



Reducing waste: a more effective landfill levy

Summary of submissions



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About this summary of submissions

New Zealand's waste disposal levy

The volume of waste New Zealand sends to landfill has continued to increase each year, with only a small proportion of our waste currently reused or recycled. Sending waste to landfill has environmental and social costs, as well as indirect costs from extracting virgin materials instead of recovering and reusing existing materials.

The Waste Disposal Levy ('waste levy'¹) is an important tool in New Zealand's waste management system. The levy is paid by waste disposal facilities as defined under the Waste Minimisation Act 2008 (WMA), and its purpose² is to:

- raise revenue for promoting and achieving waste minimisation
- increase the cost of waste disposal to recognise that disposal imposes costs on the environment, society and the economy.

By placing a cost on disposing waste at landfill, the levy can encourage people and organisations to pursue other options, such as reuse and recycling. The levy can also assist in collecting data about volumes and types of waste.

The waste levy is set at a rate of \$10 per tonne and applies only to municipal landfills that take household waste. Levy rates in other jurisdictions are generally set much higher. A number of reviews and studies have concluded that New Zealand's waste levy is too low and too narrowly applied to be effective.

In November 2019, the Government released a public consultation document seeking views on proposals to improve the settings of the waste levy with the aim of driving major changes in New Zealand's waste management system.

What the Government proposed

Summary of proposals

Levy rate and application

The Government's proposals were to increase the rate of the waste levy and apply it to more types of waste. The proposals included applying the levy to more landfills, including:

- industrial monofills (class 1)
- landfills that take construction and demolition waste (class 2)
- landfills receiving contaminated soils and inert materials such as rubble (classes 3 and 4).

¹ The consultation document (*Reducing waste: a more effective landfill levy*) referred to a 'landfill levy'. Following consultation feedback, 'waste levy' is now being used, to focus attention on the problem we want to manage (ie, waste rather than landfills).

² Purpose as stated in the WMA under Part 3, clause 25 (*Purpose of Part*).

It was also proposed to increase the rate of the levy for municipal landfills (class 1) from \$10 per tonne, to either \$50 or \$60 per tonne by 2023. Different rates were proposed for the different landfill classes.

Data proposals

Proposals to improve waste data included:

- establishing a record of landfills throughout New Zealand
- collecting data such as waste quantities, amounts diverted away from landfill, and the source of materials landfilled and diverted
- requiring councils to report on their spending of levy revenue and their waste minimisation performance.

Levy investment plan and review of the Waste Minimisation Act 2008

The consultation document outlined principles for a proposed 'levy investment plan', such as the type of initiatives the Government may prioritise for funding. It also outlined that potential future changes to the Waste Minimisation Act 2008 (WMA) could allow investment to be done differently, and asked for feedback on what changes a review of the WMA could consider.

How the proposals were developed

These proposals were developed through a range of actions, including:

- looking at what was possible under the WMA
- analysing what statutory reviews of the effectiveness of the levy (undertaken every three years) had found
- analysing data and evidence from New Zealand and overseas considering stakeholder views – many stakeholders have been calling for an increased and expanded levy for several years
- considering the balance between creating the right incentives for change, with avoiding unintended consequences and acknowledging that stakeholders will need time to prepare for and adapt to a new levy regime.

How we consulted

We published *Reducing waste: a more effective landfill levy consultation document*³ on the Ministry's website.⁴ The consultation document outlined the proposals, and provided details of different options for change and potential impacts. The consultation document set out 16 questions for submitters to provide feedback on.

³ Ministry for the Environment. 2019. *Reducing waste: a more effective landfill levy – consultation document*. Wellington: Ministry for the Environment. Retrieved from www.mfe.govt.nz/publications/waste/reducing-waste-more-effective-landfill-levy-consultation-document

⁴ www.mfe.govt.nz/consultations/landfill-levy

We also provided the shorter *Reducing waste: a more effective landfill levy summary document*⁵ on the consultation webpage, providing a more accessible high-level overview of the proposals.

Consultation was open for a 10-week period from 27 November 2019 to 3 February 2020. Interested parties could provide their submissions by email, letter or via an online submission form.

To ensure as many groups as possible had heard about the proposals and been able to ask questions, we also:

- ran webinars with particular stakeholder groups (such as businesses and industry groups)
- held a number of stakeholder workshops, jointly hosted by the Ministry and WasteMINZ⁶
- sent letters to several hundred landfill operators around New Zealand
- directly met with key stakeholders over the consultation period
- used our media channels (Facebook, Twitter, Ministry website) to publicise the consultation.

What happens next

This document summarises feedback received on the consultation document. This feedback informed the development of final policy proposals. From July 2020 onwards, we will work on how the proposals will be implemented, including via the development of regulations.

⁵ Ministry for the Environment. 2019. *Reducing waste: a more effective landfill levy – summary document*. Wellington: Ministry for the Environment. Retrieved from www.mfe.govt.nz/publications/waste/reducing-waste-more-effective-landfill-levy-summary-document

⁶ WasteMINZ is a member-based organisation that represents the waste, resource recovery and contaminated land sectors in New Zealand. It has more than 1000 members, ranging from small operators through to councils and large companies.

Who made submissions

We received 479 submissions, from a variety of submitter types as follows:

- 96 business and industry submissions
- 35 non-governmental organisation (NGO) submissions
- 41 local government submissions
- 264 individual submissions
- 41 unspecified or other submissions.
- 2 iwi/hapū submissions.

We refer to the above submitter types throughout this document.

There were a variety of business and industry submitters. We received submissions from large companies, industry associations, landfill operators, construction and forestry companies, consultancies, as well as smaller businesses and social enterprises.

NGOs were able to identify themselves as 'environmental NGO' (24 submitters) or simply as 'NGO' (11 submitters). We refer to all such submitters as 'NGOs' in this document. Local government submitters were mainly local councils but also included a WasteMINZ sector group (see WasteMINZ section below for further information), and a special interest group.

Fifty-five per cent of submissions were from individual submitters, the largest submitter type for this consultation.

Those identifying as 'unspecified/other' included tertiary education institutions, consulting businesses, sector groups (see 'WasteMINZ' section below for further information), and trusts. A number of individuals also identified themselves as part of this submitter type. Iwi submissions were received from Ngāti Whātua Ōrākei and Ohinemutu Maara Kai (Ngati Whakaue ki Ohinemutu).

Of the 479 submitters, 66 chose to support (parts or all of) submissions written and distributed by other organisations. The submissions used either fully or partially in the submissions of others included:

- a joint submission put forward by 13 organisations: The Rubbish Trip, New Zealand Product Stewardship Council, Zero Waste Network, Envision, Para Kore, RefillNZ, Aotearoa Plastic Pollution Alliance, Wanaka Wastebusters, Whāingaroa Environment Centre, Ākina, Xtreme Zero Waste, Plastic Free Raglan and Whāingaroa Environmental Defence Incorporated. Twenty-five submitters either stated their support for this submission, or copied or paraphrased sections of it (several of these 13 organisations also made their own separate submissions)
- the Sustainability Trust – 32 submitters copied or paraphrased sections of this submission
- Urban Farmers Alliance – 18 submitters copied or paraphrased sections of this submission
- Massey's Political Ecology Research Centre – eight submitters copied or paraphrased sections of this submission
- Aotearoa Plastic Pollution Alliance – three submitters copied or paraphrased sections of this submission.

Where non-individual submitters are quoted in this document, the organisation or entity name is generally used. For individual submitters, we use reference numbers.

WasteMINZ

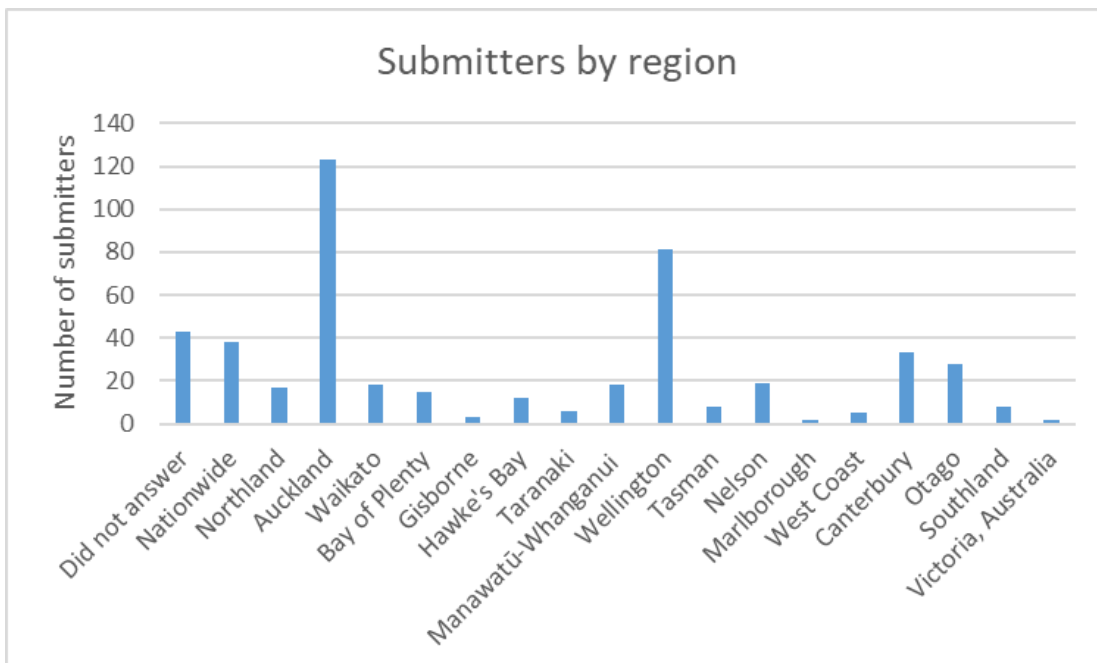
WasteMINZ is a member-based organisation that represents the waste, resource recovery and contaminated land sectors in New Zealand. It has more than 1000 members, ranging from small operators through to councils and large companies. The following three WasteMINZ sector groups submitted under the 'unspecified/other' submitter type:

- Contaminated Land Management Sector Group
- Disposal to Land Sector Group
- Organic Materials Sector Group.

The WasteMINZ Territorial Authorities' Officers (TAO) Forum submitted under the 'local government' category.

Submitters by location

Submissions were received from organisations and individuals from all regions of New Zealand, with a large number from Auckland and Wellington. There were also two submitters from Australia.



Format of submissions

Submitters were able to provide their submissions in a number of formats. They could:

- email submissions as PDF or Word documents
- answer the consultation questions via an online submissions tool accessible via our website
- send a letter by post.

Submitters from each submitter type used both email and online tool formats. There were:

- 109 submissions received by email
- 369 submissions received via the online tool
- 1 submission received by post.

Structure of consultation questions in this document

The consultation questions are ordered by theme (rather than in numerical order). The following structure is used:

1. Current situation

- Questions 1 and 2

2. Waste Disposal Levy – rate and application

- Questions 3, 4, 5, 6, 7, 8, 8i, 8ii, 8iii, 8iv, 8v, 9, and 9 continued

3. Waste data

- Questions 14 and 15

4. Costs and benefits of levy and data proposals

- Question 16

5. Levy investment proposals

- Question 12

6. Waste Minimisation Regulations 2009

- Questions 10 and 11

7. Waste Minimisation Act review

- Question 13

8. Themes from across questions

- Various themes

Current situation

Q1: Do you think the current situation of increasing waste to landfill and poor availability of waste data needs to change?

Ninety-seven per cent of those who responded agreed the current trend of increasing levels of waste to landfill and poor availability of waste data needs to change.

The consultation document outlined the problem of increasing volumes of waste to landfill in New Zealand, that only a small proportion of our waste is currently reused or recycled, and that many New Zealanders want to reduce waste. Submitters generally agreed with our assessment of the problem, and with the need for change to New Zealand's waste management system. They viewed the waste levy as a key tool in improving waste management outcomes. Iwi submitters believed improved waste management would support the principle of kaitiakitanga (guardianship and protection).

Q2: Do you have any comments on the preliminary review of the effectiveness of the waste disposal levy outlined in appendix A?

The Government is required to carry out a statutory review of the effectiveness of the levy every three years. We included a preliminary review of the levy in the consultation document, so stakeholders could comment on the levy's effectiveness.

Around 60 per cent of submitters made comments about the preliminary review. They included:

- the review confirms the current levy is not effective in reducing waste volumes
- the review highlights significant data gaps, which hamper decision-making and planning processes
- acceptance of the review's findings that waste volumes are increasing, while reuse, recycling and recovery are not increasing.

Several submitters also commented on the waste levy and data issues more broadly (in addition, or instead of, commenting on the preliminary review). These comments included:

- calls for the levy to be raised
- support for using the levy to encourage people to change their behaviour and aid the transition to a circular economy⁷

⁷ A 'circular economy' is an economy where resources are kept and reused for as long as possible.

- suggestions to make more ‘upstream’ interventions, such as encouraging behaviour change so less waste is produced, and aligning action with the waste hierarchy.⁸

⁸ The ‘waste hierarchy’ is a framework for establishing the order of preference for different waste management options. Reducing waste (eg. via designing out waste at the product manufacture) is the most preferable option, with disposal the least preferable.

Waste levy rate and application

Q3: Do you think the waste levy needs to be progressively increased to higher rates in the future (beyond 2023)?

The consultation document proposed options for levy changes for the period until 2023, but also sought submitter views about the possibility of continuing to increase the levy after 2023 progressively.

Three hundred and ninety submitters answered this question (of 479 in total), selecting either yes, no or unsure response options.

Answered 'yes'

Eighty-four per cent of these 390 submitters felt the waste levy needed to be increased progressively to higher rates beyond 2023. A majority of each submitter type supported higher levy rates after 2023.

Across submissions (not just in response to question 3), there were 208 comments calling for the levy rate to continue to increase beyond 2023.

Comments included:

- significant and progressive increases to the rate would better support the purpose of the Waste Minimisation Act 2008 (WMA) (that is, to raise revenue for waste minimisation, and to provide a financial disincentive to disposal to landfill)
- many submitters mentioned waste levy rates in other jurisdictions when stating that the waste levy needs to be progressively increased, noting that the proposed rates of \$50 or \$60 per tonne for municipal landfills were still well below levy rates in many European countries and Australian states
- having a long-term plan or schedule for how the levy would increase over a period, such as 10 years, would help the waste sector plan and make investments.

