
Joint submission to the Wellington City Council on the

Proposed Solid Waste Management and Minimisation Bylaw 2020

Submitted 16 September 2020

This submission has been prepared jointly by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers. Each organisation may also make their own separate, individual submissions.



General comments about the Proposed Bylaw and Controls

We welcome and support this review and update of the waste-related provisions of the bylaw. We recognise that bylaws are an important regulatory tool for WCC and that the current bylaw does not encourage waste minimisation and a decrease in waste disposal.

We strongly support the proposal to include Control-making powers in cl 7 of the bylaw as this will greatly increase Council's flexibility to respond to changes in the waste and recycling sector and the waste minimisation/zero waste landscape.

We welcome that this review of the bylaw is regionally coordinated and that the proposals, once approved, will be replicated across the regions, which will enhance consistency. **We urge** Council to keep in mind how the bylaw and controls could impact on small-scale waste operations (including community-led and non-profit operations), and ensure the bylaw and controls support these small-scale operations and their constant improvement of practices, instead of making it more difficult for them to function. Small-scale, community-based waste operations have a multitude of positive outcomes, including reduced transport emissions and more jobs created.

We are disappointed by the lack of ambition in this bylaw and the associated controls, as currently drafted, which fail to capture the growing global and local acceptance of zero waste and circular economy theory and practice. **We do not believe** that the nature of the proposals make the most of this once in a decade opportunity to review and update the bylaw, nor do they adequately respond to the urgent need to turn around Wellington's ever-increasing waste to landfill. **We note** that the Council has declared a climate emergency. Waste minimisation, including reducing and diverting food waste from landfill, is critical for responding to the climate emergency and achieving the Te Atakura blueprint to make Wellington City a zero carbon capital.

We recommend that Council clearly articulate a vision for a zero waste/waste-free Wellington (and work collaboratively for a zero waste/waste-free Greater Wellington region) and devise bylaws that help advance these goals. The current Waste Management and Minimisation Plan (from 2017) is inadequate and needs to be revisited and updated. Despite this, the proposed bylaw and controls don't get us much closer to achieving even some of the baseline goals of the current WMMP.

We recommend that the Council embrace the language of waste minimisation, zero waste and the circular economy in the proposed bylaw and controls. At present, the proposals focus excessively on "diversion", "collection" and "management" - all concepts and systems associated with the bottom of the waste hierarchy. The proposals miss the opportunity to encourage or require waste prevention, reduction, minimisation and reuse. We acknowledge that these topics feature in the proposed construction & demolition (C&D) provisions and we welcome these, but don't understand why they aren't raised throughout the bylaw and controls.

We recommend that the Council take advantage of the scope of the cl 7 Control-making powers and propose rules that cover a broader range of matters. For example:

- Propose rules pertaining to the size or type of receptacles. We believe Council should consider restricting the capacity of household waste receptacles (as per Taupō that restricts household waste receptacles to 120 litres) to reduce waste to landfill and increase waste separation and recycling. We also seek clarity on whether Council will be amending the rules in the Controls to reflect the recent recommendations of the report by WasteMINZ around standardising kerbside rubbish and recycling collections?

- Propose rules for waste collection services that could increase waste separation and recycling (at present the rules in this area are very focused on mitigating public nuisance and litter). For example, Council could require waste collectors and operators to shift to providing a weekly collection service but alternate waste and recycling each week so waste collections become fortnightly. Furthermore, we would like to see rules that require commercial waste collectors to provide a recycling collection service to householders as a criteria for licensing. This is needed to ensure that those householders who do not have access to a Council-provided waste and recycling collection still have access to recycling collection services.

We are disappointed that the bylaws do not mandate the separation and separate collection of recyclables for all premises. It's 2020 - we cannot wait another ten years to achieve 100% separation of recyclables in New Zealand's capital city.

We recommend adding clauses and rules that place a greater focus on services for organic waste. We acknowledge the proposals' attention to increasing waste separation and recycling collections. However, we don't understand the lack of attention to organic waste, which constitutes the single biggest proportion of the average Wellingtonian's household rubbish bin. Diverting food waste from landfill towards localised composting solutions is one of Wellington's biggest opportunities to address both waste and GHG emissions. We are blessed with leaders in this field in the form of Kaicycle and Capital Compost. Harnessing the potential of organic 'waste' in Wellington could set us apart as a visionary model for other urban areas to follow. We note that services for organic waste may not necessarily look like collections and could also include local drop-off points and professionally-run, community-scale composts.

