

Data reporting requirements for territorial authorities

The following document contains questions asked on the 12 May webinar workshop presented by the Ministry for the Environment, WasteMinz and Auckland Council. The purpose of this workshop was to seek input from territorial authorities into the design of mandatory reporting requirements proposed to be introduced under Section 86 (1) (c.) of the Waste Minimisation Act.

This builds on the survey that was sent out by WasteMinz in April, with a goal of understanding the types of data that territorial authorities are currently reporting, how they are reporting, and what data you can access and share.

The webinar recording can be found here: <https://www.youtube.com/watch?v=f5tOLOhuvPE>

Questions have been collated from the chat of the webinar by WasteMinz staff and grouped by theme/topic. Where questions are bullet pointed rather than numbered, there are multiple questions on a similar topic that have been answered collectively.

Mandatory reporting requirements – purpose and considerations

The purpose of developing mandatory reporting requirements is to collect useful information that will aid in the planning of infrastructure, strategy and policy for waste minimisation and resource recovery purposes. Proposed performance measures should ask for data that is meaningful, verifiable and useful. In cases where a meaningful performance measure cannot be determined, it may be proposed that data is not collected, or presence/absence data is considered.

The Ministry is considering a broad range of tools in order to improve waste data collection in Aotearoa New Zealand. We are aware that there are different approaches that could be taken, within and beyond existing waste legislation, including looking at who is responsible for the reporting of data. We are actively considering pros and cons of these potential approaches. Territorial authorities in this webinar and elsewhere have expressed an interest in national licensing regimes, for example, and although this isn't something that is enabled under the Waste Minimisation Act, we are considering ways in which some aspects of this work could be centralised.

Questions for and answered by Auckland Council

1. Are Auckland Council able to share templates of these three categories of Licence?

Yes – (attached with this Q&A and recording of webinar). Territorial authorities can contact Auckland Council directly if they have further questions about templates and letters to licensees. Email kasun.ranga@aucklandcouncil.govt.nz

2. Has the bylaw and data reporting requirement ever been challenged?

Yes. Having strong T&Cs for licences helps to minimize or mitigate this issue and bridge the gap in Bylaw requirements.

Example 1 –

Tonnage data reports are commercially sensitive information. – Update Licence T&C to strengthen up Bylaw requirement to report data and to build confidence in licensees that

Council will take all responsible steps to keep commercially sensitive information confidential including data aggregation.

Example 2 –

Refusing to report tonnage data in timely manner – Our Waste licence T&C includes data report timeframe requirements to strengthen bylaw requirements and to keep licensees held accountable for submitting data without any delays. Practically we still get late submissions and it's still work in progress to create a healthy habit of reporting data on time. However, having Bylaw requirements or T&C empowers Council to request data from licensees on time.

3. Does Auckland Council reporting model align with the National Waste Data Framework?

No not entirely. It aligns but we're not currently able to collect all of the data we would like to. The portal asks for tonnages only, not activity source or geographic source. If we were to collect the full suite of characteristics outlined in the NWDF we would either need to amend our portal or collect the data in spreadsheets.

4. Can Kasun clarify for everyone what categories Auckland Council uses for 'waste types'.

SWAP categories

- Construction and demolition waste
- Domestic – refuse
- E-Waste
- Food Waste
- Green waste
- Hazardous waste
- Industrial/commercial/institutional
- Managed Fill
- Natural hardfill material
- Paper
- Recyclables
- Other waste from households (inorganic waste)
- Transfer station Waste (cartage from transfer stations to disposal sites)
- Tyres

5. If business accept donated items, do they require a solid waste license? E.g. Op shops, second hand shops?

Theoretically yes, If they collect more than 20 Tonnes of waste.

If a business collects/generates more than the tonnage requirement stipulated in the bylaw, they should be licenced. Our current bylaw (Waste Management and Minimisation Bylaw 2019) states that any waste collector who collects more than 20 tonnes of discarded materials required to obtain a licence.

However, we are not licensing all the op shops or second hand shops in Auckland at the moment but the donation bin operator charities.

6. Is there any consideration or concern around TAs licensing operators and how this may effect H&S liability of Council. Are TA taking on a risk here that they have limited/no control over. Does Auckland's licensing cover this aspect?

As part of the Waste licence application, Auckland Council requests Public Liability Insurance, H&S and risk management plans. Also, we also request for SOPs on case by case basis to understand the collection process and the associated risks.

Questions for and answered by Ministry for the Environment

Performance measures or reporting requirements

7.

