



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Hon Rachel Brooking	<b>Portfolio</b>	Environment
<b>Name of package</b>	Kerbside recycling and food scraps – minor and technical matters	<b>Date to be published</b>	9 November 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
27 February 2023	Briefing Note: Kerbside recycling and food scraps – minor and technical matters	Ministry for the Environment
<b>Information redacted</b>	<b>NO</b>	



# Kerbside recycling and food scraps - minor and technical matters

Date Submitted:	17 February 2023	Tracking #: BRF-2705	
Security Level	Policy and Privacy In-Confidence	MfE Priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
Hon David PARKER, Minister for the Environment	Indicate your decision on minor and technical matters ahead of drafting instructions for kerbside recycling and food scraps regulations	27 February 2023

Actions for Minister's Office Staff	Return the signed report to MfE.
Number of appendices and attachments #	

## Key contacts

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# Kerbside recycling and food scraps - minor and technical matters

## Key Messages

1. In November 2022, Cabinet invited you to issue drafting instructions for five kerbside recycling and food scrap regulations, while also delegating you authority to finalise minor and technical matters [CAB-22-MIN-0539].
2. The Ministry for the Environment (the Ministry) has identified seven minor or technical areas to be clarified before regulations can be drafted. This briefing provides you with recommendations for these matters and where appropriate seeks your decision.
3. Table 1 below sets out the seven matters for clarification across the five kerbside recycling and food scraps collection policies due for drafting.

**Table 1: Proposed kerbside regulations, gazette notices, and matters to be clarified**

Cabinet decision (agreed as per CAB-22-MIN-0539 and ENV-22-MIN-0058)	Clarifications
<p><b>Policy 1: Food waste collections for households</b></p> <p><i>7.1 implement either food waste or food and garden waste collections for all households within urban areas with 1000 people or more by:</i></p> <p style="padding-left: 40px;"><i>7.1.1 2027 for the territorial authorities with access to existing food and garden waste processing infrastructure (within 150 km of a main centre);</i></p> <p style="padding-left: 40px;"><i>7.1.2 2030 for all other territorial authorities.</i></p>	<p><b>Clarification 1:</b> Note for policy 1 that only proximity to large food waste processing facilities <i>with spare capacity to take household food scraps</i> were considered when assessing which districts need to implement food waste collections by 2027 rather than 2030.</p>
<p><b>Policy 2 Dry recycling collections for households</b></p> <p><i>7.2 implement dry recycling collections for households of urban areas with 1,000 people or more by 2027.</i></p> <p>Recommendation 10 also noted that: <i>through the exposure draft process, we will test with territorial authorities that the requirements for household collections are workable across different building types such as those where access is difficult (e.g. multi-unit dwellings).</i></p>	<p><b>Clarification 2:</b> Agree how policy 1 and 2 would apply to provision of collections for hard-to-service dwellings, such as multi-unit dwellings, for food waste, food and garden waste, and dry recycling collections.</p> <p>You have a choice to either require councils to provide collections to hard-to-service dwellings where practicable (eg, only a small variation to standard service is required to enable collection such as offering bags rather than bins), or to impose no obligation on councils to provide recycling and food waste collections beyond the standard service suitable for typical suburban dwellings.</p>