Ngāti Whātua Ōrākei supported levy increases after 2023, while Ohinemutu Maara Kai (Ngati Whakaue ki Ohinemutu) felt the levy should be reviewed after 2023 to assess its effectiveness.

Answered 'no'

Twelve per cent of respondents did not support progressive rate increases beyond 2023. However, this did not necessarily mean they were absolutely against such increases.

For example, several felt the impacts and effectiveness of the initial levy changes should be assessed after three years (eg, around 2024) before deciding on whether further increases were appropriate:

“[Assessing effectiveness] would also provide an opportunity to assess and determine how to overcome any problems from the increase in levy and determine whether increasing the rate further will provide positive or negative outcomes.” (Hurunui District Council)

Some felt infrastructure and services that allowed people to reduce and divert waste should be in place by 2023, before further levy rate increases were made from this date. Three submitters responding ‘no’ were not against *progressive* levy increases, but supported immediate and substantial rate increases. Those submitters who stated they *did not want* increases beyond 2023 tended to be of the view the levy should not be increased at all. This group often expressed concern at the illegal dumping they felt likely to result if the levy was progressively increased.

Answered ‘unsure’

Only 17 submitters selected ‘unsure’. Like many submitters who responded ‘no’, most thought that decisions about future increases should be based on assessments of the effectiveness of the proposed levy changes. For example, the WasteMINZ Disposal to Land Sector Group said:

“A decision on whether waste disposal levy rates need to be increased beyond 2023 should be informed by more robust waste data collected over the intervening years. Any increases should be based on evidence collected through regular and frequent reviews of the waste disposal levy system, as well as reporting data collected from landfill operators, that supports the need to increase those rates.”

Q4: Do you support expanding the waste levy to the following landfills?

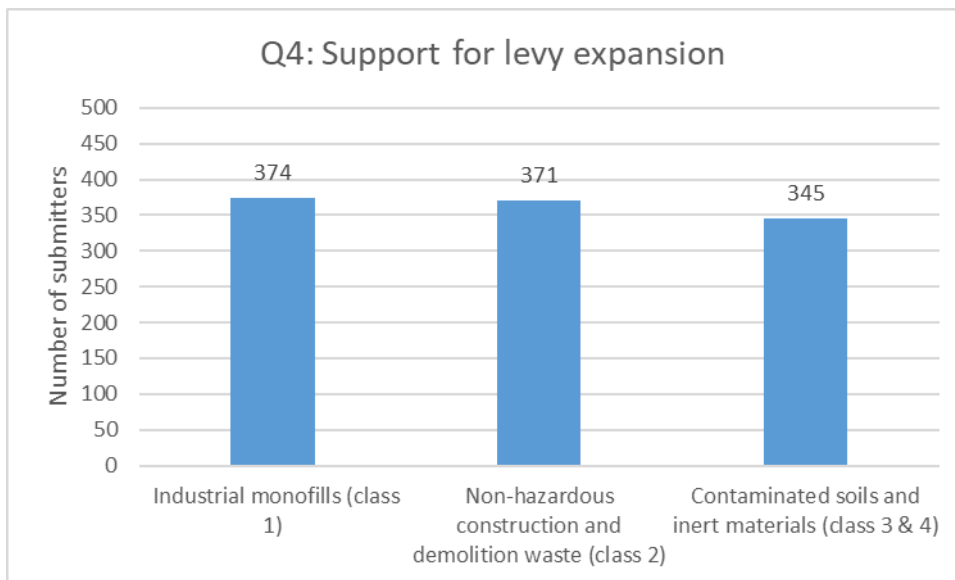
Question 4 asked about expanding the waste levy to three different groups of landfills:

- industrial monofills (class 1)
- non-hazardous construction and demolition waste (class 2)
- contaminated soils and inert materials (classes 3 and 4)

The consultation document proposed the levy be expanded to all three landfill groups, with each subject to differing levy rates.⁹

Most submitters (between 300–400 submitters for each landfill group) supported each of the three landfill groups being levied, as shown in the graph below.

⁹ See appendix 1 ‘A classification system for landfills’ for an explanation of the different landfill classes and types of waste they accept.



General comments on expanding the levy

Around half of all submitters commented on question 4. A significant portion discussed the four classes of landfill collectively, instead of making comments about a particular landfill class. The most common theme was support for expanding the levy to cover all the landfill classes referred to in the question. There were various reasons for this viewpoint:

- numerous submitters felt the current situation created an incentive for waste to be disposed of inappropriately at landfills that were not subject to the levy, creating the potential for environmental harm
- many felt applying the levy across all landfill types would incentivise waste reduction and encourage New Zealand's transition towards a circular economy
- a number of business and local government submitters felt increasing and expanding the levy would increase funds for improved waste minimisation activities.

Some local government submitters outlined other benefits they felt levy expansion would bring about:

- establishing systems and processes to develop a better understanding of waste disposal in New Zealand
- taking advantage of the wide-ranging opportunities to divert waste types currently disposed to industrial monofills and class 2–4 landfills
- providing assurance of appropriate disposal, through levy collection acting as a kind of 'audit' on waste disposal activity.

Some local government submitters supporting levy expansion suggested ways expansion could be done more effectively. For example, a few considered that alongside the proposed levy changes, there needed to be a focus on improving data collection; and on compliance, monitoring and enforcement activities.

Those submitting as individuals (individual submitters) usually supported applying the levy to all landfills, believing this would encourage people to reduce consumption, reuse materials, and recycle. Submitters of various types often supported a levy across all of the proposed landfills as a consistent and fair approach. Several NGO submitters expressed their concern

about incineration¹⁰ and anaerobic digestion¹¹, and wanted a levy applied to these activities in addition to the proposed levy on landfill classes 1–4.

Comments about landfill definitions and classifications

A number of submitters who supported expanding the levy to all landfill classes also called for clearer definitions for each landfill class, and sometimes suggested how this might be done. A couple of submitters noted that the *Technical Guidelines for Disposal to Land*¹² (on which the landfill categories in the consultation document are based) have not been formally adopted. These submitters suggested they are adopted by the Ministry before expanding the levy, to support better waste disposal practices across New Zealand.

A few submitters suggested developing a national environmental standard (NES) under the Resource Management Act 1991 (RMA), or other regulatory framework, could be a good way of creating clear and consistently applied landfill class definitions. They considered a national-level framework would help rectify inconsistencies between regions when defining and classifying sites.

Several business submitters said improved monitoring of landfills was needed to ensure landfills only received waste they were able to manage properly (eg, through methods such as leachate collection and odour management). Two businesses in the resource recovery sector said monitoring of contaminated soils would be particularly important, stating these soils were sometimes inappropriately disposed of at cleanfills.

Support for levying industrial monofills (class 1)

(This landfill class accepts waste that could discharge contaminants/emissions, from industrial sources including steel- or aluminium-making and pulp- and paper-making).

Seventy-eight per cent of submitters supported expanding the levy to industrial monofills. These submitters also generally supported expanding the levy to all classes of landfill proposed in the consultation document (that is, classes 1–4). Most did not provide specific feedback about the proposed levy on industrial monofills.

Sixty-one per cent of business and industry submitters were in support of a levy on industrial monofills. Wanaka Wastebusters Ltd felt industrial monofills should be levied as they have the “same risk profile as municipal landfills”. They went on to say these monofills should be brought under the levy regime gradually, allowing time to assess “which type of landfill they most closely resemble in terms of environmental impact (eg, type of lining, leachate and methane treatment required)” – and apply a levy rate accordingly. A couple of other businesses felt monofills should be levied because they sometimes accept materials that are not inert (such as organic waste) and that have the potential to be diverted. Eighty-three per cent of local government submitters supported a levy on industrial monofills. Views included:

¹⁰ Incineration in this context is the process of treating waste by burning it, often to create energy.

¹¹ Anaerobic digestion is the process by which micro-organisms break down biodegradable matter in the absence of oxygen. It can be used to generate energy from waste matter.

¹² WasteMINZ. 2018. Technical Guidelines for Disposal to Land. WasteMINZ: Auckland. Retrieved from www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/

- levying monofills would help ensure consumer prices reflected the true cost of products (as monofill operators such as steel or paper producers would pass on levy costs to companies that use such materials in their products)
- a levy would encourage industries to change their design and industrial processes
- monofills should be levied at 50 per cent of the rate proposed for municipal landfills.

Most individual and non-governmental organisations (NGO) submitters supported levying monofills, but did not make specific comments about this landfill class.

Support for levying construction and demolition fill sites (class 2)

(This landfill class accepts materials including rubble, concrete, plasterboard, and timber).

Seventy-seven per cent of submitters supported expanding the levy to non-hazardous construction and demolition waste. A majority of each submitter type were also in support.

Many submitters commented that construction and demolition waste represents one of the largest waste streams in New Zealand, with several referring to an estimate that it constituted up to 50 per cent of waste to landfill in New Zealand. Many felt a levy could help to divert such materials away from landfill.

Submitters supported a levy on class 2 landfills for the following main reasons:

- the levy is useful in generating funding for:
 - infrastructure to divert construction and demolition waste from landfill, and/or reprocess construction and demolition materials (such as via resource recovery centres)
 - education to drive behaviour change around such materials
- a number of avenues for recycling or repurposing construction and demolition materials already exist
- construction and demolition materials are of value, with high reuse and/or recycling potential
- fairness and equity, that is, construction and demolition waste should be subject to a levy alongside household/municipal waste. Companies sending their construction and demolition waste to landfill should bear the costs of doing so.

Sixty of 96 business and industry submitters, and 34 of 41 local government submitters were in support. Several local government submitters supported a levy because they considered there were not incentives for the construction industry to improve its practices or innovate.

Twenty-nine of the 35 NGO (including environmental NGO) submissions indicated support for a levy. Most NGOs supported levying all landfill classes, and did not outline particular views about construction and demolition fills. However, the Urban Farmers Alliance thought a levy would help to divert plasterboard from landfill, allowing its gypsum to be used as a compost input and soil amendment/fertiliser. The New Zealand Green Building Council thought a levy would help make recovery of construction and demolition materials economically competitive with landfilling, “especially outside of Auckland where there is much lesser volumes of waste.”

Two hundred and twenty-four of the 264 individual submitters were in support of a levy. Twenty-two of the 41 unspecified/other submitters also indicated their support, with some saying companies sending such waste to landfill should bear the costs of disposal.

Support for levying landfills for contaminated soils and inert materials (class 3 and 4).

Description of classes 3 and 4:

- Managed fills (class 3) should accept contaminated but non-hazardous soils and other inert materials (eg, rubble), which would allow the landfill site to be used for a restricted purpose on closure. Future excavation into the landfilled materials will require management.
- Controlled fills (class 4) should accept soils and other inert materials (eg, rubble) with low levels of contamination relative to the receiving environment, which would allow the landfill site to be used for an unrestricted purpose on closure.

Seventy-two per cent of submitters supported expanding the levy to class 3 and 4 sites, with majority support from each of the five main submitter types. Most NGO, and business and industry submissions supported a levy on contaminated soils and inert materials, but did not generally provide specific feedback about these sites.

Of the 41 local government submitters, 32 supported a levy on contaminated soils and inert materials. Generally, this submitter group felt a levy on class 3 and 4 landfills would require more careful and considered application than a levy on industrial monofills (class 1) or class 2 landfills.

Local government comments focused more on contaminated soils than on inert materials. Several submitters highlighted there tended to be fewer diversion opportunities for contaminated soils (and to a lesser extent, inert materials) when compared with those available for other materials. Despite supporting a levy on contaminated soils overall, two councils said these soils should be excluded from a levy until they could be better characterised, with Gisborne District Council saying: “Highly contaminated soil cannot be reused and generally requires some form of treatment prior to being allowed into any monitored landfills. To safely dispose of highly contaminated soil already comes with a considerable cost that is not applied to other forms of waste”.

The Contaminated Land and Waste Special Interest Group (comprising regional council and unitary authority staff with responsibilities for contaminated land and waste management) felt terminology for contaminated soils and inert materials needed to be defined more clearly. They provided examples, such as noting that the difference between ‘heavily’ and ‘lightly’ contaminated soil would need to be clarified.

This special interest group also thought levying contaminated soils could encourage more sustainable remediation of sites and discourage landfilling. However, they thought a levy on roadside drain and verge-clearing spoil would be undesirable for rural district councils, as it would disincentivise road safety and rural community access.

A few submitters felt inert materials could typically be recovered and reused, and therefore should be subject to a levy. A majority of individual submitters and around half of unspecified/other submitters supported a levy, but tended not to comment.

Limited opposition to expanding levy to industrial monofills (class 1) and classes 2–4

Opposition to a levy on proposed additional landfills

Although most submitters supported the proposals to expand the levy to additional landfills, a comparatively small number opposed expansion to some or all of the proposed landfill classes.

For example, Hurunui District Council thought better recordkeeping should be achieved before deciding whether to expand the levy, to allow the feasibility of expansion to be analysed. Rooney Earthmoving Ltd considered, “there is insufficient evidence to understand the economic impact of introducing levies on class 2–4 landfills”.

A small number of the 264 individual submitters opposed expanding the levy to additional landfills. Several felt a levy should be applied to manufacturers or importers of goods that became waste, rather than to landfill operators. A few individuals expressed concern levy expansion would lead to illegal dumping.

Opposition to levying monofills

A small number of business and industry submitters opposed a levy on monofills, including businesses within the waste and recycling sector, on the basis that:

- monofills should not be levied because there were limited or no alternatives to disposal at them, and the environmental effects of monofills were tightly controlled
- if the material arriving at a monofill was not leachable, or was inert, it should not be subject to a levy
- a monofill levy should be considered on a case-by-case basis; for example, the impact of a levy on the viability of an industry and the environmental harm of the material received should both be considered.

Opposition to levy on non-hazardous construction and demolition waste (class 2 landfills)

Three contracting companies (providing services such as excavation, earthmoving and bulk transport), one of which also operates a landfill, expressed their opposition. Reasoning provided by these companies included:

- the potential to divert from landfill was limited because items of use or value are removed before such material goes to landfill
- it was difficult to reuse construction and demolition materials in construction applications, because the building consent process required products to be accompanied by producer/manufacturer statements
- the economic impacts of applying a levy to class 2 landfills were not fully understood.

Another landfill operator said that levying class 2 landfills might result in construction and demolition waste (especially non-inert materials) being sent to cleanfills, posing a greater risk to the environment.