We recommend that cl 8 more clearly distinguishes obligations for residential and commercial premises. We believe insufficient attention is given to commercial waste in the city. We note the sector-based clauses for events and C&D and **we recommend** that a new clause is inserted that focuses on the hospitality industry. Hospitality offers a key opportunity for waste reduction as well as introducing waste reducing behaviours to a wider audience. If done well, this could offer cost savings for the hospitality industry.

We recommend that the bylaw and controls set some rules and expectations around Council procurement practices to minimise waste at Council offices, council run events, and council building projects.

We recommend that the bylaw strengthens the provisions around enforcement and clarifies the criteria against which plans will be approved or evaluations of plans will be required.

We note that alongside a lack of clear rules and regulations, there is an ongoing need for investment in activities and infrastructure for resource processing and waste minimisation, including initiatives led by communities and small businesses. We see a clear opportunity for investment in systems geared around reuse, such as resource recovery centres, washing and sterilisation infrastructure and reverse logistics. These systems would reduce waste in daily city life generally, as well as at events, and would generate local, meaningful jobs.

We note that new rules and regulations must be accompanied by non-regulatory guidance, such as community education, guidelines and the provision of information about appropriate operational practices. There will also be the need for clear communications to all those impacted by the changes. The guidance and communications need to be developed alongside zero waste organisations and businesses already demonstrating best practice.

We query definitions given in Part A and would welcome further explanation:

- The definition of 'household waste' does not include: prohibited waste, hazardous waste, liquid waste, or construction and demolition waste. Does this limit what the Council can impose in terms of controls under the bylaw?
- Definitions are given for all waste streams. Why is the definition of 'organic waste' the only one that is defined in relation to Clause 7?

Questions from the submission form

Q. Multi-unit dwellings

The Council is proposing that all new large multi-unit developments (comprising of 10 or more dwellings), provide adequate space for the storage and collection of all waste generated within that development.

The Bylaw also requires a related waste management plan to be submitted to the Council prior to building construction. This plan will need to demonstrate, amongst other things, how waste material generated on site will be minimised.

To what extent do you agree or disagree with the proposed Bylaw requirements regulating waste management and minimisation planning for multi-unit dwellings?

SOMEWHAT AGREE

We support the requirement that managers/owners of multi-unit developments make adequate provision for waste and recycling facilities and collection services.

We strongly support the requirement that owners/managers of a planned multi-unit development submit a waste management plan before construction begins. If waste is considered before construction, there's far greater potential to ensure systems maximise waste minimisation (rather than trying to retrofit systems after the fact).

We recommend that the plans are called "waste minimisation and management plans" to capture Council's expectation that multi-unit developments will achieve waste minimisation outcomes. **We recommend** that plans be required to consider the waste hierarchy.

We note that the expectations for multi-unit developments are very focused on storage of waste and recycling for collection and removal, which limits the scope for waste minimising activity. One key area of opportunity for future multi-unit developments is organic waste. Given the growing concern to divert organic material from landfill towards beneficial use, and to increase food security, it would be good to see an expectation that future multi-unit developments set aside space (outside or in basement area) to compost/vermicompost organic material produced on site. This could link in with the goal of increasing community compost hubs around the city and be incorporated into pre-construction waste management plans.

We recommend that Council provide guidance, including best practice, so that managers and owners understand what "adequate provision" for management of waste, recycling and organic waste looks like. In this guidance, there could be potential to align with Homestar ratings. Furthermore, we note that managers may sometimes be volunteers with limited time, resources or expertise. If managers are not paid for their role, it may be more appropriate to place this responsibility with the owner(s) of the development.

We query why Council is proposing to withdraw the provision of waste and recycling collection services for new multi-unit developments?

Q. Event waste management

The Bylaw seeks to regulate waste management and minimisation when planning a large event of 1000+ people. An event is proposed to include any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration.

While indoor private functions, indoor performances and regularly occurring recreational activities such as sports events are excluded from this standard, other event organisers will be required to submit an event management plan to the Council for approval prior to the event.