Cabinet decision (agreed as per CAB-22-MIN-0539 and ENV-22-MIN-0058)	Clarifications
<p><b>Policy 3 Standard material for kerbside recycling and food scraps collections</b></p> <p>13. <i>the performance standard for kerbside recycling will be required to be implemented by February 2024 and will include the following standard materials:</i></p> <p>13.1 <i>steel and aluminium tins and cans;</i></p> <p>13.2 <i>recyclable glass bottles and jars;</i></p> <p>13.3 <i>recyclable paper and cardboard;</i></p> <p>13.4 <i>bottles, trays and containers made from plastics 1 (PET), 2 (HDPE), and 5 (PP).</i></p> <p>14. <i>the performance standard for kerbside food and garden waste standard materials will include food and garden waste (only) and be implemented by 2027</i></p> <p>Cabinet also noted that: <i>for the household food waste standard material requirement, councils will have some discretion over whether they accept certain materials (such as fibrous plants).</i></p>	<p><b>Clarification 3:</b> Agree whether to provide more time for collecting glass to the three councils that need to start collecting glass. Unlike the other standard materials this requires new infrastructure and February 2024 is likely to be insufficient time to prepare.</p> <p><b>Clarification 4:</b> Note the prefix ‘recyclable’ will be removed from in front of paper, cardboard and glass. The Gazette notice will include an acknowledgement that some problematic sub-types of the standard materials may be excluded eg, waxed or plastic lined paper and cardboard.</p> <p><b>Clarification 5:</b> Note that operational discretion is provided for councils to include or exclude potentially problematic sub-types of materials such as tea bags, fibrous plants, or bin liners.</p> <p><b>Clarification 6:</b> Agree whether to bring the standard materials requirement for existing and new food and garden waste collections into force in 2024 in line with standard materials for dry recycling. This would require current and new food and garden collections to accept the same materials from 2024 instead of accepting the same materials from 2027. It does not affect the timing of the requirement in Policy 1, which is to provide food waste collections from 2027 or 2030 and would only apply once a food waste collection had been established.</p>
<p><b>Policy 4 Performance standards for councils</b></p> <p>15. <i>achieve 50 per cent diversion of household waste placed at kerbside to dry and food waste recycling by 2030. The performance standard will be implemented through councils’ waste management and minimisation plans and phased in as follows:</i></p> <p>15.1 <i>30 per cent by 2026;</i></p> <p>15.2 <i>40 per cent by 2028;</i></p> <p>15.3 <i>50 per cent by 2030.</i></p>	<p><b>Clarification 7:</b> Agree to align the diversion performance standards with the data collection and reporting periods for private waste companies and territorial authorities (July to June financial years instead of calendar years) and specify the twelve month period for each diversion standard. This would shift the dates above out six months eg, <i>30 per cent by July 2026.</i></p>
<p><b>Policy 5 Private waste companies to report on household collections</b></p> <p>18. <i>require private waste companies that provide contracted services to households for regular waste collection (e.g. weekly or fortnightly etc), to record and report on the amount of waste collected annually through household kerbside services.</i></p>	<p><b>No clarification</b></p>

## Recommendations

We recommend that you:

- a. **Note** that the Ministry only considered large food waste processing facilities with spare capacity to take household food scraps when assessing which districts need to implement collections by 2027 (rather than the later date of 2030)

- b. **Either** (preferred option):

**agree** that the requirement for territorial authorities to provide kerbside recycling and food waste, or food and garden waste, collections to urban dwellings would not apply to hard-to-service dwellings. Except where they can be serviced by a minor change to the standard kerbside service such as provision of larger kerbside bins, bags or a more frequent service

Yes/No

**Or**

**agree** that the requirement for territorial authorities to provide kerbside recycling and food scraps collections to urban dwellings only extends to the provision of a standard kerbside service suitable for standalone or low-density residential dwellings

Yes/No

- c. **Agree** to extend the timeframe under the standard materials requirement for collecting glass to 2027 for the three councils (Hurunui, Westland and Clutha) that do not currently collect glass in their kerbside recycling service

Yes/No

- d. **Note** that the preface 'recyclable' will not be included in front of the standard materials for paper and cardboard and glass in the gazette notice

- e. **Note** that the standard materials gazette notice will allow councils sufficient operational discretion in food waste, or food and garden waste, collections to accept or reject some problematic food or plant materials, and allow or disallow bin liners of paper or compostable plastic

- f. **Agree** to bring standard materials for food and garden waste into force in 2024 in line with standard materials for dry recycling

Yes/No


- g. **Agree** to adjust the dates of the performance standards for diverting household waste from landfill by six months to align with the June- July data that waste companies and local government will report


Yes/No

- h. **Note** changes agreed in this briefing will be noted in the mid 2023 Legislation Cabinet committee paper seeking approval for drafted regulations.



## Signature

Shaun Lewis Director - Systems Change and Investment <b>Name of the Team or Directorate</b>	
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Hon David PARKER, Minister for the Environment	
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[Date field]	26/2/23
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## Purpose

5. This briefing seeks your decision on several minor areas of clarification in the kerbside policies that Cabinet has agreed to progress. These clarifications will inform drafting instructions issued to the Parliamentary Counsel Office.