- **Can you please expand on the possible performance measures for Transfer Stations - i.e. diverted materials?**
- **Can you please provide some examples of reporting requirements for enforcement activities?**
- **How would a TA attribute 'amount of waste minimised' to any specific enforcement activity?**
- **Enforcement - is that tonnages of illegal dumping?**

No performance measures or reporting requirements are currently set, the proposal will depend on the feedback we get combined with the review of the WasteMinz survey data and feedback received during the public consultation on the waste levy. Any proposals will then be subject to a Cabinet decision. We would value input on how territorial authorities are currently attributing waste minimisation to enforcement activities (if at all). Similarly with transfer stations, tonnage of diverted materials seems a practical measure, but we would value insights into whether this is feasible.

Possible measures could include:

- FTE for the compliance, monitoring and enforcement function
- Number of complaints alleging a breach of the solid waste bylaw
- Percentage of those complaints responded to
- Percentage of complaints resulting in a breach being identified
- Number of 'tools' used in categories depending on provision in the bylaw/Act (eg warning, fine, prosecutions)

8. Would the resource recovery tonnage apply to a broad section of recovery activity for example charity shops or just from resource recovery hubs where recycling activity takes place?

Only those facilities that are included in council WMMPs, such as community recycling centres where direct support or operations are provided by the council.

9. Do scrap metal yards fall under the transfer station reporting guidelines?

The regulations provide the following definition for a transfer station:

transfer station means a facility—

(a) that contains a designated receiving area where waste is received; and

(b) from which waste or any material derived from that waste is—

(i) transferred to a final disposal site; or

(ii) transferred elsewhere for further processing; and
(c) that does not itself provide long-term storage for waste or material derived from that waste

https://legislation.govt.nz/regulation/public/2021/0069/latest/LMS474669.html?search=ts_act%40bill%40regulation%40deemedreg_waste+minimisation_resel_25_a&p=1

10. How should we report on tonnages received at unmanned rural recycling drop-offs or for part time, no weighbridge, facilities where the recycling is brought to our main transfer station for consolidation. The total weight of diverted materials are captured at the transfer station. Presuming we can use the weight of inwards loads for reporting purposes?

Information requirement regulations for transfer stations etc have come into effect separately to this work. The full regulations can be found here

[:https://legislation.govt.nz/regulation/public/2021/0069/latest/LMS474645.html?search=qs_act%40bill%40regulation%40deemedreg_waste+minimisation_resel_25_h&p=1&sr=1](https://legislation.govt.nz/regulation/public/2021/0069/latest/LMS474645.html?search=qs_act%40bill%40regulation%40deemedreg_waste+minimisation_resel_25_h&p=1&sr=1)

Yes, the weight of inwards loads could potentially be used to meet the reporting requirement.

To avoid any duplication in data/reporting, where recycling is being dropped off at a collection point or remote/rural location then taken to a transfer station for processing or diversion, territorial authorities would likely just report the recycling tonnages at the transfer station, rather than at both.

11. How do we account for re-use goods that are dropped off and sold at the shop in our larger facility? We don't measure the weight of this at all. Is there any way to get conversion factors to calculate the weights of items sold, or an assessment of weight per \$ income, or...?

It would be useful to hear from territorial authorities who operate or are involved in supporting community recycling centres and re-use stores how they currently measure or account for goods collected and goods sold, in order to inform the measure that could be used for this reporting requirement – for example, is it feasible to collect and report on data from this activity, and if so, would the number of items be a better measure than tonnages, or portion of goods received that are reused/resold?

How will behaviour change/education be measured?

12.

- **Is there going to be any reporting on TA programme of work that we do that is not service based? So the behaviour change and education type of work that is more based up the waste hierarchy? and any ideas how will that be measured?**
- **Is there consideration for a performance measure associated with delivery of education and behaviour change programmes?**

Yes, the Ministry will be looking at including mandatory reporting requirements for services, facilities and activities provided or funded in accordance with the territorial authorities' WMMPs. In some cases though, there may not be a meaningful performance measure for some of these services, facilities or activities – which is why we are seeking feedback. We would value information and feedback on how TAs currently measure the impacts of their behaviour change programmes, and

note that this measure does not necessarily need to be a waste volume/tonnage measure – we could consider measures such as “number of people reached” (if meaningful).

Portal/platform for gathering data

13. Is the intention to share a portal/platform (such as Auckland Councils) across all TAs for gathering all the commercial operators’ data?

Work is underway to modernise the current annual levy spend reporting for territorial authorities to and bring this online (currently requested via spreadsheet). This online system will be up and running later this year and will be able to incorporate any future mandatory reporting requirements of TAs (i.e. those being proposed under section 86(1)(c)). The way in which each individual territorial authority captures or collects commercial operators’ data is not currently determined by the Ministry (with local government bylaws being the current tool for TAs to licence and collect this data), but we could look at ways we could support efficient reporting.

Increased TA workload and or national regulations/approaches

14.

