

1. CLEANFILL SITES BYLAW

Officer responsible City Water and Waste Manager	Author Zefanja Potgieter, Resource Planner Solid Waste, DDI 941-8271 and John Buchan (Solicitor, Buddle Findlay)
--	---

The purpose of this report is to table a proposed new bylaw to licence cleanfill sites and to seek authorisation for the special consultative procedure for making bylaws to be initiated under the Local Government Act 2002.

BACKGROUND

The Council's Solid and Hazardous Waste Management Plan (Part Two) will outline various tools to achieve Part One, the high level goals. One of these tools is levying waste disposed into cleanfills. This will both raise money for the Council's Waste Minimisation Fund for financing waste reduction initiatives and also act as a tool to encourage waste sorting and recycling.

On 24 July 2003 a report was considered by the Council recommending that a new bylaw was the most appropriate way to address the issues of resource recovery from cleanfill sites and levying a waste minimisation contribution on materials disposed of at cleanfill sites. As a result the Council resolved as follows:

1. *That the Council resolves that it has determined that, as is required in terms of Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way to address the issues of:*
 - (a) *resource recovery of materials from cleanfill sites, and*
 - (b) *levying a waste minimisation contribution on materials disposed of at cleanfill sites.*
2. *A further report be submitted in August 2003 to Council outlining final details of the bylaw and the process for implementing it.*

This report presents the proposed new bylaw, and the process for implementing it in terms of the provisions of the Local Government Act 2002, including the special consultative procedure.

THE PROPOSED CLEANFILL BYLAW

The proposed bylaw aims to promote resource recovery options such as reuse, recycling and recovery of materials over disposal (dumping at cleanfills) by adding a waste minimisation levy to the disposal cost, thereby in effect increasing overall disposal cost and discouraging the dumping of recyclable materials. All waste going to Burwood Landfill is already subject to a \$12 per tonne waste minimisation levy. Higher disposal costs are a known mechanism that acts as an incentive to reuse, recycle and recover wasted materials rather than throw them away.

Attachment "A" to this report is the "Statement of Proposal" as required by Sections 83 and 86 of the Local Government Act 2002 and includes the proposed new bylaw of which the key features are:

- No person may allow land to be used for the disposal of cleanfill unless the Council has granted a licence for that purpose and all such disposal is undertaken in accordance with the terms and conditions of the licence.
- A differentiated waste minimisation fee will apply (per cubic metre) which will be collected by the site operator on behalf of the Council and paid to the Council on a regular basis. Site operators will be compensated for collecting these levies.
- The fee structure, per cubic metre, is proposed to be: Nil for material suitable for cover purposes; \$2 for defined hardfill materials; \$9 for building construction waste and demolition waste, and \$12 for tree stumps and branches - all excluding GST.
- Compliance with Ministry for the Environment's (MFE) "Guide to the Management of Cleanfills 2002" is a required licence condition. Certain materials not included in the MFE Guide, will, however, be permitted in terms of the bylaw, to reflect the non-availability of local options for diversion of certain materials.
- Site operators will collect valuable waste flow information such as location of source, type of activity generating the material, volume of material etc, which will be useful to the Council for waste planning purposes.
- An audit procedure has been designed to ensure compliance with licence conditions.
- Penalties are available for non-compliance.

- A nominal one-off licence fee of \$50 will apply, and the licence will be ongoing until a site stops operating, or the licensee changes.

THE PROCESS FROM HERE

The following process is proposed:

- Consideration of this report at the 28 August 2003 Council meeting, including the proposed bylaw, plus the appointment of a hearings panel to hear submissions.
- Public notification to take place on 30 August.
- The period for public submissions to be from 30 August to 1 October 2003. This step is an obligation in terms of the Local Government Act 2002, but also allows an opportunity to hear from stakeholders and the general public in order to consider their views.
- The hearings panel to consider all submissions on 9 October 2003, including hearing from those submitters that wish to be heard in person. The panel will report directly to the Council meeting.
- A final report would be considered on 23 October 2003 (after consideration of all submissions) when, if resolved by the Council, the bylaw would formally be made. This report will also address the provisions of section 155(2) of the Local Government Act 2002, firstly to ensure that the bylaw is in the most appropriate form, and secondly to determine if the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. In particular the bylaw cannot be inconsistent with the Act. As presently drafted the bylaw is not inconsistent with the Act.
- Only after the bylaw has been made could applications for licences be received, processed and issued, which implies the earliest possible date of implementation would be 1 December 2003. After 1 December 2003 it would then be unlawful to operate a cleanfill site without a licence in terms of the proposed bylaw, if adopted by the Council.

PUBLIC AVAILABILITY OF DRAFT BYLAW FOR SUBMISSIONS

The publication of the Statement of Proposal would entail the usual notices in the printed media with copies of a summary of the information contained in the Statement of Proposal together with the Statement of Proposal itself to be mailed to members of the public requesting this. In addition, the summary and the Statement of Proposal will also be mailed to all parties identified as having an interest in the proposal, including cleanfill site operators and carriers of waste materials to cleanfill sites. The Statement of Proposal will also be available for inspection at the Civic Offices and at all Council service centres.

SUMMARY

Attached is a copy of the proposed Draft Christchurch City Cleanfill Licensing Bylaw 2003 aimed at resource recovery from cleanfill sites and levying a waste minimisation contribution on materials disposed of at cleanfill sites. A hearings panel to consider submissions also needs to be appointed. It is proposed to notify the bylaw for public submissions during September 2003 and to hear submissions on 9 October 2003.

- Recommendation:**
1. That the attached Statement of Proposal (Draft Christchurch City Cleanfill Licensing Bylaw 2003) be publicly notified and be subject to the Local Government Act 2002 special consultative procedure with public submissions to be made between 30 August 2003 and 1 October 2003, as set out in the report and that submissions be considered/heard by a Subcommittee on 9 October 2003.
 2. That a Subcommittee consisting of the Chairman, Councillor Denis O'Rourke and Councillors Sally Buck and Barry Corbett be appointed to hear and consider all submissions and report its recommendations direct to the 23 October 2003 Council meeting.