The plan would need to demonstrate: (1) how waste generated by the event is to be minimised; (2) the steps that will be taken to maximise the use of reusable systems, recycling and composting; and (3) the proposed method for minimising and capturing litter associated with the event.

To what extent do you agree or disagree?

SOMEWHAT AGREE

We agree that, as a controlled environment, events are a good opportunity to maximise waste segregation and diversion, while offering an opportunity to introduce a wide audience to waste reducing behaviours.

We support the requirement that event managers produce waste management plans (or, better yet, 'zero waste plans') before an event, for Council approval, and that event managers be required to follow these plans during the event. We also support events being encouraged to undertake a post-event waste analysis report.

We agree with the proposed one year delay before the provisions' commencement to allow for regional collaboration to establish guidance and resourcing to support event managers to deliver zero waste events, and support the collection and analysis of the waste data provided. The Council must ensure organisations such as Wellington Waste Managers, Para Kore, and Organic Wealth are included in this process.

We recommend amending the definition of "Event" in cl 6 of the Bylaw to be focused on defining an event, rather than defining the types of events that are or are not regulated by the bylaw. For example, an event should not be defined by its size or by exclusions such as whether it is indoors or outdoors. Rather than shifting these elements to cl 13 of the bylaw, we recommend shifting them into the Controls. This will allow flexibility to expand the scope of events in the future through a Council resolution rather than having to amend the bylaw.

We recommend that smaller events (between 100-1000 attendees) be required to submit a zero waste plan, even if this plan won't require Council approval. This will ensure all event organisers receive the same message that waste planning and minimisation is important, and give the Council the opportunity to share and communicate the resources available in Wellington to help event organisers minimise waste.

We do not support the blanket exclusion of indoor events from regulation. Council should be pushing indoor events to be more ambitious in their waste minimisation. Many of these indoor

venues receive Council funding or are Council operated and have greater access than outdoor venues to the kinds of facilities that support waste minimisation. They should be demonstrating best practice.

We recommend that event managers be required to submit waste management plans 90 days out for events of 10,000+ attendees, and 60 days out for events of 1000+ people. Thirty working days does not allow sufficient time to ensure that appropriate planning has taken place ahead of the event.

We recommend that plans be required to consider the waste hierarchy, so that waste prevention and reduction, and reuse of resources is prioritised over recycling. **We also recommend** renaming the plans. An “event waste management plan” sends a non-aspirational message from the Council to event managers that systems geared towards the bottom of the waste hierarchy (recycling and reducing litter) are sufficient. More exciting names that would better communicate what the Council is trying to achieve would be “Zero Waste Event Plan” or “event waste minimisation plan”.

We recommend cl 13(d) be amended to include reference to the equipment needed to operate effective waste prevention and reduction systems at events, such as reuse systems that require sterilising/washing facilities. This is important, particularly given the focus on outdoor events. Serious consideration should be given to whether outdoor events should be permitted without a plan in place to ensure washing facilities are available that enable food vendors to offer reusables (given many of those vendors at a busy, outdoor event won't have those facilities themselves, especially if they are operating from trucks and stalls).

We recommend WCC work with those experienced in delivering reuse systems to create best practice guidance on implementing reusables at events in order to support event managers to consider these systems when creating their event waste management plan. **We note** that Council has a vital role in supporting and investing in the infrastructure necessary for scalable reuse systems, including washing and sterilisation equipment and reverse logistics.

We recommend amending cl 13.4 to automatically require all event managers who submit a waste management plan to also submit a post-event waste analysis report. Clause 14 should also be amended to specify that waste analysis reports include an evaluative breakdown of what worked well, what didn't, and notes on what improvements will be implemented the next time the event occurs.

We note that the use of the phrase “diverted” in cl 13.4 is outdated and restrictive in light of the rapid growth of event-based waste prevention and reduction systems (such as reuse systems). Diversion is useful for assessing waste separated and sorted for recycling and composting, but doesn't capture waste streams that were avoided entirely. **We recommend** that alongside accounting for waste diverted, event managers be required to account for any practices adopted that prevented or reduced waste. For example, number of serves in reusable serviceware or other measures deemed appropriate. For events that reoccur (e.g. annually), a requirement to conduct post-event waste analysis reports and waste audits will enable event managers to track progress in waste reduction each time the event reoccurs.

We note that enforcement will be critical to success. Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered? Under what circumstances will the Council require an event manager to provide a waste analysis report?