- **Has MfE considered national licencing regulations? What is the benefit in requiring Councils to develop by-laws rather than setting national regulations?**
- **Has there been any consideration to move licencing and reporting to the Ministry/regional level, to reduce the massive replication at each council to licence the same company (for the larger ones that operation nationwide) and seek data, and hold data securely at each council?**
- **Why not have commercial entities reporting direct to MfE then the data is not double handled and reduces responsibility on TA's who have enough to deal with.**

National licensing regulations are one tool being considered as part of the review of the Waste Minimisation Act. No decisions have been made and the current Act does not provide for such an approach to be administered nationally. For the Ministry to be able to implement any national licensing regulatory regime, there would need to be changes to the Act through the review process.

The Ministry is aware that there are pros and cons to either approach (national vs local licensing schemes). Examples of benefits include that licensing may enable access to waste data not currently accessible, and other bylaw clauses can be adopted alongside licensing such as:

- Setting the size of rubbish bins allowed on the kerbside to ensure food scraps diversion is maximised if there is private sector competition for rubbish
- Requiring new builds to have a site specific WMMP that would reduce construction and demolition waste.

A national licensing approach may take longer to set up (since it would first require changes to the Act) but may result in higher quality data and lower transaction costs for councils. We are considering this carefully and are happy to have more feedback on this.

A further option is for the licencing to be managed locally through bylaws but for a national reporting tool to be provided for council to use to enable cost efficiencies and consistency. This is also being carefully considered.

15.

- **Will MfE pay for the full-time staff to chase the businesses for data requirements?**
- **Further to who pays for additional staff / reporting. The additional WL income may provide an opportunity to pay for additional staff to meet the reporting requirements.**

If councils are looking at introducing a bylaw or licensing requirement, they could consider use of license fees to cover some data management costs (as Auckland Council do). They could also consider use of levy funds as long as the use of funds promotes or achieves waste minimisation and is consistent with their WMMP. Consideration of new waste legislation will also provide an opportunity to consider roles, responsibilities, and use of levy revenue. Note: where levy funds are being used toward staff costs, it must only be used for the portion of their time dedicated to waste minimisation activities and they must be able to clearly demonstrate how this has been calculated.

16. Is there a national TA network for those currently drafting / reviewing their Bylaws where we can share what is currently working or not?

The Ministry understands that Waikato Regional Council has a bylaw template that they are happy to share for this purpose. If you would like access to this template you can contact Valerie Bianchi Valerie.bianchi@waikatoregion.govt.nz. Kasun Ranga, who spoke on behalf of Auckland Council during the webinar, is also happy to work with other councils and suggested a similar group. You can contact him on kasun.ranga@aucklandcouncil.govt.nz

17. My question was more about setting a standard reporting requirement / regulation for TAs to use, collate this data and report this to MfE. (Rather than them having to go through their own consultation on reporting requirements)

Reporting requirements will be set in regulations under Section 86 1C of the Waste Minimisation Act, and these will be nationally consistent – they will apply to all territorial authorities. Territorial authorities are not expected to complete their own consultation on the data they report, although if they elect to implement or bylaw regime local consultation requirements would apply. However, the Ministry is (through this exercise) seeking territorial authority feedback on reporting requirements, possible performance measures and what is feasible to report on or currently included in WMMPs. Please send this through to wastelevy@mfe.govt.nz.

18. Some waste facility resource consents require waste tonnage reporting to Regional Councils - have MfE investigated this as a way of reporting?

The Ministry already collects waste tonnage data (to landfill) through the Online Waste Levy System. The requirements of resource consents are determined by councils in their regulatory role under the Resource Management Act 1991 so likely vary across regions and between consents. Consent conditions are only enforceable by councils and the Ministry's Waste division has no role in determining or monitoring them. It is noted however, that the two Acts can result in duplicated effort on the ground, and the review of the legislation is actively considering the relationship between the two regimes.

Event management/minimisation

19.

- **Hi there, with the event management, are you talking about all external events run on council land providing us with data? Not all councils have event waste minimisation programmes at the moment so data would be reliant solely on event organisers providing this back to us. And rather than minimised should it say waste diverted by tonnage which would be easier for them to capture from their waste collection providers.**
- **Event management - just Council run events or private? Scale of event? Would national event management guidelines be rolled out by ministry or up to each Council?**

As above, we would value input on what is feasible to report on and what type of event is currently covered by WMMPs (if any). In your feedback, please let us know what your council's position on

this might be. Note: if your WMMP does not cover event waste management, you would not be required to report on this aspect.

Private companies' data

20. Just want to comment that most of the data you want is held by waste companies so legislation will be required to ensure that they do so

21. If a TA doesn't have a waste licensing framework, how would commercial tonnages be gained for TAs to report? Notoriously private waste companies don't want to share this info, so you may be asking TA's to report on something they can't get?

