



Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 18th day of September 2023

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 41 and 86 of the Waste Minimisation Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made in accordance with sections 41(2) and 86(2) of that Act.

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Regulations

1 Title

These regulations are the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 1 July 2024.

3 Principal regulations

These regulations amend the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009.

4 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in their appropriate alphabetical order:

kerbside, in relation to a waste service or collection, means a service or collection that uses kerbside receptacles, including (but not limited to) wheeled bins, crates, and bags, even if the receptacles are not collected directly from the kerbside

residential premises has the meaning given in section 2 of the Residential Tenancies Act 1986

5 Regulation 3B amended (Types of facilities)

In regulation 3B(3), insert in its appropriate alphabetical order:

resource recovery facility—

(a) means a facility that—

(i) collects, sorts, or processes material, or extracts materials or energy from material (or carries out any combination of those activities), for the purpose of recovering components for recycling or reuse; and

(ii) is not a disposal facility; and

(iii) does not incinerate waste (with or without energy recovery); and

(b) includes a facility that is focused on a single waste stream, for example, a construction and demolition resource recovery facility, or a large-scale composting operations and materials recovery facility

6 New regulation 37A inserted (Operators must keep records and report on waste in activity categories)

After regulation 37, insert:

37A Operators must keep records and report on waste in activity categories

- (1) An operator must—
 - (a) keep records of all waste or diverted material that enters the facility in each activity category as set out in Schedule 3; and
 - (b) provide reports to the Secretary on the basis of the tonnage of waste or diverted material that enters the facility in each activity category as set out in Schedule 3.
- (2) The records must classify all waste or diverted material that enters the facility into the most appropriate activity category as set out in Schedule 3.
- (3) Reporting under this regulation is due as frequently and on the same dates as returns provided for the relevant site under regulation 6.

7 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in Schedule 1 of these regulations.

8 New Schedule 3 inserted

After Schedule 2, insert as Schedule 3 the schedule set out in Schedule 2 of these regulations.

Schedule 1

Schedule 1 replaced

r 7

Schedule 1

Conversion factors for volume-to-weight calculations

r 14(4)

Type of waste or diverted material	Description of waste or diverted material	Conversion factor
Mixed general material—loose	Small loads (0.5 cubic metres or less) of uncompacted general waste or material, including bags of domestic and commercial refuse or waste <i>or</i> Material for diversion that is similar in density to loose and uncompacted material, such as recyclable containers, cans, and plastic bottles. Includes loads received from a residential customer that is mainly household waste but includes some garden material	0.13 tonnes (130 kg)/cubic metre
Uncompacted garden material	Grass, leaves, foliage, branches, and other general bulky green waste. Does not include soil or logs, or mulched materials. Material is delivered loose and not from a collection service or otherwise compacted	0.15 tonnes (150 kg)/cubic metre
Mixed general material—bulk, uncompacted	Larger loads (more than 0.5 cubic metres) of any uncompacted waste <i>or</i> Material for diversion from residential, commercial, and industrial sources Includes loads of construction and demolition waste of building products and materials that is dominated by packaging or light-weight insulation	0.20 tonnes (200 kg)/cubic metre
Compacted putrescible material	Compacted or mulched grass, leaves, foliage, branches, and food waste included in a food and garden waste collection. Does not include soil or logs. For example, materials collected through a kerbside service in a compactor vehicle	0.26 tonnes (260 kg)/cubic metre
Mixed general material—compacted	Waste or material for diversion carried in a compacted state (including in kerbside collection compactors, stationary compactors, and mechanical handling if this includes compaction) and compacted bulk waste <i>or</i> Material from refuse transfer stations in a compacted state <i>or</i>	0.32 tonnes (320 kg)/cubic metre