Two NGOs indicated they were against a levy on class 2 landfills. One referred to New Zealand’s housing crisis, and suggested a levy on construction and demolition waste should be

delayed for five years to allow the construction sector to provide additional housing without this added cost burden.

Opposition to levy on class 3 and 4 landfills

Those in opposition were in the minority. From submitter comments, we know that at least 33 submitters were against a levy on class 3 and 4 sites. Some of these opposed a levy on these classes in particular, while others were against expanding the levy to all classes (including but not limited to class 3 and 4 sites).

Business and industry submitters were more inclined to express opposition than other submitter types. In particular, civil contracting, bulk transport, and landfill and cleanfill operators commented that:

- ‘managed fill soil’ and ‘non-contaminated cleanfill materials’ can be reused at cleanfill and other sites once removed from the original source, and the resulting land was generally more productive than it was beforehand
- imposing a levy would not reduce volumes sent to class 3 and 4 landfills as such volumes are determined by the nature of development or infrastructure projects
- disposing of contaminated land was already expensive and a levy would further increase costs of construction projects and could inhibit developers from undertaking land development projects
- the landfill classifications outlined in the consultation document did not align with how landfills are classified by regional councils
- contaminated soil should be exempt from a levy if it met certain conditions, such as where the soil was beneficially reused within a landfill (eg, as cover or capping), where soil leachability was below stipulated levels, and where standards for soil particle size and moisture content were met.

Only three councils explicitly stated they were against a levy on contaminated soils and inert materials. Porirua City Council did not support a levy on contaminated soils in particular, because of the uncertainty around how a levy would influence the behaviour of those seeking to dispose of contaminated soils, and uncertainty about what alternative disposal options would be available for that soil. Timaru District Council felt the levy should not be imposed on soils with low-level contamination, which met recreational guidelines and could be beneficially reused.

Note about limitation of analysis for Question 4

We were unable to accurately determine the exact number of submitters not in support of a levy on each of the three groups of landfills, due to an ambiguity in responses to online form submissions. However, from written comments, we were able to gain a good understanding of the range of different views. Please see [appendix 2](#) for more information.

Mixed and/or alternative views to a levy on classes 3 and 4

A few submitters felt contaminated soils and inert materials should be treated differently under the levy. Among these submitters, there were varying levels of support for a levy on these two material types.

Clean Earth Ltd felt the application of a levy on contaminated soils should “depend on ongoing monitoring and requirements”. It thought inert materials should not be levied, reasoning that, “if something causes no emissions, leachate or instability...then there should be no taxation applied to them at the point of disposal”.

Kalista Ltd (trading as Green Gorilla) felt a levy on contaminated soils would “send the right cost signal to developers/generators of these materials that the alternative in a lot of cases is to leave materials as they are in ground or establish cut fill balances that minimises offsite disposal”. It also supported a lower levy for class 3 landfills, however stated, “we see little point in levying class 4 especially when the end use land will have unrestricted use”. The WasteMINZ Contaminated Land Management Sector Group stated contaminated soil should be “classified based on the risk it poses and levied according to diversion potential”, rather than setting one levy rate for all contaminated soils.

Q5: Do you think that some activities, sites or types of waste should be excluded from the waste levy?

Submitters could indicate whether they wanted the following to be excluded:

- cleanfills (class 5)
- farm dumps
- any others (eg, exceptional circumstances).

The consultation document proposed cleanfills and farm dumps be excluded from the levy.

Cleanfills (class 5)

Of the 479 submitters, 158 indicated via a tick box they *supported the exclusion* of cleanfills from the levy. Not all who selected the tick box chose to comment. A total of 132 comments were made about cleanfills, 68 stating they wanted cleanfills *excluded from the levy*, and 46 stating they wanted cleanfills *included in the levy*. Several themes emerged from these comments.

Most submitters supporting *exclusion* of cleanfills took this stance because they felt the environmental impact of cleanfills was low. One noted the impacts were ‘negligible’ and thought that “as long as operators are not accepting other managed fill it should be ok” (ref 306). Other submitters felt cleanfills should be excluded from the levy as long as the material entering them was sure to be only virgin-excavated, natural material (ref 412).

Those in support of a cleanfill levy (ie, no exclusion) were concerned about the risk of inappropriate disposal of waste if they were excluded – in particular, waste ending up at cleanfills because of cheaper disposal rates compared to other sites. Clever Green Ltd said that “if cleanfills were to be the only disposal sites not attracting a levy, potentially this inappropriate material diversion would increase”. Some submitters in support of a cleanfill levy did not provide explanation for their stance, sometimes making brief comments such as “there shouldn’t be any exception to the levy” (ref 67).

Numerous submitters felt some sort of monitoring and enforcement regime would be needed to monitor the number, location and use of cleanfills. An individual submitter suggested funding be allocated “to enable territorial and regional authorities to carry out routine site

inspections and respond to complaints of suspected breaches” (ref 389). Wanaka Wastebusters Ltd suggested regional councils could use their monitoring and compliance functions under the RMA to help monitor cleanfills. It suggested this could be funded using some of the levy money that historically has gone to territorial authorities.

Several local government submitters (both those in support of and against levying cleanfills) called for the Ministry to standardise the definition of ‘cleanfill’, which “would assist in preventing inappropriate diversion of material to a cheaper landfill” (Gisborne District Council).

Farm dumps

Of the 479 submissions, 126 indicated via a tick box that they *supported the exclusion* of farm dumps from the levy. A total of 142 comments were made about farm dumps, 93 of which stated they wanted farm dumps *excluded* from the levy, and 49 of which stated they wanted farm dumps *included*.

Submitters who wanted farm dumps *excluded* from the levy shared a variety of reasons for this. As for cleanfills, submitters were concerned about the risk of inappropriate disposal to farm dumps, and that monitoring and enforcement would be required to monitor the number, location and use of farm dumps around New Zealand.

A significant portion of submitters considered the high number of unmonitored farm dumps around the country would make it near impossible to enforce a levy on them. However, while submitters felt farm dumps should be excluded from a levy because of this, they also supported the development of a system to identify and collect data about farm dumps.

Some submitters said allowing farm dumps to operate within the levy regime would be tantamount to encouraging their use, with Waste Management NZ Ltd commenting that, “the levy system may not therefore be the right tool for dealing with farm dumps”.

Submitters in favour of a levy on farm dumps shared a number of reasons for this. Five business and industry submitters expressed concerns that excluding farm dumps would not allow information on them to be collected, thereby preventing an understanding of the volumes and types of waste going to farm dumps.

Some NGO and individual submitters were concerned about farm dumps being left continually unmonitored, with Pacific Vision Aotearoa suggesting they could become the “unregulated landfills of the future”. Other NGOs were concerned about the practice of burning waste on farms and other private land, with NGO ‘The Rubbish Trip’ stating this was considered disposal under the WMA and needed to be managed.

NGO, local government and individual submitters often called for farm dumps to be phased out of existence because of the environmental hazards they posed, and because they had potential to take waste from outside the farm from those trying to avoid the levy.

Comments about any other exemptions

Sixty-six of 479 submitters indicated they believed other landfills or waste types should be exempt from the levy. Two common themes arose among these comments. Some submitters requested exemptions for “where a disaster has been declared, and where this has created significant amounts of material which may not have otherwise been waste”, such as natural

disasters (Nelson City Council). Often submitters held this view because waste from these disasters comes on suddenly and unexpectedly, and moving such waste would already be costly (without the imposition of a levy).

Submitters also commented there should be an exemption “if waste from a closed landfill is uncovered due to sea-level rise or flooding, or if a landfill needs to be relocated for those reasons” (Ashburton District Council). Submitters felt these situations should be exempt because the waste being moved was not new waste (and therefore could not be reduced), or because it was already in a landfill and likely to have already incurred a levy.

Note about limitation of analysis for Question 5

We were not able to determine the exact number of submitters not in support of a levy on each of the three groups of landfills, due to an ambiguity in responses to online form submissions. However, from written comments, we were able to gain a good understanding of the range of different views. Please see [appendix 3](#) for more information.

Q6: Do you have any views on how sites that are not intended to be subject to a levy should be defined?

The consultation document stated the levy is not intended to cover:

- site remediation (eg, filling in a quarry after it ceases operation)
- movement of soil during subdivision (eg, creation of engineered contours as part of site development).

Feedback was sought on how such sites or activities could be excluded without creating unintended loopholes.

Twenty-seven per cent of the 278 respondents to this question held views about how these sites should be defined. Comments were mainly received from local government, and to a lesser extent, business and industry submitters.

The most common theme was a call for appropriate and clear definitions for sites not intended to be levied, to:

- “avoid/limit legal challenges” (ref 192)
- not be “left open to interpretation” (Contaminated Land and Waste Special Interest Group)

Sometimes submitters proposed their own ideas for how these sites should be defined. Examples included:

- “Defining sites ... may require a national environmental standard to help achieve consistency from one area of the country to another. Limits on the type and source of material as well as the activity would be appropriate to help define the sites.” (Whangarei District Council)
- “We suggest levied sites should be defined as sites designated for the permanent disposal of unwanted material not generated on the site. Therefore sites not included in the landfill levy are either not for permanent disposal, contain material generated on the site or have

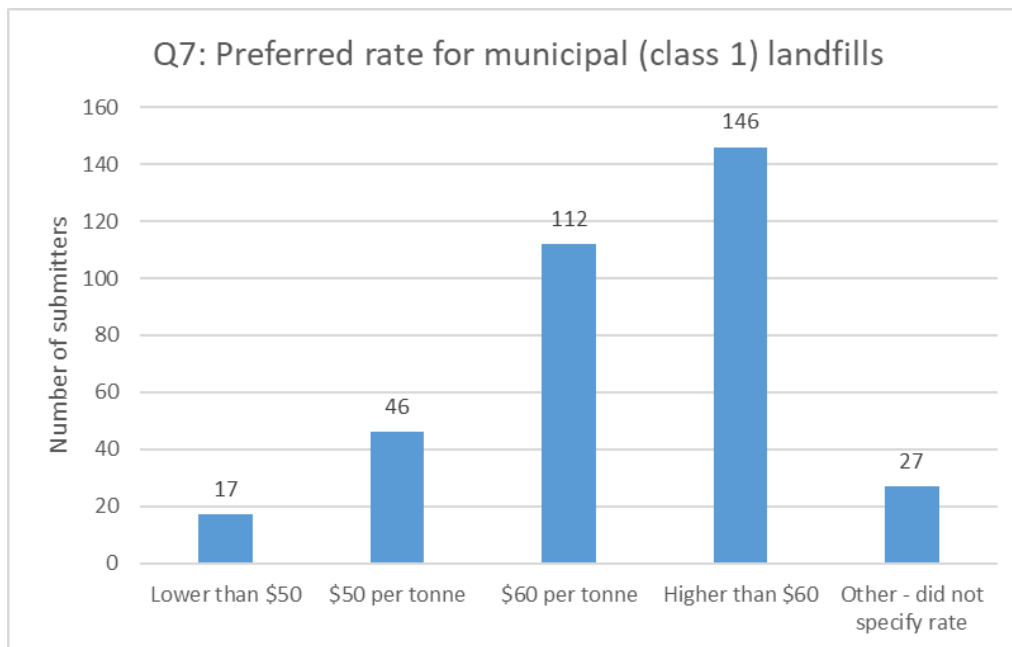
material that will be reused. If money is changing hands for the 'storage' of unwanted material then a levy should apply." (Contaminated Land and Waste Special Interest Group)

Q7: Which of the following proposed rates for municipal (class 1) landfills do you prefer?

Seventy-three per cent of submitters (348 of 479 in total) responded, as follows:

- \$50 per tonne – 13 per cent
- \$60 per tonne – 32 per cent
- other – 55 per cent.

Submitters selecting 'other' were able to specify whether they sought a higher (than \$60 per tonne) or lower (than \$50 per tonne) levy rate. As shown in the graph below, there was strong support for rates higher than \$60, and very little support for rates under \$50.



Support for higher than \$60

Of the 190 submitters who selected 'other', 146 sought a levy rate higher than \$60 per tonne. Reasons given included:

- to encourage waste minimisation and provide greater incentives to reduce waste to landfill
- to better align New Zealand's levy with the (generally much higher) rates internationally
- the need to create a 'step change' given New Zealand's poor record of increasing waste to landfill since the levy was introduced in 2009.
- to reflect recommendations made by others including consultants Eunomia and the Productivity Commission

Several submitters specified their preferred levy rate, with a number expressing support for \$140 per tonne.¹³ Ngāti Whātua Ōrākei and Ohinemutu Maara Kai (Ngati Whakaue ki Ohinemutu) both supported a rate above \$60, with the former iwi's support conditional on increases being staggered, to allow time for low-income families to adjust.

Support for \$50 or \$60 per tonne

Support for rates of \$50 and \$60 per tonne rates came from submitters of all types.

Reasons in support of \$50 per tonne included:

- a view of \$50 as a suitable starting point, and support for further increases in future – for example, as more reuse and recycling options become available
- a view that \$50 would be a significant enough increase from the current rate; some thought this should be considered alongside a greater level of increase for construction and demolition waste.

The number of submitters in support of \$60 per tonne was more than double that in support of \$50. A few in support of \$60 felt it was suitable as an 'interim' rate, on the proviso it would be increased in the future. The Office of the Prime Minister's Chief Science Advisor said for a period of time, a \$60 rate "will be sufficient to reduce waste to landfill, not burden the waste sector, avoid perverse outcomes such as an increase in illegal dumping, and create significant revenue to support further waste minimisation efforts".

A large portion of submitters in support of rates of \$50 and \$60 (and also some favouring higher rates) suggested increases be progressively implemented over time to allow people to prepare, and for appropriate infrastructure to be put in place.

A few submitters sought no further increases beyond \$50 or \$60. They included:

- businesses concerned an increased levy would raise the costs of undertaking projects such as housing development
- councils and individuals concerned about disposal fees in rural areas becoming more expensive (when they are already relatively high).