Q. Construction and demolition waste management

The proposed Bylaw and associated Bylaw controls requires all large construction projects (valued at \$2 million+) to consider waste management and minimisation

planning as part of their project planning and submit an associated construction site and demolition waste management plan to the Council for approval.

Amongst other things, this plan will need to set out: (1) the proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and (2) the proposed method for minimising and capturing litter associated with the project and the building work.

To what extent do you agree or disagree?

SOMEWHAT AGREE

We agree that a massive opportunity exists to divert construction and demolition (C&D) waste from landfill and that regulation is needed to achieve this.

We agree that the proposed changes to the bylaw and the proposed Controls will complement Central Government's decision to increase and expand the landfill levy, which will make landfilling C&D waste more expensive.

We support requiring any person applying for building work consent to submit a construction site and demolition waste management plan for approval by Council before the building work can start.

We recommend that the plans should be called "waste minimisation and management plans" to better capture the Council's goal of minimising C&D waste to landfill, not simply managing it differently. **We recommend** that plans be required to consider the waste hierarchy, so that waste prevention and reduction and reuse of resources is prioritised over recycling. With recycling opportunities in the city currently limited, reuse is a real opportunity in relation to refurbishment projects.

We recommend that cl 14 be amended to make clear that "building work" includes refurbishment projects.

We query the decision to require waste management plans be submitted only for building work valued at \$2m or more - how was this figure decided? We recommend that smaller projects be required to submit a plan, even if this plan doesn't require Council approval. This will ensure all contractors are receiving the same message from Council that waste planning and minimisation is important.

We support the goals of clauses 14.4 and 14.5 to gather data on waste generation and minimisation and resource recovery during C&D projects, and encourage a post-build evaluation of the success in implementing the waste management plan and any cost savings. **We note** that as drafted it is unclear under what circumstances Council might require principal contractors to undertake these activities. **We recommend** that these activities are compulsory for all building work that required a waste management plan to be submitted for Council approval.

We note that enforcement will be critical to success. Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered?

We note that Council must make plans to divert funding from its allocation of the waste disposal levy revenue towards infrastructure to support resource recovery and waste minimisation in the C&D sector.

Q. Restricting unaddressed and advertising mail

The Bylaw proposes to formally restrict the deposit of unaddressed mail or advertising mail in letter boxes that are clearly marked with the words “no circulars”, “no junk mail” or “addressed mail only”.

There are exceptions for public notices from the government, as well as for different types of information from community organisations and charities.

To what extent do you agree or disagree?

DEFINITELY AGREE

Q. Waste Operator licensing

The Council has proposed to establish Waste Operator licensing. This would involve mandatory licensing for any person or entity that collects or transports more than 20 tonnes of waste per year within the Wellington City District. Licensing would not apply to individuals who collect or transport waste for personal reasons.

The primary purpose of this proposed licensing system is for the Council to collect relevant waste-related data from the private sector and to ensure private waste operators are operating in a manner that is consistent with the Council’s waste-related objectives.

To what extent do you agree or disagree?

SOMEWHAT AGREE

We agree that licensing is required to ensure that collectors and operators operate to basic standards that uphold public and environmental health and wellbeing.

We agree that there is a lack of data and accountability in the absence of Council oversight over waste collectors and operators.

We agree that licensing requirements are an appropriate means for the Council to achieve this oversight and overcome the recourse to commercial sensitivity.

We support the two-year delay before provisions come into effect.

We note that getting a good and consistent data reporting system is time consuming and resource intensive - ideally a reporting standard would be developed nationally and implemented regionally. Whatever approach Council adopts, it should align with the forthcoming Central Government regulations under s 86 of the WMA that will specify new data gathering requirements.

We recommend careful consideration of the definition of “waste collector” and “waste operator”. Would organisations that act as consolidation points for various waste streams (such as Sustainability Trust), fall under the licensing requirements if we were to take more than 20 tonnes a year? Some of the requirements, such as weighbridge receipts, could be unduly restrictive for these types of organisations.

We note that there may be an impact on smaller providers if licensing fees are set too high. Also, it will be important to ensure timeframes between application for and granting of licenses is not unduly lengthy or smaller operators seeking to establish may be disadvantaged or delayed.