## Context

6. In November 2022, Cabinet agreed to progress five policies related to improving household recycling and invited you to issue drafting instructions to develop kerbside recycling and food scrap regulations. You were also delegated the authority to finalise minor and technical matters [CAB-22-MIN-0539].
7. The analysis section of this briefing sets out the respective policies and matters that require clarification. Specifically, we are seeking your decisions on:
  - a. how to account for hard-to-service dwellings, such as multi-unit dwellings, in the regulations (we note that the Cabinet paper signalled that a bespoke approach may be required but did not provide detail)
  - b. Extending the timeframe for collecting glass until 2027 for three councils who do not currently have glass collection but will be required to collect a standard set of materials from early 2024
  - c. Aligning the timing for standard materials for food and garden waste with the standard set of materials for dry recycling
  - d. Adjusting the dates of the performance standards to align with other similar reporting requirements for private waste companies and Territorial Authorities.
8. We also note three other minor matters for clarification, which we intend to take forward into the drafting instructions for the PCO.

## Analysis and advice

### Policy 1 Food waste collections for households

**Policy:** Regulate under section 48 of the Waste Minimisation Act 2008 that, by 2030, all councils are to provide food (or food and garden) waste collections to households within urban areas of 1000 people or more. Councils near existing food waste processing facilities would need to do so by 2027.

9. **Clarification 1:** Note that the Ministry only considered large food waste processing facilities *with spare capacity to take household food waste*<sup>1</sup> when assessing which districts need to implement collections by 2027. For example, Wellington will not be required to have a collection by 2027 as the composting facility at the Southern Landfill does not have capacity to take further household food waste due to impacts on nearby dwellings.
10. For clarity the regulation will simply name the 28 districts that need to implement collections by 2027. Eleven of the 28 already have a food waste collection in place. This regulation would require 17 new districts to start collections, more than half of which already have investigations or plans underway and are working with the Waste Minimisation Fund (WMF) to access targeted funding.

## Policy 2 Dry recycling collections for households

**Policy:** Regulate under section 48 of the Waste Minimisation Act 2008 that, by 2027, all councils are to provide dry recycling collections to households within urban areas of 1000 people or more.

11. **Clarification 2** (*applies to Policy 1 and Policy 2*): Clarity is needed about how the requirement to provide kerbside recycling and food waste collections to urban households would be applied to urban dwellings where the standard service is impractical.
12. For example, older and larger multi-unit dwellings have very little space to store and put out waste for collection, making individual household bins placed at kerbside impractical. They tend to require large bins to be retrieved from waste rooms and collected more frequently. Similar issues make the standard kerbside service impractical for some central business district dwellings and where dwellings are located down a private right of way.
13. The regulation will need to be clear about whether councils must offer a service to *all* dwellings including hard-to-service properties.
14. Most councils offer kerbside services designed for stand-alone and low-density dwellings. Council policies differ, but many do not provide services to multi-unit dwellings of 10 or more units. Consultation provided limited insight into the practicalities of providing collections to hard-to-service dwellings. Subsequent discussions with councils have revealed that many multi-unit dwellings require bespoke services for each location, a significant and expensive undertaking.
15. The Ministry recommends requiring councils to offer services that would suit a wider range of dwellings, but not all hard-to-service dwellings.

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<sup>1</sup> Unless specified otherwise references to 'food waste' and 'food waste collections' includes both food waste collected on its own and food and garden waste combined collections.

16. Section 48 of the Waste Minimisation Act allows provisions to be inserted into Territorial Authorities' (TAs) Waste Minimisation and Management Plans (WMMP). The Ministry recommends that the intent of the provision(s) for kerbside recycling and food scraps collections cover:

