administer this regime.

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

WCRC considers that some problem and hazardous wastes should be traced. The issue for small and remote communities is the volume of non-problem wastes, and the cost of disposal. For example, the volume of soft plastic, glass and treated timber. It is not practical to track these sorts of waste, however, the burden on the ratepayer to pay for collection and disposal of these wastes is particularly high.

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

Hazardous waste education is required. Many members of the community are not aware of hazardous waste that they have on site.

The Government should support processes for safe waste disposal such as mobile Hazardous Waste Collection, pyrolysis plants and mandatory disposal for businesses of special waste.

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

Product stewardship should be mandatory, not voluntary. Much of the necessity for extensive waste infrastructure comes from the volume of waste being produced. There would be a reduced demand for waste infrastructure if the Government gave effect to their vision of a circular economy and the ambition to design out waste, keep materials in circulation and build regenerative systems. This could be done through mandating product stewardship.

While the WCRC supports strengthening waste infrastructure planning and delivery, the Government must be mindful of the cost to communities. WCRC considers that mandatory product stewardship would ensure an adaptive and just approach to waste management, while considering the economic benefit to communities. WCRC cannot support upgrading expensive infrastructure and strategic assets when nothing is done to reduce the production of problem products.

WCRC is aware the product stewardship has been operating in other countries for many decades. The model should be easy to adopt to New Zealand.

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

The scheme could be strengthened by making a mandatory phase-in of stewardship for all products.

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

Product Stewardship should be mandatory for all importers and producers of goods.

End of submission