Support for rates under \$50

Seventeen submitters (mainly individuals, and a few companies) wanted the levy rate to remain at under \$50 per tonne. Some felt it should remain at the existing rate of \$10, while some others suggested \$20 as suitable. The main reasons given were:

- concern that increased levies would lead to illegal dumping
- support for commercial incineration of waste instead of applying a levy
- preference for a focus on producers of waste, rather than on those who dispose of waste

¹³ \$140 per tonne is the rate recommended in the 2017 Eunomia report, *The New Zealand Waste Disposal Levy – Potential Impacts of Adjustments to the Current Levy Rate and Structure*. Elliott T, Chowdhury T, Hogg D, Elliott L. 2017. *The New Zealand Waste Disposal Levy – Potential Impacts of Adjustments to the Current Levy Rate and Structure*. New Zealand Waste Levy Action Group: New Zealand. Retrieved from www.eunomia.co.uk/reports-tools/the-new-zealand-waste-disposal-levy-potential-impacts-of-adjustments-to-the-current-levy-rate-and-structure/

- belief that levy increases place burdensome costs on households and individuals.

Q8: Do you think that the levy rate should be the same for all waste types?

The consultation document proposed that different landfill classes (ie, classes 1–4) be subject to different levy rates. It also recognised the levy could be applied to the type of waste (eg, organic waste, hazardous waste) in future, but that it was preferable to expand the levy to all classes of landfill before considering levies on different waste types. Feedback received included ideas on applying a levy based on waste type, as well as on landfill class. Both types of comments are summarised in this section.

Seventy-four per cent of submitters responded to this question. Of those:

- 25 per cent felt the levy rate should be the same for all waste types
- 60 per cent felt the levy rate *should not* be the same for all waste types
- 15 per cent were unsure.

Support for differing rates

Several submitters considered different types of waste should be subject to specific levy rates to reflect different ‘tipping points’ – that is, the rate at which reuse, recycling or recovery of a material becomes more attractive than landfilling. These submitters often felt research should be done to identify the appropriate levy rate for each waste type, taking into account aspects such as the risks of perverse outcomes associated with different types of waste.

Many submitters talked about specific waste types they wanted to be levied at a rate either higher or lower than other waste types. Several submitters felt hazardous/chemical waste and organic waste should be subject to specific levy rates. On hazardous waste, submitters tended to hold one of two viewpoints. On one side, submitters believed such material should be charged the highest levy rate because:

- it has a high potential for negative environmental impacts
- it is more costly to dispose of, and/or
- it may need specialist processing (eg, asbestos).

Conversely, some submitters felt a lower levy on hazardous waste would motivate people to dispose of it properly. Several submitters suggested higher rates for organic waste streams (such as food and green wastes) to incentivise composting and other diversion activities, rather than disposal to landfill.

Several submitters who supported differential rates noted Class 1 landfills are expensive for communities who pay for their consent, building, and management; and so they:

- felt it was desirable for them to have a higher levy rate to further incentivise reduction of waste that needs to be disposed at those sites
- thought class 1 landfills should primarily be used for those materials that most need to be safely contained (not for inert materials that could safely be disposed of at other landfill classes).

A couple of submitters favoured different levy rates to explicitly differentiate active waste (which they felt should be subject to a higher levy) from inert waste (felt should face a lower levy).

A few submitters said the difference between levy rates should not be too great because of the risk of inappropriate diversion of materials to landfills with lower rates. For example, Tasman District Council recommended a “maximum differential between facilities of \$20–30 per tonne until 2023”.

Support for a uniform levy rate¹⁴

Twenty-five per cent of respondents supported a uniform levy rate. Through their written comments to question 8 and/or one or more of questions 8i–8v, several submitters indicated their support for a uniform levy rate, even if they did not express that support via the checkbox. This means the level of support for a uniform rate is likely to be higher than as indicated by the above figure of 25 per cent support (however, it is difficult to give an accurate estimate).

Those supporting a uniform rate were mainly concerned differing rates would create an incentive for waste to be inappropriately diverted from municipal landfills to landfills levied at lower rates. Several NGO submitters stated this perverse outcome “must be counterbalanced by good communication, social norms, monitoring and auditing”. Some others favoured the simplicity and ease of application of a uniform levy rate.

A large number of submitters (mostly individuals and NGOs) supported a uniform levy rate in the longer term, however acknowledged that varying rates may be more practical in the short-to-medium term. Some of these submitters supported a staged approach in which different landfill classes faced different rates at first, with the rates converging over time to reach a single uniform rate eventually.

Mixed and other views

The WasteMINZ TAO (Territorial Authority Officers) Forum reported its members (ie, territorial authorities around New Zealand) held mixed views about whether differential levy rates or a uniform levy rate was preferable. It stated the key concerns for local councils was “their ability to implement changes in time and the potential for perverse outcomes from levy avoidance disposal behaviour”.

Two councils felt a uniform rate across landfills was a sensible approach until more information could be gathered to inform a differentiated approach. Ashburton District Council stated:

“Until the tonnage and types of waste handled by Classes 2–4 and industrial monofills are known in more detail, the diversion potential and opportunities understood, and compliance regimes implemented, it is impossible to determine to what extent a differentiated levy may help to reduce waste”.

¹⁴ This document uses the term ‘uniform levy rate’ to describe where the same levy rate is applied across class 1–4 landfills.

However, more councils supported rate differentiation than a uniform rate. Three thought the levy should be set at a similar rate for class 1 and 2 landfills, but be lower for class 3s and 4s because there are less options available for avoiding disposal to the latter sites.

Several councils and an NGO noted the New Zealand Emissions Trading Scheme (ETS) imposes costs on some landfill operators (in addition to the levy), thereby creating a price differential where it applies (in addition to the differential created via the proposed levy rate changes). Some of these submitters felt the rate at which the levy is set should recognise and adjust for the influence of the ETS.

Numerous submitters outside of local government did not have clear views about whether the levy rate should be the same for all waste types. Many said they wanted all landfills to be levied as a priority, but did not express preferences about levy rates. Some submitters felt further research was needed to determine appropriate levy rates for different landfills or types of waste.

Q8i: Should the levy rate be highest for municipal landfills (class 1)?

Submissions reflected mixed views about whether the levy should be highest for municipal (class 1) landfills. There was an almost equal split between those in favour and those against. Of the 313 submitters that responded:

- 41 per cent thought municipal fills *should be* subject to the highest levy
- 39 per cent felt they should not be
- 20 per cent were unsure.

Business, local government and NGO submitters tended towards the view the levy rate should be highest for municipal landfills. In contrast, more individual and unspecified/other submitters were opposed to the highest rate being applied to municipal landfills, than were in favour.

Supporting highest rate for municipal landfills

Several businesses, local councils and individuals agreed the levy should be highest for municipal landfills because these sites tended to receive materials with high diversion potential, and a higher rate would drive recoverable materials into “better alternatives like reuse, composting and recycling” (Wanaka Wastebusters Ltd). Several submitters also said these sites should be levied at the highest rate because they received wastes with higher environmental impacts.

Not supporting highest rate for municipal landfills

Several submitters felt a lower levy rate should be charged because these sites were designed to prevent damage to the environment, and a lower rate would incentivise people to send their waste there. Submitters referred to how these sites often included leachate collection, and were subject to environmental monitoring requirements, for example.

A number of NGOs, small business and individual submitters supported the 13-member Rubbish Trip et al submission¹⁵, which was not in support of the highest rate for municipal fills in the long term, because it supported the convergence of levy rates over time to a uniform rate, as noted above under question 8.

Some individuals were against the highest rate for municipal landfills because they did not want householders to face higher costs in sending domestic waste to landfill. Sometimes these submitters also sought higher rates for hazardous waste (which they felt was unlikely to come from households).

Q8ii: Should the levy be lower for industrial monofills (class 1) than municipal landfills (class 1)?

Of the 314 submitters that responded:

- 11 per cent thought industrial monofills *should be* subject to a lower levy than municipal landfills
- 72 per cent felt they *should not be*
- 17 per cent of respondents were unsure.

For all submitter types except iwi/hapū, most respondents felt the levy should not be lower for monofills.

In support of a lower levy

Only 34 submitters (11 per cent of those who responded) supported a lower levy for industrial monofills (class 1). Sims Pacific Metals said there is often no affordable alternative solution for monofill waste, aside from landfilling. A landfill operator favoured a lower levy, on the condition that alternatives to disposal (such as recycling) are available. Two submitters felt the rate should not be as low as the \$20 rate proposed in the consultation document (with one suggesting a rate of \$35).

Not in support

Most submitters did *not support* the levy being lower for industrial monofills, for the following reasons:

- equity – several submitters felt it would be unfair (especially to householders) to charge a lower levy to companies that generate industrial waste. An individual said, “All groups need to act to reduce waste, industrial monofills should not be given a free pass” (ref 145)
- concern about the effects of monofills on the environment. For example, “industrial monofills can be toxic” (ref 102)
- businesses and industries “need to take responsibility for the true cost of their waste to landfill, including monofills” (ref 98)

¹⁵ This was a joint submission by 13 organisations: The Rubbish Trip, New Zealand Product Stewardship Council, Zero Waste Network, Envision, Para Kore, RefillNZ, Aotearoa Plastic Pollution Alliance, Wanaka Wastebusters, Whāingaroa Environment Centre, Ākina, Xtreme Zero Waste, Plastic Free Raglan and Whāingaroa Environmental Defence Incorporated.

- the 13-member Rubbish Trip et al submission felt industrial monofills (class 1) and municipal landfills (class 1) should be subject to the same levy rate because they are the same class, despite being used by different groups.

Q8iii: Should the levy be lower for construction and demolition sites than municipal landfills?

Of the 320 respondents to this question:

- 26 per cent thought construction and demolition sites *should be* subject to a lower levy than municipal landfills
- 63 per cent felt they *should not be*
- 11 per cent of respondents were unsure.

For business/industry and NGO submitters, there was a fairly even split between the number of submitters supporting a lower levy and those against. Meanwhile:

- among local government respondents, more were in favour of a lower levy than were against
- most individuals did not support a lower levy on class 2 sites
- of unspecified/other respondents to this question, far more were against a lower levy than were in favour.

In support of lower levy

Generally, submitters considered the levy rate should be lower to reflect the lower environmental impact of construction and demolition waste. Some business and industry submitters stated a levy of \$10 or \$20 per tonne would be sufficient to divert construction and demolition materials from landfill. Reclaim Ltd felt a rate higher than the \$10–20 per tonne proposed in the consultation document would be needed, but did not suggest what that rate should be.

Several NGOs and individual submitters supported the levy starting at a lower rate for construction and demolition sites, but with research being carried out to determine the appropriate rate to encourage diversion, or continuing to increase the rate to match all other landfills. These comments often supported the views of the Rubbish Trip et al or Sustainability Trust submissions.

Not in support

Of 201 submitters against a lower levy on class 2 sites, a large proportion (150) were individuals. Several individuals felt the proposed class 2 levy rate (ie, reaching \$20 between 2021 and 2023, depending on the phasing option) was too low, with one writing “A new house currently creates four tonnes of waste where maybe 50 per cent could be reused. Charging one hour of builder labour for one house is not going to motivate the builder to recycle” (ref 106).

Many submitters reasoned a higher levy would motivate the construction and demolition sector to reduce its waste, and noted the abundance of reuse options for C&D materials. Wanaka Wastebusters Ltd said:

“There are a number of recovery options for C&D waste already available, so a levy increase will create the necessary incentive to separate and process these streams.”

Q8iv: Should the levy be lowest for contaminated soils and other inert materials?

Of submitters who answered this question:

- 24 per cent thought contaminated soils and other inert materials (class 3 and 4) sites *should be* subject to the lowest levy
- 58 per cent felt they *should not be*
- 18 per cent were unsure.

In support of lowest levy

Nine local government and 14 business and industry submitters supported the class 3 and 4 levy being lowest. Reasons provided by local government included:

- environmental costs of disposing materials to class 3 and 4 landfills was generally low
- density of soils and inert materials would mean that levy costs could quickly rise (due to higher weights).

Some local government and business submitters felt no levy should apply to these materials.¹⁶ The former felt no levy would encourage contaminated soils and inert materials to be correctly disposed of, and discourage illegal dumping. Businesses tended to reason that disposal costs are already high:

“There should be no levy applied to contaminated soils as remediation and disposal has the rates at \$200 per tonne and upwards.” (S J Timpany Contracting Ltd)

Not in support

Most submitters who responded did not believe the levy should be the lowest for contaminated soils and other inert materials. Individual submitters made up a large proportion of those in opposition: there were 127 individuals out of the 174 submitters holding this view in total. Some individuals wanted a higher levy to provide an incentive to reduce soil contamination, and some felt such soils were more dangerous than other waste types. Others felt that contaminated soils and inert materials are a form of waste, and should not be treated differently via a lower levy.

¹⁶ These views were expressed under Question 8iv, but are included here to group relevant information together.

Other views

Several submitters had alternative opinions about whether the levy should be lowest for contaminated soils and other inert materials. Many of them discussed contaminated soils and inert materials separately, often saying contaminated soils should be levied higher while inert materials should receive the lowest levy.

Some local government submitters proposed new ideas for how the levy should be imposed on these landfills. For example, Environment Canterbury:

“Contaminated soils should have a graduated levy dependent on the hazard posed where the cost is risk driven, not determined from the general ‘contaminated soils’ description.”

Business and industry submissions often emphasised that “it is important that contaminated soils are properly managed” (Glass Packaging Forum). An individual submitter felt class 4 (controlled fills) posed less of a risk than class 1, 2 and 3 sites, and so should be subject to a lower levy.

Views of WasteMINZ Contaminated Land Management Sector Group: levy rates for contaminated soils

This group felt it was not appropriate for highly contaminated and hazardous soil (which goes to municipal landfills) to be subject to the highest levy. It reasoned this soil had “no diversion potential from class 1 facilities; the perverse outcome will be a disincentive to safe and appropriate disposal”.

It noted these soils sometimes incurred ‘pre-treatment fees’, and that a high levy charge in addition to those fees might “tip the balance towards inappropriate or illegal disposal”, such as unsafe disposal at lesser controlled facilities including class 3 and 4 sites.

Instead of highly contaminated soil being subject to a higher levy, this group believed more lightly contaminated soil typically received at class 3 and 4 facilities should be subject to a higher levy. It stated that because such soils had better potential for diversion and reuse, a higher levy would encourage those options to be progressed.

Q8v: Should a lower levy apply for specified by-products of recycling operations?

Of submitters who answered this question:

- 61 per cent thought specified by-products of recycling *should be* subject to a lower levy
- 24 per cent felt they should not be
- 15 per cent of respondents were unsure.

In support of lower levy

Views included:

- recycling operators were contributing to waste reduction
- recycling operators might not have control of how by-products were made and how to dispose of them

- a lower levy would give recyclers a financial break to help make recycling a more competitive option to landfilling.