- a. *The TA or TAs to which this WMMP applies will provide a TA funded [recycling / food scraps] collection service to all urban residential dwellings by [2027 / 2030]*
- b. *Hard-to-service dwellings may be excluded from this requirement where the nature of the dwelling makes the standard kerbside service impractical. The standard kerbside service is the recycling and food, or food and garden waste collection the TA provides to typical dwellings in urban areas.*
- c. *Hard-to-service dwellings are dwellings in urban areas where one or more factors listed below makes the provision of the standard kerbside service impractical:*
  - i. *Insufficient space to store standard bins or receptacles*
  - ii. *Insufficient space to present or collect the bins at kerbside, or to do so safely*
  - iii. *Where a TA would have to access private property, or a private access way, to collect the bins*
  - iv. *Where waste volumes due to the density of dwellings would require bins or receptacles of a size that are not designed to be placed at kerbside.*
- d. *The requirement to provide a service extends to dwellings where a minor change in the standard service would make provision of the service practical to such dwellings. Minor changes include offering:*
  - i. *a different sized kerbside bin or caddy where applicable,*
  - ii. *a bag or similar replacement instead of a bin;*
  - iii. *a more frequent collection of up to twice the standard collection frequency*
- e. *None of the above is intended to limit objectives or actions in a WMMP, or service provided by a TA, where they exceed the minimum provision of service set out here.*

17. Should you choose this option the intent above would be included in the drafting instructions to the Parliamentary Counsel's Office to develop final wording. This wording will also be tested with representatives from local government as part of the exposure draft process.

18. Alternatively, you could choose to only require councils to provide a standard kerbside service suitable for typical suburban dwellings. This would exclude all hard-to-service dwellings even those where minor changes would make the standard service practical. The level of service for these dwellings would then be up to the policies of the individual cities and districts – largely reflecting the status quo. However, it would leave 15 to 30 per cent of the population in our cities, and those that would most benefit

from food waste collections, with no guarantee of service. Excluding all hard-to-service dwellings would also run counter to the direction of the new waste strategy, slowing our efforts to reduce emissions and transition to a circular economy.

### Policy 3 Standard materials for kerbside recycling, food, and food and garden waste collections

**Policy:** All household kerbside recycling services must collect a standard set of materials from early 2024. The proposed standard set of materials is:

- steel and aluminium tins and cans
- recyclable glass bottles and jars
- recyclable paper and cardboard including pizza boxes
- plastic bottles, trays and containers made from plastic types 1, 2 and 5

For kerbside food waste collections, the proposed standard materials are food waste and/or garden waste only (excluding paper, cardboard, compostable packaging, and other similar materials) to be implemented by 2027.

Standard materials would be brought into force through a gazette notice under section 49 of the Waste Minimisation Act 2008.

19. **Clarification 3:** Agree to extend the timeframe for collecting glass to 2027 for the three councils Hurunui, Westland and Clutha, that do not currently collect glass in their kerbside recycling service.
20. The standard materials policy includes glass and would require these councils to start collecting glass in their kerbside recycling service when the gazette notice comes into force in February 2024. New glass collections are the only standard material that requires new infrastructure, bins, and trucks and, hence, requires greater lead time to start collections.
21. The Ministry recommends providing the three councils until 2027 to start collecting glass. Discussions with the councils indicate that collections may start earlier than 2027 but pragmatically 2027 aligns with other dates in the kerbside policies and ensures that council service design and procurement are not unduly rushed.
22. **Clarification 4:** Officials plan to remove the preface 'recyclable' from in front of the standard materials of paper, cardboard and glass. The New Zealand industry does not have a published definition of 'recyclable' characteristics for these materials. Instead, the Ministry plans to provide guidance outside the gazette notice, which can be updated and adapted over time (to reflect market and technological change).
23. Ensuring that the four standard materials are accepted in recycling collections across New Zealand is a step forward in consistency. To avoid ambiguity, the gazette notice will acknowledge that councils can provide more detailed guidance to exclude some problematic sub-types of these materials. For example items that are too small or non-recyclable such as nail-polish bottles or waxed cardboard respectively. While this level of detail would not be in the gazette notice the Ministry will promote consistency

through guidance documents, the provision of standard communications material for councils, and through the planned national education campaign.