We support the decision to choose 20 tonnes of waste a year as the cut off point for a waste collector or waste operator needing a license. **We recommend** that a 'light-touch' process still exist for waste collectors and operators handling fewer than 20 tonnes per year, such as an exemption process, to avoid loopholes and the loss of important data.

Q. Proposed Bylaw controls

A new set of bylaw controls is also proposed that may affect how you dispose of your waste and recycling.

Amongst other things, these controls regulate waste and recycling servicing and collection times, restrict servicing access for new multi-unit developments (of 10 or more dwellings), restrict servicing access on private roads and on roads where there are operational limitations, restrict the amount of green waste permitted within Council waste receptacles, and prohibit a range of dangerous or potentially hazardous material from being deposited into kerbside waste bags or containers.

The controls also introduce a new set of waste separation standards for users of the Southern Landfill.

To what extent do you agree or disagree?

SOMEWHAT AGREE

We support the proposal to implement Controls to accompany the bylaw. Controls provide for good flexibility to respond to changing circumstances; controls can be amended as appropriate rather than requiring a full review of the bylaw.

We query the decision to limit future provision of Council-provided collection services for new multi-unit developments. We are unsure this will help Wellington achieve effective waste minimisation.

We support standards requiring the mandatory diversion of recyclable material away from landfill when using the Southern Landfill. **We recommend** that the list include electronic waste and all metal (given that the Southern Landfill offers recycling/diversion services for these items), and all batteries (not just Lead Acid batteries) given that batteries with other chemistries, including lithium-ion, can cause catastrophic fires.

We support the intention behind the rule to limit green waste placed in a Council waste receptacle for kerbside collection to 10 percent. However, **we are disappointed** that this rule is silent on food waste and **we query** why a limit on food waste in a waste receptacle has not also been set? If this is because there aren't currently enough options for food waste diversion, then more ambition is required from Council to set the direction of travel for householders and increase investment in localised composting solutions, as this is one of the largest opportunities to reduce waste from landfill (alongside unlocking many other co-benefits, such as enhanced food security and urban resilience).

We support Controls to require the separation of waste types. However, **we recommend** that a rule is included to set a maximum limit on recyclable materials placed in a Council waste receptacle. This would require all managers/owners of premises, including commercial premises, to separate waste and recycle. At present, many businesses do not sort their waste for recycling, and we have heard directly from some businesses that their building owner refuses to provide recycling services.

We support rules restricting the deposit of specific waste material, including prohibited waste. **We recommend** an express statement in either the rules or cl 6 (or both) that the scope of

materials prohibited includes batteries and electronic waste containing batteries. Many people are unaware of the dangers these items present for waste collection, sorting, recycling and disposal systems, including catastrophic fires that can destroy entire Material Recovery Facilities.

We do not support Control 2.1a and b, which set a blanket prohibition on all Waste Collection Services between the hours of 7:00am and 6:00pm in areas within the Central City, and between the hours of 7:00am–9:00am and 4:00pm–6:00pm on any Principle or Arterial road.

We recommend this Control be amended to include exceptions to allow small operators (i.e. that don't use trucks, and instead use bikes/ebikes and trailers, electric cars/vans, or other light vehicles) to operate during these hours, as they do not cause congestion. An operational example is Kaicycle Composting, a non-profit composting service provider that currently collects organic waste from 59 businesses, households and apartment complexes in the CBD, during normal working hours, diverting 20–30 tonnes per year from landfill. Kaicycle is set to expand its capacity, including collections from the Central City and Principle/Arterial roads, but is only able to operate during daylight hours due to the nature of their low-carbon, rented ebike-based collection system. The currently proposed Bylaw Controls would severely limit Kaicycle Composting's ability to operate and divert organic waste from landfill, and would reduce composting options currently available in central locations where—and for small-scale organic waste producers for whom—composting options are fewest. Kaicycle has received several WCC funding grants since its establishment in 2015.

We note that the currently proposed process for approving a variation to these collection times, given the permitted reasons (reasons of health, safety or congestion) and complicated decision-making process, will likely pose high and potentially insurmountable barriers to the operation of small, non-congestion-inducing operators, especially non-profits.

We query Control 2.9a, which restricts the placement of any waste receptacle for collection between 7:00am and 5:00pm. We recommend this be amended to allow exceptions for waste collection services that are not provided by the Council, such as Kaicycle Composting, as appropriate.