A number of NGO and individual submitters wanted the levy to be lower to encourage recycling as an essential part of a circular economy:

“Current economic incentives to collect and process recycling are often marginal and unstable, and recent fluctuations in global recycling markets have put further pressure on many recyclers. Setting the levy at a lower rate will assist the industry to transition to a quality-based, transparent recycling chain in the medium-term.” (ref 289)

A number of recycling operators and representative groups submitted in favour of a lower (or no) levy for their own operations, including:

- glass sector – Visy and the Glass Packaging Forum
- metal sector – New Zealand Association of Metal Recyclers and Sims Pacific Metal
- paper and cardboard sector – Oji Fibre Solutions
- plastics sector – Flight Plastics Ltd and Plastics New Zealand.

The Packaging Forum Incorporated considered a levy on the by-products of the recycling processing could place a cost burden on some of its members. It recommended a levy on such by-products be delayed while “the impact on these operations of increased disposal costs is better understood”.

Not in support

Other submitters did not support the levy being lower for specified by-products of recycling operations for various reasons:

- not wanting to provide an avenue for cheap waste disposal
- not wanting to encourage recycling of those items that were easily recycled, and discarding the rest
- seeking to discourage all types of waste, including by-products.

Several business and industry submitters reasoned that applying a levy to the by-products of recycling would “incentivise parties to try and incorporate general waste into the recycling waste stream” (Remediation (NZ) Ltd).

Local councils often expressed concern over the difficulty of implementing a lower levy:

“it would be difficult to administer a levy exemption or lower levy for non-recyclable by-products from recycling centers. We also believe that any system such as this could be open to abuse, and ultimately be counter-productive.” (Selwyn District Council)

Several councils felt a lower levy could adversely affect the quality of recovered materials. For example, Porirua City Council said:

“Council wishes to see a higher quality of recyclable material being recovered and believes that a lower levy on recycling will not encourage this.”

Several individual submitters proposed a new idea, saying the levy rate should depend on the toxicity of the by-products of recycling. For example, an individual said:

“... some by-products of recycling operations are toxic. If there are cleaner available alternatives, then the cleaner options only should attract the lower levy.” – ref 165

Q9: Do you support phasing in changes to the levy?

The consultation sought feedback on a proposal to phase in the levy to allow local government, businesses and other stakeholders sufficient time to prepare for the new requirements. Of the 376 submitters who responded to question 9:

- 79 per cent supported phasing
- 5 per cent were unsure if they supported phasing
- 16 per cent did not support phasing-in changes to the levy.

Two hundred and sixty-three submitters made comments in support of phasing, while just 27 made comments indicating they were not in support.

In support

Most of those in support reasoned that phasing was important because it allowed stakeholders time to invest and develop infrastructure, and for businesses, industries, councils, and individuals to adjust to the changes. For example, Hurunui District Council said:

“a phased approach ...would permit Hurunui District Council and others to manage the effect of increased costs, prepare infrastructure and enable enhanced or additional education and awareness raising to be implemented.”

Submitters were divided on the speed with which the levy should be phased in. Some called for the levy to be phased in slowly, “if levies are increased, phasing in gradually will make the outlay easier to cope with while making changes to amounts/types of waste” (ref 175). Others called for the levy to be phased in quickly.

Not in support

These submitters provided several reasons why they did not support the phasing. Some believed the changes to the levy should be made as soon as possible and all at once, to “drive change as rapidly as we can” (ref 388). There was also concern that “phasing in will blunt the effectiveness by allowing people to get used to just paying the higher amount” (ref 110). Finally, some submitters believed there should not be a levy in the first place, including because “no levy should apply unless there is a benefit to the public” (ref 254).

Other concerns

Some local government submitters expressed concern about the timing of the levy increases, with the WasteMINZ TAO (Territorial Authority Officers) Forum stating: “if the levy is expanded a longer lead-in time would be needed”.

Local councils were often concerned about the pace of levy changes, noting that if it were phased in too quickly, they would struggle to properly incorporate the changes into their budget planning. They also worried they would not have enough time to ensure reporting processes for the waste data proposals were in place.

Q9 cont'd: If you support phasing in changes to the levy, which option do you prefer?

Following the question about whether the levy should be phased in, we asked about preferences for four phasing options. The options placed different emphasis on the trade-offs between allowing for a timely response to New Zealand's waste minimisation challenges by raising revenue more quickly, and allowing more time for regulated parties to meet new requirements.

The options were:

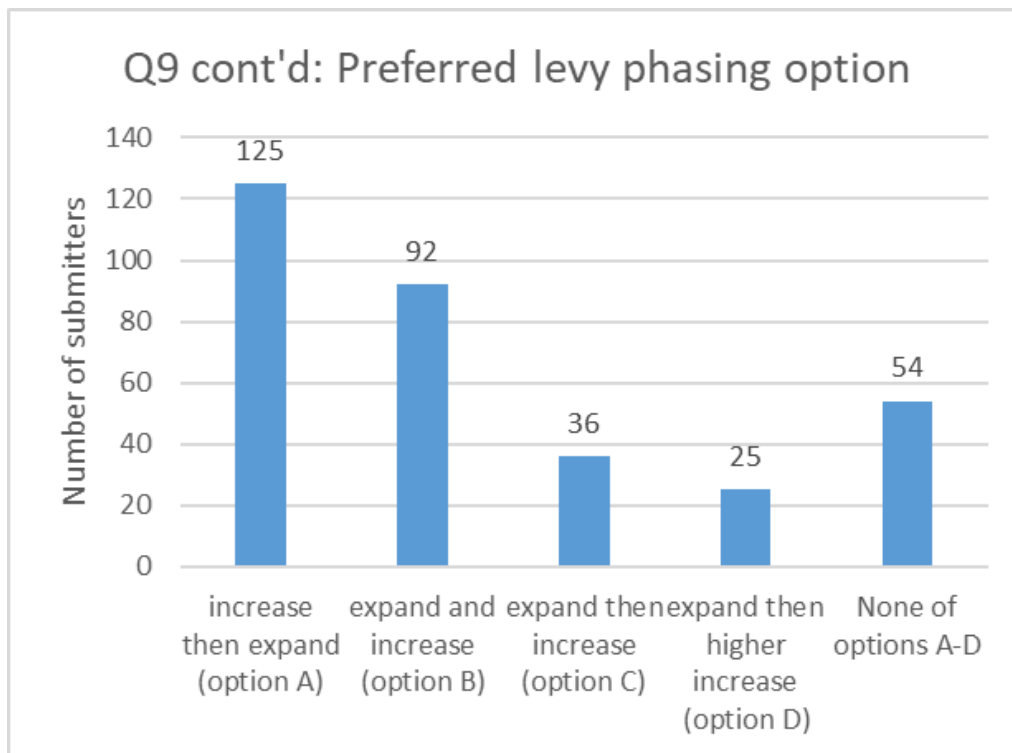
- A – increase then expand
- B – expand and increase
- C – expand then increase
- D – expand then higher increase
- none of the above.

The phasing options were presented in a table on page 35 of the consultation document, as shown below:

| Landfill types | Options (all figures are GST exclusive) | | | |
|---|--|--|--------------------------------------|--------------------------------------|
| | A (Increase then expand) | B (Expand and increase) | C (Expand then increase) | D (Expand then higher increase) |
| Municipal landfills (class 1) | \$20 1 July 2020 \$30 1 July 2021 \$50 1 July 2022 | \$20 1 July 2021 \$30 1 July 2022 \$50 1 July 2023 | \$30 1 July 2022 \$50 1 July 2023 | \$30 1 July 2022 \$60 1 July 2023 |
| Industrial monofills (class 1) | \$20 1 July 2021 | \$20 1 July 2021 | \$10 1 July 2021 \$20 1 July 2023 | \$10 1 July 2021 \$20 1 July 2022 |
| Construction and demolition fills (class 2) | | | | |
| Contaminated soils and inert materials (managed and controlled fill sites; class 3 & 4) | \$10 1 July 2023 | \$10 1 July 2023 | \$10 1 July 2023 | \$10 1 July 2023 |

The 331 submitters who responded indicated their preferences as follows:

- option A – 38 per cent
- option B – 28 per cent
- option C – 11 per cent
- option D – 7 per cent
- none of the above – 16 per cent.



When broken down by submitter type:

- business and industry and individuals tended to favour options A (fastest of options) and B
- local government submitters tended to favour options B and C, the “lower rate and slower timeframe” options
- NGOs generally favoured option A.

Most commonly, submitters proposed their own ideas for how the levy should be phased in. These proposals tended to be one of two types. The first type, typically from local government submitters, proposed the levy be phased in at a slower pace. These submitters reasoned this was a preferable option because it allowed:

- for the levy funds “to be used to fund the development of a national waste and infrastructure strategy” (Marlborough District Council)
- councils to “be able to incorporate this into their annual and long-term planning processes by July 2021” (Waikato and Bay of Plenty Waste Liaison Group)
- councils to have the appropriate amount of time to notify people about the changes.

The second type – typically from individual, business and industry, and NGO submitters – proposed the levy be phased in at the speed of options A or B, but end up with the higher rates, such as the ones proposed in option D. An example of one of these proposed plans is:

“We would like to see a combination of Options A, B and D. We think the municipal land levy should start to increase on 1 July 2020 (option A), and that the industrial monofill and C&D fill levy be increased to \$20 on 1 July 2021 (although please see our comments on a higher rate for this which would require longer phasing in). However, we favour the higher final rate of \$60/tonne for municipal landfills (option D) by 1 July 2023.” (Ākina Foundation)

As well as proposing their own plan, or simply as a statement on its own, numerous submitters proposed the levy rate eventually reach \$140.¹⁷

Some individual submitters and business and industry submitters wanted the levy changes to take effect as soon as possible, with some against phasing the changes over time. They provided the following reasons:

- a belief that “there has been ample time since the implementation of the Act for companies in the waste management field to prepare for this eventuation” (Kalista Ltd, trading as Green Gorilla)
- to obtain funding for infrastructure more quickly.

Business and local government submitters often supported clear and advance communication about levy rate increases, regardless of what phasing option was selected.

¹⁷ \$140 per tonne is the rate recommended in the 2017 Eunomia report, *The New Zealand Waste Disposal Levy – Potential Impacts of Adjustments to the Current Levy Rate and Structure*. Elliott T, Chowdhury T, Hogg D, Elliott L. 2017. *The New Zealand Waste Disposal Levy – Potential Impacts of Adjustments to the Current Levy Rate and Structure*. New Zealand Waste Levy Action Group: New Zealand. Retrieved from www.eunomia.co.uk/reports-tools/the-new-zealand-waste-disposal-levy-potential-impacts-of-adjustments-to-the-current-levy-rate-and-structure/

Waste data

Q14: Do you agree that waste data needs to be improved?

In New Zealand, there are significant gaps in data about quantities and types of waste, and about the location of landfills and the type of waste they receive. The consultation document proposed regulations under section 86 of the Waste Minimisation Act 2008 to:

- create a record of landfills, cleanfills and transfer stations
- collect waste quantity data from landfills, cleanfills and transfer stations
- collect information from landfills, cleanfills and transfer stations about the activities that create waste and the sources of this waste
- collect information from territorial authorities about their spending of levy money and their performance in achieving waste minimisation outcomes.

In response to question 14, 96 per cent of submitters said they believed waste data needed to be improved, with around 2 per cent unsure and a similar percentage not believing improvement was needed. There was widespread agreement about the shortcomings in the amount and quality of waste data currently available in New Zealand. A large number of submitters provided detailed views on waste data, which are summarised in this section.

Local government views

Local government submitters were broadly supportive of the waste data proposals, and felt the proposed regulations would help to:

- avoid waste being diverted from one landfill class to another
- reduce instances of people or organisations taking actions to avoid paying a levy (eg, through illegal dumping)
- help councils plan for waste minimisation activities.

A few councils considered there would be difficulties or shortcomings with the data proposals. For example, Porirua City Council felt more work would be needed to develop the proposals before they came into force. It stated the regulations would “impose significant costs on operators and compromise weighbridge station efficiency for customers” and “the consultation document is silent on what sort of data is going to be required, how it is to be collected by operators, and who pays for the cost of collection”.

Several local councils incorporated text developed by the WasteMINZ TAO Forum (Territorial Authority Officers) into their submissions, which called for three key actions (stated verbatim below) to improve waste data:

1. Require (under section 37 of the WMA) the Waste Data Framework (NZWDF)¹⁸ to be used by Territorial Authorities (TA) for compiling and reporting data;
2. Develop and implement regulations under Section 86 of the WMA to provide a mechanism for requiring reporting of recovered material data; and
3. Establish a platform for key parties to enter data into, compile data, and make aggregated data available.

Several councils from around New Zealand supported wider application of the NZWDF, even if they did not use the above text from the WasteMINZ TAO Forum.¹⁹ The Forum felt wider adoption of the NZWDF would reduce the costs and timeframes of complying with the data proposals, as many councils had already begun to implement the NZWDF.

Business and industry views

Several large business submitters were concerned about the proposals potentially jeopardising their commercially sensitive information, and made suggestions for the protection of such information. Waste Management New Zealand Ltd (WMNZ) suggested data be collected by an independent body (rather than by central government), and that data be aggregated before it is provided to local government to “avoid confidentiality breaches”. In their joint submission, WMNZ and EnviroNZ said: “Local government authorities should specifically be excluded from accessing anything other than aggregated data on the basis that they also compete in the private sector and access would provide them with commercially sensitive information on their competitors.”

Several businesses also felt meeting the proposed data requirements would be difficult. Transwaste Canterbury Ltd noted it would struggle to meet the activity source and geographic source proposals, due to being unable to determine the “source and nature of waste at any level of detail beyond the transfer station that delivers the material”. WMNZ and EnviroNZ also noted that providing information about the geographic source of data would prove challenging.

Although supportive of the intent of strengthening waste data, Eunomia Research & Consulting felt the proposals had several drawbacks:

- they would not meet the needs of end users
- it would be costly to establish a national data system
- the proposals do not include standard measures for reporting (eg, use of NZWDF indicators).

¹⁸ The NZWDF is the result of a project undertaken during 2014/15. It established definitions for waste data terms, protocols for managing data, and some other information. Future application of the NZWDF could include applying it to a broader range of landfill types (it currently focuses on levied, Class 1 landfills); and encouraging more territorial authorities to use the Framework (it is currently used by a small number of New Zealand councils).