Type of waste or diverted material	Description of waste or diverted material	Conversion factor
Mixed construction and demolition material	<p>Waste or material for diversion that is similar in density to compacted waste, such as whole glass bottles and loose light-gauge scrap metal</p> <p>Mixed loads of construction and demolition waste. Includes a mixture of timber, glass, metals, plastics, plasterboard, or fibre cement products, fibreglass or insulation materials, masonry, bricks and small (incidental) amounts of concrete, soil, or rock. If the load is predominantly concrete, soil, or rock, this should be categorised under “Soil, sludges, and similar excavated material” or “Concrete, rock, or other high-density materials”</p> <p>Not applicable to loads of construction and demolition material that are dominated by lighter materials such as insulation, packaging, or plastics (“Mixed general material—bulk, uncompacted” applies)</p>	1.20 tonnes (1,200 kg)/cubic metre
Soil, sludges, and similar excavated material	Material predominantly made up of soil and excavated material including sand, silt, clay, and topsoil. May include stumps or logs and asphalt	1.50 tonnes (1,500 kg)/cubic metre
Concrete, rock, or other high-density materials	<p>Materials predominantly made up of slags, sludges (including biosolids), ash, foundry sand, pomace (fruit pulp), and abattoir waste</p> <p>Waste or material composed of high-density materials and predominantly made up of concrete, rock, and rubble</p>	2.00 tonnes (2,000 kg)/cubic metre

Schedule 2

New Schedule 3 inserted

r 8

Schedule 3

Activity categories

r 37A

Activity category	Description
Construction and demolition	Waste derived from the construction or demolition of buildings, structures, and infrastructure. This includes residential, industrial, and commercial structures, pipelines (above-ground and underground assets), roading, land development (including site clearance for building or subdivision construction), and regular slips or other debris not associated with a major natural hazard
Mixed industrial, commercial, and institutional	General waste from activities wholly or mainly for the purposes of a trade, business, or industry, or for the purposes of sport, recreation, education, healthcare, or agriculture, and not including residential premises. This includes retail and light manufacturing or industrial activities
Heavy industrial	General waste primarily derived from heavy industrial or manufacturing activities, in dedicated loads generated by the primary activity of an industry. This includes, but is not limited to, tanneries, canning factories, dairy factories, timber or pulp mills, incineration activities, fisheries, and horticulture processing
Residential drop-off	Waste generated by residential premises that is dropped off to a facility and that is not entirely from construction, renovation, or demolition of the premises. Residential waste is composed of wastes from normal household activities and originating from residential premises or workplace activities that result in domestic-type waste (for example, lunch rooms, cafeterias). This does not include waste produced in the process of commercial or industrial undertakings. Loads of waste entirely from construction or demolition activities should be categorised as “Construction and demolition”
Residential kerbside collections	Waste generated by residential activity that is collected at kerbside and that is composed of wastes from normal household activities and originating from residential premises or workplace activities that result in domestic-type waste (for example, lunch rooms, cafeterias). This does not include waste produced in the process of commercial or industrial undertakings
Unusual activity	This category should be used as an exception to capture waste that does not fit into any of the other categories and that is from a distinct activity that occurs irregularly and significantly affects the overall composition of the waste stream

Activity category	Description
Transfer station—mixed activities	<p>This includes, but is not limited to, animal disposal, waste generated by natural hazards that occur irregularly, and the clearing out of sludge from stormwater detention ponds or private lagoons used as wastewater treatment (but not sludge from industrial wastewater treatment plants)</p> <p>Waste or diverted material that enters the facility from a transfer station. This includes loads from a transfer station to another transfer station, and loads from a transfer station to a landfill. Waste or diverted material that enters a transfer station must be recorded under the relevant activity category associated with the activity that generated that waste</p>

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2024, amend the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 (the **principal regulations**).

The amendments to the principal regulations include—

- replacing Schedule 1, which provides conversion factors for volume-to-weight calculations;
- requiring operators to keep records in relation to each of the activity categories set out in *new Schedule 3*;
- requiring operators to provide an annual report for each financial year for those activity categories;
- specifying that reporting under *new Schedule 3* is due as frequently and on the same dates as returns provided for the relevant site under regulation 6 of the principal regulations.

Regulatory impact statement

The Ministry for the Environment produced a regulatory impact statement on 29 March 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://environment.govt.nz/assets/publications/proposals-for-additional-waste-data-impact-summary.pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

**Waste Minimisation (Calculation and Payment of Waste
Disposal Levy) Amendment Regulations 2023**

2023/261

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These regulations are administered by the Ministry for the Environment.

Wellington, New Zealand:

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