24. **Clarification 5:** Note that the gazette notice will allow councils sufficient operational discretion in food waste, or food and garden waste, collections to accept or reject some problematic plant materials, and allow or disallow bin liners of paper or compostable plastic.
25. For kerbside food waste collections, the proposed standard materials are food waste and/or garden waste only. This excludes paper, cardboard, compostable packaging, and other similar materials.
26. Some materials that fall within the definition of food or garden waste may need to be excluded for operational reasons eg fibrous plants that jam shredders and large woody materials that are too big to be easily collected or processed. Depending on the processing facility and end product, some councils may also want to exclude some food waste items such as tea bags.
27. Further some councils may want to allow the use of bin liners to increase uptake, but these are not made of materials that fall under food or garden waste. Allowing their use is consistent with the Ministry's position statement on compostable products,<sup>2</sup> that their use may be justifiable where it assists to divert food waste from landfill.
28. **Clarification 6:** Agree to bring the standard materials requirement for food and garden waste collections into force in 2024 in line with the timing for standard materials for dry recycling.
29. A specific date for standardising materials accepted in food and garden waste collections was not given in consultation but 2027 was agreed in CAB-22-MIN-0539. 2027 aligns with the requirement for the first tranche of food waste collections to be in place.
30. Standardising the materials accepted in food and garden waste collections in 2024 instead aligns it with the timing for standardising materials in recycling collections. This change would allow greater consistency in the national education campaign and the standard collateral the Ministry is developing for councils. It would also ensure that any food waste collections starting between now and 2027 start off by collecting the standard materials at the outset. It would not affect the timing of the requirement in Policy 1 to start food waste collections by 2027 or 2030.

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<sup>2</sup> Compostable products position statement ([environment.govt.nz](https://environment.govt.nz))

## Policy 4 Performance standards for councils

**Policy:** Set councils a performance standard to divert 50 per cent of household waste placed at kerbside (measured based on the tonnes of rubbish collected divided by the tonnes of dry recycling and food waste recycled). To be phased in as follows:

- 30 per cent by 2026
- 40 per cent by 2028
- 50 per cent by 2030

Performance standards would be brought into force through a gazette notice under section 49 of the Waste Minimisation Act 2008.

31. **Clarification 7:** Agree to align the performance standard dates with a specified 12 months of prior data, taking into account the July-June year for the data reporting.
32. The performance standards will use the data reported by councils under the *Waste Minimisation (Information Requirements) Regulations* which are being drafted [CAB-21-MIN-0181], and private waste companies (Policy 5 in Table 1) to measure achievement of the diversion standard.
33. Both data sets will be reported on a July-June financial year period. The Ministry proposes to amend the diversion standards to also be July-June periods and make it clear it is the twelve-month period preceding the standard which will count.
34. Amended standards would be:
- 30 per cent by July 2026 (measured on July-June 2025/26 data)
  - 40 per cent by July 2028 (measured on July-June 2027/28 data)
  - 50 per cent by July 2030 (measured on July-June 2029/30 data)

## Next steps and timeline

35. Once you have indicated your decisions and returned this paper, the Ministry will issue drafting instructions to the Parliamentary Counsel's Office.
36. For your reference a timeline of key milestones is provided in table 2 below:

**Table 2: Key milestones and implementation timeline**

Date	Milestone
27 Feb 2023	This briefing returned to the Ministry
Feb - Mar 2023	Announcement of decisions on the Waste Strategy and Transforming Recycling anticipated
Feb - Mar 2023	The Ministry issues drafting instructions to the Parliamentary Counsel's Office
May 2023	Exposure draft of regulations and gazette notices shared with key stakeholders for critical input

Jun-Jul 2023	Legislation Cabinet committee paper seeking approval for draft regulations and gazette notices
Jul 2023	Regulations and notices gazetted
Implementation timeline	
Feb 2024	Standard materials for kerbside recycling and food waste collections in force. National education campaign begins
Jul 2024	Private waste companies start recording household kerbside collection data (also Councils under <i>Waste Minimisation (Information Requirements) Regulations</i> )
Oct 2025	Private waste companies (and councils) report 2024/25 kerbside data
Jul 2026	Councils to meet 30 per cent diversion of household kerbside waste as measured by 2025/26 data
By 2027	All councils to provide kerbside recycling to urban households (seven new district services) in line with the standard of set of materials  Three councils will have added glass to their collections (to meet the standard set of materials requirements)  28 Councils to provide kerbside food or food and garden waste collections to urban households (17 new districts serviced)
Jul 2028	Councils to meet 40 per cent diversion of household kerbside waste as measured by 2027/28 data
By 2030	All councils to provide kerbside food or food and garden waste collections to urban households
Jul 2030	Councils to meet 50 per cent diversion of household kerbside waste as measured by 2029/30 data.