¹⁹ Several local government comments about the NZWDF were made under question 15, but are included under question 14 in this document for ease of reading.

Views on waste composition proposals

The consultation document proposed waste composition²⁰ data be collected via periodic surveys, undertaken by the Ministry (rather than being required via regulation). There were mixed views on this proposal.

A number of submitters of different submitter types were in support of the waste composition proposals. For example, Tasman District Council said: "...a waste composition assessment provides accurate information on which better decisions can be made".

Some submitters were opposed to the proposed collection of composition information through Ministry-led surveys. WMNZ stated waste composition reporting can "only ever be broad estimates". It went on to say it would be better to gather composition data from waste generators, rather than from disposal points (such as landfills).²¹ A few other submitters said the proposed periodic surveys would be inadequate, but generally did not provide reasoning.

Views on data relating to recycling and recovery

The proposals did not include regulations for data on recycling operations. However, the consultation document acknowledged that future proposals might focus on these operations.

Several respondents from the business and NGO communities, as well as several individuals, called for data to be collected from recycling operations. These views were often based on the opinion that reduction and reuse needed to be promoted more within New Zealand, and that better data on these activities would help enable better practices. Many submitters felt data from "further up the waste hierarchy" was necessary, and Plastics New Zealand wanted any proposals to "improve data across the entire material flow – not just at end of life".

The Ākina Foundation felt collecting better data from recyclers would provide reassurance that recycled waste was being directed "into the production chain rather than stored, sent to landfill or shipped offshore for unknown use". The NZ Green Building Council acknowledged that data on recycling and recovery might be difficult to collect in the short term, but thought it should eventually be required. Ohinemutu Maara Kai (Ngati Whakaue ki Ohinemutu) also recommended mandatory reporting of data on reused, recycled and recovered materials.

Other comments

Clever Green Ltd (an environmental education business) and the Massey University Political Ecology Research Centre wanted better data to be collected on specific materials, naming glass and plastics as key examples. They wanted such data to help identify what happens to the different materials collected for recycling, including the destination for such materials. They also called for the collection of contamination data, with Clever Green Ltd stating this would "help to identify and improve collection and sorting processes in order to reduce contamination and maximise quality of recycled materials".

²⁰ 'Composition' refers to the type of material(s) included in waste (eg, wood, paper, green waste).

²¹ This commentary was made in response to question 15, but is included here as most comments about waste composition were made under question 14.

Numerous NGOs submitted the same or similar text about what outcomes they sought through improved waste data.²² They included the 13-member Rubbish Trip et al group, the Urban Farmers Alliance, Dignan Street Community Garden and others. They called for:

- a unified data collection system created in consultation with interested parties
- a publically accessible and easy to use system
- additional funding to help the community sector implement any necessary data requirements.

Several individual submitters also supported the above ideas.

Several small business and NGO submitters wanted public access to the national set of waste data, noting its usefulness to a variety of parties such as local government, researchers and community groups.

Q15: Costs and challenges of waste data proposals

Question 15 asked:

- If the waste data proposals outlined are likely to apply to you or your organisation, can you estimate any costs you would expect to incur to collect, store and report such information?
- What challenges might you face in complying with the proposed reporting requirements for waste data?

One hundred and seventy submitters (of 479 in total) chose to leave a comment in response to question 15. Several themes arose within and across submitter types.

Local government comments

A number of local government submitters had concerns about the challenges of meeting the data proposals. Local councils were often concerned about the costs of installing weighbridges, hiring staff and implementing software systems to fulfil their data collection and reporting obligations.

Another major concern of local government submitters was the timeframes for implementation, with many emphasising it would take time to develop systems and processes to be able to comply. Ashburton District Council said, “Councils would require a minimum of 12 months to set up reporting requirements at landfills and transfer stations once the exact details are known”. Several other councils also expressed a desire for adequate lead-in time before data requirements took effect.

Several councils noted that waste data in their jurisdictions was primarily held by private contractors, who might choose to withhold the information requested through the proposed regulations on the grounds of commercial sensitivity. Some councils also noted complying with the proposals would be difficult without additional funding or resourcing support.

²² These NGO comments were often made under question 15, but are included under question 14 in this document to group relevant content together.

Several councils felt collecting data on activity and geographic source would be difficult. The Far North District Council said it “would require asking each customer, and accuracy is unlikely to be a high priority for either ground level staff or customers”.

Business and industry comments

As well as local government submitters, a number of business and industry submitters expressed concern the data requirements would be challenging and costly for them. Several civil contracting and bulk transport businesses, as well as landfill operators, felt they would need to incur significant costs and employ extra staff to implement systems to capture the required information. Temuka Transport Ltd stated weighbridge installation at a remote site could cost as much as \$300,000, while another business indicated costs of up to \$1m for weighbridge installation. The former also noted “multiple challenges” in capturing more data including “infrastructure, staffing, finance, software maintenance, power and communications”.

A couple of managed fill and cleanfill operators noted they already provide data to local authorities through the resource consent process and felt any additional reporting requirements would be costly and duplicative.

Desire for more information about data proposals

A few submitters including Kapiti Coast District Council and EnviroNZ Ltd called for further clarity about the reasons for collecting data as well as the actual requirements and obligations they would face, should the data proposals come into force.

Similarly, a few submitters stated they would need more information about the proposals before being able to estimate the costs for collection, storage and reporting accurately. For example, Fulton Hogan Ltd stated, “We would need to understand the reporting frequency and information requirements to quantify the costs to our business, including the ease of use of the online waste levy reporting system”.

Several councils also said they were unable to estimate specific costs for collecting and reporting data at this point. Some noted there could be a wide variation in the level of costs they would face, which would depend on factors like how much capital investment (eg, weighbridges) would be required.

WasteNet Southland (a solid waste services joint venture for three Southland councils) sought clarification as to whether smaller (often rural) transfer stations would be required to install weighbridges. They noted such a requirement would incur “significant cost with limited (if any) benefit”.

Views around ease of compliance

Some other respondents, across different submitter types, felt meeting the data requirements would be relatively straightforward and low cost. Reasons behind this viewpoint included:

- already having computerised systems set up, making the collection of additional information easier
- already collecting the same or similar information, making it easy to provide to central government.

Other views

Some other individual submitters recognised the data proposals would have little or no cost impact on them as individuals.

The WasteMINZ Organic Materials Sector Group stated it wanted to take an active role in “developing waste definitions and reporting protocols to make sure they are fit for purpose for industry as well as local and central government”.

Costs and benefits of levy and data proposals

Q16: What are the main costs and benefits for you of the proposals to increase the levy rate for municipal landfills, expand the levy to additional sites and improve waste data?

Of the 479 submitters, 277 chose to comment. We extracted general themes from these comments on whether the proposals would have a negative or positive impact on aspects such as the environment or the economy. Often both negative and positive impacts were mentioned by the same submitter.

A number of comments said that the levy would have some sort of **negative impact**:

- 37 – on the environment
- 8 – on the economy
- 10 – on marginalised populations
- 17 – on the submitter personally
- 25 – on the stakeholder group.

Many comments also mentioned the levy having **positive impacts**:

- 60 – on the environment
- 25 – on the economy
- 20 – on the submitter personally
- 38 – on the stakeholder group.

Costs of the proposals

There were many concerns about the costs of the proposals to those submitting. The most commonly cited cost was the increase in illegal dumping predicted to result from the rate increase. Different submitter types gave different reasons for being concerned about illegal dumping:

- local government submitters were mostly concerned about the cost of increased compliance, monitoring and enforcement that would be needed to mitigate the illegal dumping
- individual, NGO and business and industry submitters all expressed concern about the effect the increase in illegal dumping would have on the environment. For example, businesses with forestry-related incomes were especially concerned about illegal dumping's effect on the environment because it often occurred on their forestry plantations and directly affected their business.

Submitters often recognised the levy would raise their operating costs, but acknowledged actual costs would depend on what levy rate the Government imposed. A small number of submitters provided estimates of what the levy would cost them. Tasman District Council estimated the data proposals would present two main costs for councils: establishing additional systems (around \$15,000 per council) and the ongoing cost of reporting and audit (around \$10,000 per year).

A few business and industry submitters (mostly in civil contracting and forestry) stated they would pass additional costs on to their customers and therefore such costs would not impact them. Several business and industry submitters expressed concern increased levy rates would raise the already high costs of construction and demolition. For example, Concrete New Zealand said:

“... increased disposal costs are likely to be passed on by the construction industry to its customers. The cost of construction will likely increase, at a time when New Zealand construction costs are under scrutiny.”

Local government submitters expected to incur costs due to the proposals. Several mentioned a need for increased staff resources to meet all of the data and levy requirements. Kapiti Coast District Council anticipated costs from staff time on: data collection and reporting; responding to illegal dumping; and providing education and information to support increased diversion of recoverable materials. Local government submitters also often mentioned concerns about increased costs for lower income and rural areas. They mentioned that rural areas already incur high costs for waste disposal because sites are often far away and waste has to be transferred. They noted that rural areas tend to struggle to divert waste because they have lower populations, and it is difficult to justify the costs of establishing recycling and composting infrastructure.

Individuals had a couple of unique views on the costs they would incur as well. Several individuals said they would incur minimal costs as a householder because they did not produce waste, or they would be motivated to decrease their waste significantly. Others recognised they would incur higher costs because of increased costs for disposal and other services, but they were “fully prepared to accept” the costs (ref 46).

Benefits of the proposals

While there were many costs listed, submitters generally also saw many benefits to the proposals, including:

- motivating people to reduce waste
- lessening human impact on the environment
- helping New Zealand transition to a circular economy
- providing better waste data to help people make more informed decisions.

Local government, NGOs and business submitters often said they would receive more levy funding through the proposals. Local governments hoped to use the money to create recycling infrastructure and fund waste minimisation education as well as compliance, monitoring, and enforcement measures, among other initiatives. The WasteMINZ TAO Forum stated:

“The main benefit would be the corresponding increased revenue which would allow funding of additional waste minimisation projects, enable onshore processing of

recyclables and fund the capital infrastructure needed to sort more waste before it is sent to landfill.”

NGOs and businesses, who believed they would receive funding, hoped to use the money for a wide variety of activities, depending on their particular organisation. For example, the Urban Farmers Alliance hoped to fund community composting initiatives to divert organic waste from landfills:

“Waste levy investment into community-scale compost hubs will directly enable us to cover start-up costs, produce the amounts of compost needed and create the culture change needed to help us achieve this vision faster, to the benefit of New Zealanders.”

A few businesses believed the levy would benefit them by making recycling a more competitive option; landfilling would no longer be the cheapest option and more organisations would take up recycling. Recycling businesses often said the levy would benefit them for the same reason – more people would be motivated to recycle.

“The main benefit to us as a business is that it makes our recycling option more commercially attractive and sustainable than using landfills.” (5R Solutions Ltd)

A handful of business and industry submitters believed there would be no benefit in raising the levy. Most felt this way either because the costs they would incur would be substantial or because the increase in illegal dumping would outweigh the benefits of potentially reduced waste. An example of this is:

“We feel there is no benefit to us but the cost to implement would be substantial.” (S J Timpany Contracting Ltd)

Individuals also shared a few benefits of the levy. Many believed the levy would be:

- positive for the economy because it would encourage a circular economy and make it more resilient
- good for the environment because it would help reduce waste to landfill
- a way to increase the appeal of landfill diversion and recycling.

Other comments

Additionally, local government organisations made comments that did not refer to costs nor benefits of the proposals. Several requested the limit on fines in the Litter Act 1979 be raised to help discourage illegal dumping.

“Increasing the limit of fines in the Litter Act may help discourage illegal behaviour.” (Whangarei District Council)

Local government organisations also mentioned rates and funding being difficult for various regions because of a high number of tourists. While the actual population of the region might be low, meaning the area would not receive a significant portion of the levy funds, there was still a significant amount of waste the territorial authority needed to manage. Local government organisations either highlighted this as an issue that needed to be addressed, or highlighted the issue and proposed an alternative solution. An example of a proposed solution is:

“The Waste Levy Policy must include criteria that considers targeted relief for smaller councils, paying well above the anticipated average fee. Should refuse fees be capped to ensure small districts do not pay exponentially higher fees compared to the national average?” (Buller, Grey and Westland District Councils)

Non-government organisation (NGO) submissions supported by others

Numerous submitters, mostly individuals, copied answers from larger submissions such as the Rubbish Trip et al, Sustainability Trust and Urban Farmer’s Alliance in response to question 16. Further information on these submitters’ responses to question 16 are outlined below.

The Rubbish Trip et al indicated the benefits of the levy far outweighed the costs, and that implementing the proposals would show the world New Zealand was taking initiative to lower its per capita waste production rates. It also stated the proposals would provide more reliable data and more funding to invest in sustainable efforts to reduce waste in the future.

The Sustainability Trust said the definitive costs would depend on the actual levy rate. It considered the benefits would include improved waste data, allowing the development of effective waste minimisation strategies, and a shift to the circular economy. It also felt levy proposal would increase funds allocated to waste minimisation activities, which would help remove barriers to waste reduction and foster community resilience.

The Urban Farmers Alliance suggested the levy proposals would improve the health and wellbeing of our environments, ecosystem and communities. It was optimistic about increased levy funds, hoping they would be invested in community-scale, composting initiatives to build a network of compost hubs and urban farms to help feed more people.

Levy investment proposals

Q12: What do you think of the levy investment plan?

The consultation document introduced the Ministry's intention of developing an investment plan for levy funds, recognising the levy proposals would generate significantly more revenue for distributing to waste minimisation projects and territorial authorities.

The document put forward some overall principles for investment. These principles covered:

- priority investment areas such as improving onshore processing capabilities, and innovative methods of waste minimisation
- project characteristics such as scale, degree of stakeholder involvement and investment focus areas (eg, infrastructure, education).

We also recognised future investment might need to be structured differently. For example, the existing Waste Minimisation Fund (to which applicants apply for grant funding) is generally suited to smaller-scale projects. Larger-scale initiatives might require a more structured approach, such as more proactive identification of investment opportunities, and use of non-grant funding models (eg, equity shares).

Overall views

From the comments received, there were many more submitters in support than opposed to a levy investment plan:

- 169 explicitly stated they supported the plan
- 49 explicitly stated they did not support the plan
- 170 proposed ideas or suggestions for investment.

Most submitters broadly supported the idea of a plan for levy investment but often proposed additional investment principles, and/or put forward their thoughts about what types of activities levy funds should be spent on.