This is an area we are keen to get more information from Territorial Authorities on. TAs already collect some of this information through their waste assessments and WMMPs so we are keen to understand the difficulty in getting this information annually as opposed to six yearly and also what information they aren't able to obtain currently. In the current legislative environment, a waste bylaw would likely be the required mechanism for a TA to introduce licensing and reporting requirements for private waste companies.

22. The commercial tonnages - is this just what would normally collected at kerbside - i.e household rubbish, recycling & organics? What about industrial activity, C&D waste, and things like hospitality waste etc

Under Section 86(1)(c), mandatory reporting requirements can be put in place for services, facilities and activities that are provided for under a territorial authority's WMMP. If these services and activities appear in the majority of WMMPs, this may be considered as a measure to include (please let us know if you believe this should be covered in your feedback).

Note that construction and demolition fills will be required to report their tonnages directly to the Ministry from 1 January 2022, and other types of fill will progressively have reporting requirements introduced, which should capture much of the industrial and construction and demolition fill waste. Cabinet have also approved considering activity source reporting (including C&D and industrial sources) in May 2021. The Ministry also plans to collect more composition data in the future.

Other

23. What use will be made of this data?

Having consistent national data on waste streams and disposal will enable improved planning and public reporting for the broader waste work programme, strategy, and infrastructure investment plan.

24. What if you have just signed off a new WMMP, will we have to amend it?

Guidance will be provided to TAs on how to factor in changes in reporting requirements once in place to their planning and spend activities. However, section 86 itself does not have a mandatory impact on what is required to be contained within a region's WMMP, so amendments will not be required in order to align with reporting requirements. Potential future proposals, such as the use of section 48 of the Act to require provisions in WMMPs to align with reporting requirements, would require plan amendments to give effect to the direction given. Any work in this space will be undertaken alongside continued engagement with territorial authorities.

25. Question for MfE - how often would MfE require the data reported?

We intend to continue with annual reporting in line with the voluntary levy spend reporting that is already currently completed annually.

26. Does the Ministry already have a sub working group with TA Forum members and key contractors (e.g. WM, Enviro Waste, Smart) to get feedback on the performance measures and data framework?

The Ministry is currently focussing on understanding what is possible for territorial authorities in this space as a directly impacted group. Please use this opportunity to give the Ministry your feedback and input on potential performance measures and data framework. Written feedback can be sent to wastelevy@mfe.govt.nz. Once a proposed draft regulation has been drafted, there will be an exposure draft process which will include territorial authority representatives among other stakeholders. Comments already made during the webinar are captured below and the webinar was also recorded.

In addition to engagement with territorial authorities, we understand that it is important to communicate these changes with industry and groups that may experience changes in, for example, the way they report to you. We maintain a contact list of facilities and operators and will communicate regulatory changes directly with these groups as they go through Cabinet. Information will also be made available on the Ministry for the Environment website and other relevant channels.

[Comments and suggestions from TA participants \(in the webinar chat\)](#)

27. It could be helpful for the Minister to direct TAs to include a series of mandatory performance measures in their plans, then require this to be reported on.

It is also proposed to have mandatory TA reporting on performance against any performance standards set by the Minister under s49 (under s86(1)(c)(iii)). No performance standards have been set at this time, but this could be a useful tool to help achieve the overall direction and targets set out in the revised waste strategy (currently underway).

28. These are TA indicators but contamination in bales is only measurable at the MRF - not usually owned by TAs. It's going to be very difficult to get this info without licensing the MRF with data reporting requirements - it then becomes a MRF measure not a TA measure.

We are aware that there are barriers to collecting information from commercial entities. However, it is worth noting that with recent changes to the Basel Convention to include low-quality plastics, it may be useful for territorial authorities to keep track of contamination levels in recycling. This can, for example, assist in preventing exports of recyclable material bales being stopped at the border because of high levels of contamination, through councils taking preventative measures at the kerbside. It is generally in the best interest of the MRF to share contamination rates back out to territorial authorities in order to lead work on reduction of contamination rates.

29. It could be helpful to term them waste indicators rather than performance indicators

The current language in the Act is "performance in achieving waste minimisation". We could consider using the terminology 'waste indicators' as a shorthand for this if that is widely considered more straightforward. There are some internal concerns that 'waste indicators' implies a scoping limit to simply waste streams, when performance measures under this section of the Act cover, more broadly, compliance, monitoring and enforcement and engagement activity also.

30. If material isn't baled, consideration needs to be given to how contamination may be measured.

Noted.

31. For kerbside recycling surely SWAP data and pre bin audit data would be valuable as well?
SWAP data and pre-audit data from kerbside recycling bins is a useful and valuable tool for planning and information. However, as it can be an expensive exercise for territorial authorities to undertake consistent and regular SWAPs, we will need to ascertain how widespread regular SWAP audits are.