Comments made by several submitter types

Investment plan requires more development

A number of councils and one NGO felt the investment plan was too vague, or not “developed sufficiently to enable robust analysis” (Kapiti Coast District Council). Hurunui District Council went on explain the detail it sought, recommending the investment plan be in place before any increase to the levy to “guide councils through the acceptable processes and reporting procedures to follow around spending their increased levy revenue, and council can then include increased costs into their Long-Term Plan (LTP)”.

Discrete versus ongoing project funding

The consultation document proposed levy funding should primarily be discrete rather than ongoing, and support initiatives that needed capital for set-up costs but which could become self-sustaining over time.

Several councils and one industry organisation disagreed with this approach. They felt funding should be able to be used in an ongoing capacity. They noted that:

- council-provided waste minimisation initiatives are “often by their nature providing on-going services, or programmes which require on-going funding” (Tasman District Council)
- waste minimisation activities (such as education) can be successful whilst not providing a financial return (and therefore may struggle to be self-sustaining, and require ongoing funding support) (Napier City Council).

Conversely, a couple of councils supported the proposal of focusing on discrete, one-off levy payments but did not provide reasoning for this viewpoint.

Compliance and enforcement activities

The consultation document listed “monitoring and enforcement of the levy, including measures to combat inappropriate forms of disposal (littering, fly tipping, illegal dumping)” as a proposed priority area for investment. This suggestion was supported across different submitter types (council, businesses and NGOs), who recognised an expanded levy regime would be likely to result in some illegal dumping and other perverse outcomes.

However, a number of councils drew on the submission of the WasteMINZ TAO Forum to note that monitoring and enforcement might not be fundable via levy revenue. They stated that it: “may not strictly meet the criteria under the existing wording of the Waste Minimisation Act as Section 32 1a states that levy expenditure must be spent on matters to promote or achieve waste minimisation”.

Support for waste prevention

Submitters of all types encouraged the proposed investment plan to prioritise the avoidance of waste, over and above initiatives seeking to minimise waste that had already been created. Submitters gave examples of preventative actions, such as designing products that did not result in waste at the end of their useful lives.

Several respondents also encouraged investment in initiatives “further up the waste hierarchy”²³ – that is, actions that prioritised the likes of waste prevention and material reuse over recycling and disposal.

Waste Minimisation Fund (WMF) funding rounds

Several businesses and NGOs called for more frequent WMF rounds, with a joint NGO submission suggesting “different pools for different-sized projects, allowing for a quicker turnaround of grants for smaller projects (as happens with some councils and funding bodies)”.

²³ Submitter references including 235, 475, 501 and 560.

Numerous submitters thought it takes too long for WMF applications to be processed and approved. Nelson City Council said, “The current approval process often exceeds 12 months which delays investment and limits innovation for waste minimisation”. For this reason, it proposed the idea of advancing levy revenue to develop reuse and recycling programmes (effectively borrowing against future levy revenue). It continued, “this process is well established and is used when developing government-managed infrastructure which is usually built based on predictions of future revenue”.

Investment in particular waste streams

Several submitters encouraged levy funds to go towards the waste streams in which they had an interest. For example, Fletcher Building sought targeted funding for “difficult construction and demolition waste streams”, while Kaibosh Food Rescue supported prioritising the prevention and redistribution of food waste.

Business and Industry comments

Seventy-seven businesses responded to question 12, with most expressing support for the proposed investment plan, and many putting forward ideas for investment.

Several businesses and industry bodies felt funds should be managed and distributed by an independent entity, at “arm’s length from Government”. They wanted this entity overseen by the major levy payers and by private sector waste management experts to “avoid the politicisation of funding allocation” (Concrete New Zealand). One submitter said an independent agency would reduce the time taken for funding decisions to be made.

A number of New Zealand’s largest waste management companies, and several industry bodies representing business and private waste sector interests, felt all levy revenue should be available through a contestable fund (ie, where applicants compete for funding), rather than the current funding structure in which a portion of the revenue is allocated to local government. These businesses felt local government, waste-related projects should be evaluated in a similar way to private sector funding recipients, to ensure they were achieving the aims of the WMA. Two businesses suggested limiting levy funding provided to territorial authorities at current levels, with EnviroNZ Ltd reasoning this would “reflect that any additional monies collected come from waste streams outside of traditional territorial authority kerbside waste collections”.

Many called for more transparency around how funding recipients (especially territorial authorities) use levy funds. A joint submission Waste Management NZ Ltd and EnviroNZ Ltd was concerned a high proportion of levy spending by territorial authorities goes towards waste-related services. They were concerned such spending “may include the use of levy revenues to subsidise the cost of what would otherwise be ratepayer-funded waste disposal services, which could be contrary to the intended objective of ‘raising revenue for promoting and achieving waste minimisation’”.

Local government comments

Forty of 41 local government submitters responded to question 12. About half of those explicitly stated their support for the investment plan. Many also proposed their own ideas for investment.

WasteMINZ TAO Forum

The WasteMINZ Territorial Authorities' Officers Forum (the Forum) is a sector group established to share knowledge and best practice around waste, recycling and resource recovery between local authorities. The Forum put forward several ideas in its response to question 12. These ideas were also used (usually verbatim) by several other local government submitters.

The Forum suggested two additional priority areas for investment (beyond those listed on page 40 of the consultation document). These were:

- initiatives that have the potential to prevent waste being created in the first instance (eg, 'designing out' waste through redesigning products and packaging)
- education and behaviour change initiatives, noting public understanding and support for waste minimisation and the circular economy is crucial for project success.

The Forum also submitted that projects with "a clear climate change mitigation or adaptation focus in line with the Zero Carbon Act" should be prioritised through levy investment. It noted that both construction and demolition, and organic waste (food and bio solids), "make a significant contribution to the total tonnage of waste to landfill and contribute significantly to methane emissions from landfill" but also had "huge diversion potential". It reasoned investing in projects that aimed to "circularise" these waste types could have positive outcomes for both waste and emissions reduction.

The Forum also submitted the existing model of allocating 50 per cent of levy revenue to councils on a per capita basis had been disadvantageous to smaller councils. This is because areas with lower populations but high visitor numbers (such as the Mackenzie District) struggled to provide adequate waste-related infrastructure from their rates revenue and levy allocation. The Forum suggested a more equitable approach that was supported in the submissions of several councils. It recommended the Ministry:

"allocate a minimum level of levy funding per council with the rest allocated on a per capita basis, thus enabling smaller councils to implement effective programs to promote and achieve waste minimisation"

Manawatu District Council put forward its own idea for a funding model, stating councils "need more of an incentive to increase their levels of service" in waste management, and that the proposed investment plan "does not offer enough in the way of meaningful incentives". Its concept was:

"a required minimum level of service for local authorities, with an increasing scale of non-contested funding relative to the degree of level of service enhancements provided."

Other local government comments

Fifty per cent levy allocation to territorial authorities

A number of councils supported the continuation of the current funding model in which 50 per cent of levy revenue is distributed to territorial authorities. However, a few councils were unclear about whether this local government-funding portion was set to continue, and sought further information about our plans in this respect.

Overall, councils sought reassurance their share of levy funding would continue under the proposed levy regime, submitting they faced significant costs to provide waste-related infrastructure and services.

Investment in local waste minimisation activities

A couple of councils encouraged levy investment to support territorial authorities adequately in their provision of local waste infrastructure and services. One acknowledged the proposed investment in on-shore waste (re)processing capacity was important, but also emphasised territorial authorities usually ensured provision of recovered feedstock for reprocessing (eg, via their kerbside recycling services). These submitters wanted investment to support local initiatives led by councils, in conjunction with the funding of larger processing facilities.

Requirements for territorial authority levy spending

Territorial authorities are required to use their levy allocation on matters that ‘promote or achieve waste minimisation’ and in accordance with their Waste Management and Minimisation Plan (WMMP).

The Contaminated Land and Waste Special Interest Group stated that, “the criteria for levy spend by territorial authorities ... is too restrictive”, and supported a review of such criteria to ensure they are “fit for purpose and not unnecessarily restrictive in their application”. Wellington City Council also said that requirements on its levy allocation “restricts the range of diversion options that can be offered to households by local authorities”.

NGO comments

Thirty-two of 35 NGO submitters responded to question 12, with most expressing support for the proposed levy investment plan. In addition to some of the ideas described under the “comments made by several submitter types” section above, NGOs also provided some unique feedback.

Several NGOs sought greater involvement of a wider range of stakeholders in decision-making about how levy funds would be distributed. In particular, they felt decision-making panels should involve community representatives, younger people and those with expertise in te Ao Māori. The joint Rubbish Trip et al submission with 13 signatories also called for the membership of WMF decision-making panels to be publically listed in the interests of transparency. These signatories felt levy decision-making powers could be broadened to include people beyond the Ministry and the Minister.

A number of NGOs suggested the Government could use its investment to promote ‘social procurement’ principles.²⁴ This is the idea of focusing spending on particular areas to support social, community and environmental outcomes. One NGO noted social procurement could involve councils earmarking a proportion of their waste-related spending for social and community enterprises that operated recovery or recycling facilities. Another suggested the approach was taking the social and environmental credentials of contractors into account, when assessing their bids to undertake waste and recycling services.

NGOs also favoured:

²⁴ Submitter references including 107, 210 and 265.

- the sharing of levy-funded success stories to encourage new projects and help raise the profile of waste minimisation
- funds being made available for research into areas such as behaviour change
- support for community-led waste minimisation efforts.

One NGO was generally supportive of the proposed investment but expressed concern about the potential use of anaerobic digestion to dispose of organic waste. Instead of anaerobic digestion, it favoured investment in community composting operations as well as education about recycling and composting.

Individual submitter comments

One hundred and forty-two individual submitters responded to question 12, with just over half of those expressing their support for the proposed investment plan. Individual comments were generally much briefer than those of other submitter types.

Those in support often:

- felt investment in education and behaviour change was important
- encouraged investment to focus on waste prevention (ie, actions at the top of the waste hierarchy)
- supported more funding being made available to community-based initiatives.

Individual submitters also commonly supported the ideas put forward by the NGO submitters who shared their submission content with others (see 'NGO comments' section above).

Eighteen individual submitters explicitly stated they did not support the investment proposals. Some were concerned about a lack of transparency in how funds were allocated and a lack of oversight for funded projects. A few were concerned that investments would be used to further particular political causes.

Waste Minimisation Regulations 2009

Q10: Do you think any changes are required to the existing ways of measuring waste quantities in the 2009 Waste Minimisation Regulations?

The Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 outline the obligations for disposal facilities to pay a levy. The regulations allow for waste quantities to be calculated using:

- a weighbridge
- a conversion rate of cubic metres to tonnes
- a system (requiring Ministry for the Environment approval) that ascribes weight to waste or diverted material based on the type of vehicle carrying it.

Question 10 sought submitter views on potential changes to the methods of measuring waste quantities. Of the submitters who chose to respond to question 10:

- 41 per cent believed changes are required
- 11 per cent did not believe changes are required.
- 48 per cent were unsure.

In addition to their 'yes/no/unsure' selections, 169 submitters commented on question 10. Submitters of different types expressed:

- support for using weighbridges as the most accurate methodology
- support for the continued use of conversion factors.

Support for the use of weighbridges

The most commonly cited reason for support of the use of weighbridges at waste disposal facilities was that it allowed for the most accurate waste data collection and levy charges. While a large number agreed with this, submitters held differing views about whether weighbridges needed to be mandatory.

Numerous submitters, mostly business and industry submitters, wanted weighbridges to be required to ensure data was accurate.

“All waste disposal facilities should be required to operate a weighbridge with appropriate software to allow tonnage data and other metrics to be recorded and reported.”

(EnviroNZ Ltd)

Other submitters supported weighbridges but recognised it was not always feasible for waste disposal facilities to install a weighbridge, because either it was costly or the facility did not receive enough waste to justify the cost. These submitters either supported the continued use of conversion factors or had other ideas, such as:

“A site should have a weighbridge for consistency or be able to weigh in at another facility.” (Taranaki Solid Waste Management Committee)

Support for the continued use of conversion factors

The reason submitters most commonly supported the continued use of conversion factors was because installing weighbridges “can be cost prohibitive and logistically difficult” (Sustainability Trust).

Despite broad support for continued use of conversion factors, submitters often expressed concern about the vagueness of these factors, saying they allowed for inaccurate levy charges and would lead to inaccurate waste data. A few submitters (mainly local councils), proposed ideas for changes to improve accuracy, such as creating waste type-specific and mixed load-specific conversion factors. Some submitters felt that whatever conversion factors were decided on, there should be a national standard that all waste disposal facilities should adhere to if they were using conversion factors.

Further local government comments

Local government submitters held a variety of views about this question. These included:

- support for changes to collect more data. Suggested changes included:
 - “clear guidelines should be determined of how data is consistently gathered, categorised and quantified” (Tauranga City Council)
 - “changes to customer requirements, weighbridge requirements and data collection, verification and analysis” (Kapiti Coast District Council)
 - “should be aligned with current landfill guidelines (WasteMINZ 2018)” (Christchurch City Council)
- considering that additional requirements for collecting data (such as more stringent weighbridge requirements) would take time and funding to put into place. One suggested that, “extra costs to measure and collect data at either a transfer station or at our landfill should be recoverable from the levy as an administration cost” (Porirua City Council)
- believing changes were not required and that the existing regulations were fit for purpose.

Q11: Do you think any changes are required to the definitions in the 2009 waste minimisation regulations?

The interpretation section of the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 defines terms such as ‘disposal’, ‘diverted material’ and ‘waste’. Question 11 sought views on potential changes to these definitions.

Of the submitters who chose to respond to question 11:

- 22 per cent believed changes are required
- 15 per cent were unsure if changes are required
- 63 per cent did not believe changes are required.

In addition to their ‘yes/no/unsure’ selections, 73 submitters commented on question 11.

Submitters of all types believed the definitions in the regulations should align with WasteMINZ's *Technical Guidelines for Disposal to Land*.²⁵

Several business and industry submitters called for these definitions to be redone to include waste other than household waste. A few took this a step further and proposed their own ideas for definitions for specific waste types or waste streams. One submitter discussed how definitions could be changed to reduce concrete being landfilled, and another discussed polystyrene:

“Polystyrene should be measured and levied by volume not weight which should lead to an effective from landfill [sic]. This is simply logical as it can all be used in the recently announced government investment in infrastructure (roading)” (MegaVision Ltd, trading as Poly Palace)

Local government and individual submitters were concerned about loopholes created by vague definitions. A few local government organisations proposed criteria for waste streams as a way to solve this; often these criteria were for cleanfills. For example, Wellington City Council wanted “a clear standard for acceptable levels of contamination that can be received at cleanfill sites” to prevent contaminated waste avoiding levies. Individual submitters proposed other ideas for eliminating loopholes, such as getting specialists to review the definitions with a waste minimisation perspective.

Other local government submitters proposed direct feedback on the definitions. Western Bay of Plenty Council stated:

“1) Disposal facility – needs to include farm dumps and any site where waste is burned to destroy it. This definition also excludes C&D waste – part (ii) – this needs changing, as C&D will be subject to the levy. 2) Diverted material – this definition is difficult to understand and needs clarification. Also any new definition should take into account that any waste to a waste to energy plant should not be classed as ‘diverted material’.”

²⁵ WasteMINZ. 2018. *Technical Guidelines for Disposal to Land*. WasteMINZ: Auckland. Retrieved from www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/

Waste Minimisation Act review

Q13: If the Waste Minimisation Act 2008 were to be reviewed in the future, what are the changes you would like a review to consider?

Introduction

The Waste Minimisation Act 2008 (WMA) aims to decrease waste volumes and encourage waste minimisation through product stewardship, a waste levy and offences for illegal waste disposal. Question 13 asked what submitters would want included in a review of the WMA. Of the 479 submitters, 282 responded to question 13. The main ideas received are described below.

Product stewardship

‘Product stewardship’ refers to producers taking responsibility for the environmental impacts of their products over its whole life cycle, including at disposal. Numerous submitters advocated for the WMA to incorporate more and earlier intervention in the waste cycle. These submitters wanted measures such as making manufacturers design out packaging from the start, banning non-recyclable plastics, and putting in place product stewardship laws.

Rooney Earthmoving Ltd said, “Rather than dealing with outcomes of waste, more emphasis needs to be placed at the manufacturing / developing stages before a material becomes waste” – and this sentiment was voiced by many submitters (especially business and industry). Burnside Dunedin Ltd stated, “It would seem more logical to address the problematic materials at source rather than at disposal, to discourage their use in the first place rather than to fund their presently uneconomic recovery”.

Definitions within the WMA

Various submitters suggested a number of definitions in the WMA needed to change. Submitters most wanted to see changes to ‘disposal facility’ and ‘waste’. They were keen to see ‘disposal facility’ redefined to reflect the changes proposed in the consultation document. Some felt the definition of waste should be changed to include diverted materials so data could be collected on this waste stream to track progress in waste reduction.

Levy funding: structure and application

Submitters made a variety of comments relating to the levy funds. Submitters proposed ideas such as:

- creating a new entity to make decisions about how levy funds were distributed to ensure fair and unbiased allocation

- reconsidering whether the current 50/50 split of levy funds (that is, 50 per cent to territorial authorities and 50 per cent to the Waste Minimisation Fund) continued to be appropriate. It was noted that some councils required more financial support than others
- allowing funds to be used for both discrete or one-off and longer-term projects; while some projects only needed a kick-start, other projects did not generate their own funding but still worked towards the goal of waste minimisation
- widening the activities funds could be used for to allow a wider variety of waste minimisation activities such as education; and compliance, monitoring and enforcement
- continuing the ring fencing of the levy funds to ensure they could not be used for any activities other than “waste minimisation or initiatives that lead to waste minimisation” (3R Group Ltd).

NGO submission suggestions

A large number of submitters (often smaller businesses and NGOs) used text from NGO submissions written by the Sustainability Trust, the Rubbish Trip joint submission and Urban Farmers Alliance. These submitters made three suggestions for changes to the Waste Minimisation Act 2008:

1. the Act should incorporate the waste hierarchy, either within the interpretation section or within each purpose section
2. amend the ‘Interpretation’ section so that composting is defined as a means of ‘recycling’ (rather than as a form of ‘recovery’ – which is a less preferable form of management under the waste hierarchy).
3. the Act should ensure Maori are adequately consulted on actions taken under the WMA, and that Mātauranga Māori helps to shape New Zealand’s approach to waste minimisation.

The Rubbish Trip et al. submission also recommended broadening the definition of ‘reuse’ – for example, to ensure activities such as upcycling are captured; and amending the meaning of ‘disposal’ in s 6 so that the levy can also apply to waste-to-energy incineration.

Local government comments

Local government submitters suggested various Act changes, including:

- exempt the relocation of waste from closed landfills from the levy, because the waste:
 - already existed, so it was not possible to minimise such waste
 - had probably already incurred a levy (on its initial disposal to landfill), and therefore should not be subject to the levy again
- allow changes to be made to council Waste Management and Minimisation Plans (WMMPs) more freely. In particular, remove the requirement for a new waste assessment under section 51 of the WMA and allow for minor amendments to be made to WMMPs without using the special consultative procedure set out in section 83 of the Local Government Act
- schedule future reviews of the WMA in advance. Submitters wanted such reviews to enable the WMA to evolve with societal and technological changes

- stipulate specific requirements about waste data, such as how waste data reporting should occur, and to mandate commercial entities to provide waste data.

In contrast, a few local councils did not believe Act changes were needed. They felt the Act already provided the Government with the tools needed to enact change.

Some individual submitters suggested the WMA should incorporate a levy on waste to energy practices – they considered this to constitute waste disposal, and did not want to encourage it.

Themes from across questions

There were a number of ideas raised across several questions rather than in response to particular questions. We outline the main ideas below.

Illegal dumping (aka ‘fly-tipping’)

One of the most common themes in submissions was concern about illegal dumping (or ‘fly tipping’). This was mentioned by 121 submitters; 112 of these referred to the negative impacts of illegal dumping and nine submitters referenced the compliance, monitoring and enforcement that would be needed to prevent illegal dumping. Within comments related to illegal dumping, there were several common concerns.

Numerous submitters stated an increase in the levy would likely result in people seeking alternative, cheaper ways of waste disposal such as through fly tipping, disposing of it in the incorrect landfill and in farm dumps. Submitters also pointed out there was currently a lack of recovery, reuse and recycling infrastructure to help divert waste, so people would be likely to illegally dump their waste to reduce costs.

Several submitters acknowledged cleaning up rubbish that had been improperly disposed of would be councils’ responsibility.

“There is concern that setting the levy at the proposed \$50 rate will increase illegal dumping of waste, which councils will have to clean up and cost recovery is a difficult and long process, which often does not have a positive outcome.” (Hurunui District Council)

Many submitters proposed ideas to decrease levy-related illegal dumping, such as:

- improving the ability to fine people who are dumping illegally
- increasing monitoring
- placing the cost on the producer
- increasing the levy slowly so people had time to adapt.

A suggestion was made around reviewing the Litter Act to enable better enforcement of its provisions:

“In particular the Council has concerns over the effectiveness of the Litter Act given that an increase in illegal dumping and fly tipping may occur. Many councils have found it very difficult to enforce the provisions of the Litter Act as it currently stands, as there is a high threshold for the evidence required to issue an infringement, and the cost of chasing fines often outweighs the fine itself. On this basis, it is necessary to review the Litter Act in line with the introduction of the expanded waste levy to enable more effective enforcement.” (Waikato Regional Council)

Intervention upstream of landfill

Another common idea expressed was that instead of, or in addition to, the levy, interventions needed to be implemented further upstream (that is, before waste arrived at landfill). There were 139 submitters who mentioned upstream intervention. Most of these comments called

for legislation to place responsibility on manufacturers and distributors, or wanted manufacturers and distributors to take responsibility for reducing waste.

“Cut it at the source, stronger policies and legislation upstream to prevent having to manage landfills in the first instance.” (KAWAI Catalyst Ltd)

Twenty-four submitters specifically asked for producers to be required to reduce the amount of packaging within products:

“We also need urgent legislation eg, by end of 2020 or 2021, to ensure producers are required to package their goods sustainably so that the many ordinary people who are trying to minimise their waste are not saddled with inordinate amounts of plastic, polystyrene, etc when purchasing goods for which there are currently no sustainable alternatives.” (ref 564)

Pyrolysis and anaerobic digestion

A number of submitters discussed alternative waste disposal methods to landfills, most commonly pyrolysis (ie, the decomposition of waste at high temperatures to extract energy) and anaerobic digestion. Around 55 submitters mentioned pyrolysis. These comments typically fell into one of two categories. Many of the comments indicated submitters viewed pyrolysis as a solution to current waste issues.

“close them (landfills) down in favour of commercial incineration” (ref 201)

Numerous submissions also indicated there should be a levy on pyrolysis to prevent it from becoming a cheaper and more attractive disposal option.

“An incineration levy should be aligned to the landfill levy so as not to perversely incentivise waste incineration over landfill.”(ref 237)

Forty-one submitters mentioned anaerobic digestion, the breakdown of biodegradable materials by microorganisms in the absence of oxygen to produce energy. Many submitters wanted a levy placed on anaerobic digestion, to prevent it becoming a favoured method of disposal. Many submissions also said there should be a clear distinction between anaerobic digestion and composting:

“... we urge the Government to make a clear distinction between composting (recycling) and anaerobic digestion (recovery). As such, to move up the waste hierarchy and disincentivise waste-to-energy processes, and also taking into account the nitrogen-and phosphorus-heavy and polluting nature of AD effluent, this by-product should not enjoy a lower levy if landfilled.”(For the Love of Bees)

Composting

Sixty-two submitters made comments about composting. Several expressed concern about organic waste being sent to landfill, because it removed those nutrients from being available for growing food.

“...every tonne sent to landfill is another tonne removed from natural nutrient cycles, increasing dependence on emissions-intensive and soil-degrading synthetic fertilisers, and thus reducing future food security, which is already under severe threat from climate change.” (Urban Composting Ltd)

Some submitters also called for more composting infrastructure to be established around New Zealand.

Education

There were 90 submitters who felt providing education about waste was important minimisation (in addition to proposed levy changes). The vast majority of these comments called for an emphasis on education about how people and organisations can incorporate waste minimisation into their lives.

“Massively increase education to all economic sectors and to the public in general, on the why and how of waste minimisation – including the basic common-sense art of compost!”
(ref 88)

Appendix 1: A classification system for landfills

For the purposes of the waste levy and data reporting proposals set out in the consultation document, the following system for classifying different types of landfill was used, based on definitions in the *Technical Guidelines for Disposal to Land* (the landfill guidelines).²⁶

Table A1: Landfill classes and waste accepted

| | Class under the landfill guidelines | Waste that should be accepted at these facilities |
|---|-------------------------------------|---|
| Municipal landfill | Class 1 | Wastes that could discharge contaminants/emissions, from households as well as commercial, institutional and/or industrial sources disposed of at facilities that accept household waste. |
| Industrial monofill | Class 1 | Solid wastes that could discharge contaminants/emissions, from industrial sources including steel- or aluminium-making and pulp- and paper-making. |
| Construction and demolition fill | Class 2 | Solid wastes with lower potential for environmental harm, including rubble, plasterboard, treated timber and other construction and demolition materials. |
| Managed fill | Class 3 | Contaminated but non-hazardous soils and other inert materials (eg, rubble) that allow the landfill site to be used for a restricted purpose on closure. Future excavation into the landfilled materials will require management. |
| Controlled fill | Class 4 | Soils and other inert materials (eg, rubble) with low levels of contamination relative to receiving environment, which allow the landfill site to be used for an unrestricted purpose on closure. |
| Cleanfill | Class 5 | Virgin excavated natural materials such as clay, soil and rock. |

²⁶ Waste Management Institute New Zealand (WasteMINZ) (2018a).

Appendix 2: Limitation of analysis for Q4

Question 4 asked: Do you support expanding the waste levy to the following landfills:

- industrial monofills (class 1)?
- non-hazardous construction and demolition waste (class 2)?
- contaminated soils and inert materials (classes 3 and 4)?

The online submission form allowed submitters to check a box to indicate their support for a levy. For each of the three landfill classes in question, there were a number of submitters who did not select one or more of the check-boxes. When the checkbox was *not selected* (unless a submitter's comments clearly indicated their viewpoint), it was ambiguous as to whether a submitter:

- a. was *not in support* of a levy, or
- b. chose not to express an opinion about the given landfill class/es.

Because of this, we were unable to determine how many submitters chose option a or b (above). This means that we are unable to accurately know how many submitters were *not in support* of a levy on each of these three landfill groups.

However, from submitters' written comments, we were able to gather a good understanding of the range of different views. For each of the three landfill groups, we know that those opposed to a levy are in the minority.

Appendix 3: Limitation of analysis for Q5

Question 5 asked: Do you think that some activities, sites or types of waste should be excluded from the levy?

Submitters could indicate whether they wanted the following to be excluded:

- cleanfills (class 5)
- farm dumps
- any others (eg, exceptional circumstances).

The online submission form allowed submitters to check a box to indicate their support for excluding a particular site or activity from the levy. For each of the three sites/activities, there were a number of submitters who did not select one or more of the check-boxes. When a checkbox was *not selected* (unless a submitter's comments clearly indicated their viewpoint), it was ambiguous as to whether a submitter:

- a. was *not in support* of exclusion from the levy, or
- b. chose not to express an opinion about the given activity, site or type of waste.

Because of this, we were unable to accurately determine how many submitters chose option a or b (above). This means we are unable to accurately know how many submitters were *not in support* of excluding each of the three sites/activities from the levy.

However, from submitters' written comments, we were able to gather a good understanding of the range of different views. For each of the three sites/activities, we know that those *not in support* of exclusion from the levy, were in a minority.

Appendix 4: Note on quantitative analysis and use of ‘submitter’ and ‘respondent’

For questions involving quantitative analysis (eg, questions allowing ‘yes’, ‘no’ and ‘unsure’ responses), this document generally describes the percentage of submitters *who answered a given question*. That is, we generally exclude those who did not answer a question, in the calculation of percentages.

Submitters who answered a given question are sometimes referred to as ‘respondents’ – to differentiate them from ‘submitters’ (which may refer to all 479 submitters).

Questions 4 and 5 are an exception to this approach. Please see appendices 2 and 3 for more information about those questions.

For each of the consultation questions, there were many submitters who did not answer. As randomly selected examples for information purposes:

- Question #1: 65 submitters did not answer.
- Question #6: 201 submitters did not answer.