

8. APPOINTMENTS AND DELEGATIONS UNDER TRADE WASTES BYLAW

Officer responsible City Water and Waste Manager	Author David Rolls, Solicitor, DDI 941-8892
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The purpose of this report is to recommend that the Council appoint the City Water and Waste Manager to administer the powers of the Waste Management Manager under the Christchurch City Trade Wastes Bylaw 2000 and delegate certain other of its powers in respect of that bylaw.

APPOINTMENT OF CITY WATER AND WASTE MANAGER TO ADMINISTER CERTAIN POWERS

Clause 8.7.1 of the Christchurch City Trade Wastes Bylaw 2000 confers on the Waste Management Manager a number of the Council's powers under the Bylaw. However, the position of Waste Management Manager was abolished some time ago. The functions formerly undertaken by the Waste Management Manager are now undertaken by the City Water and Waste Manager.

Ideally the Bylaw should now be amended by deleting all references to the Waste Management Manager and substituting references to the City Water and Waste Manager. However, the procedure for amending trade wastes bylaws is an extremely time-consuming and expensive administrative process.

Instead of amending the Bylaw it is considered, in the interests of administrative efficiency, more appropriate that the Council exercise its power under Clause 2.1 of the Bylaw and appoint the City Water and Waste Manager to administer the powers of the Waste Management Manager. Clause 2.1 defines the term "Waste Management Manager" as meaning, amongst other things, the officer appointed by resolution of the Council to administer the powers of the Waste Management Manager. The Bylaw can be amended to reflect this organisational change at a later time when it comes under review.

APPOINTMENT OF TRADE WASTES OFFICERS

The Bylaw makes reference to Trade Waste Officers. For example, Clause 8.7.1 authorises the Waste Management Manager to sub-delegate any of his powers to such officers. To date no formal provision has been made by the Council for the appointment of Trade Wastes Officers. In order to formalise such appointments it is recommended that the Council delegate to the City Water and Waste Manager the power to appoint such officers.

HEARING OF OBJECTIONS

Clause 8.5 of the Bylaw provides persons with rights of objection in respect of certain decisions made under the Bylaw. Clause 8.7 provides that the Council may delegate to any Committee or Subcommittee the power to determine such objections. In the interests of administrative efficiency it is recommended that the Council delegate this power to the Council Hearings Panel. This has been the Council's practice in the past in respect of similar powers under other bylaws.

COMPLIANCE WITH DECISION-MAKING REQUIREMENTS OF LOCAL GOVT ACT 2002

It is considered that the decisions sought from the Council in relation to this report concern matters of a minor administrative nature only. Consequently it is suggested that no specific action need be taken in respect of the requirements of sections 77 and 78 of the Local Government Act 2002.

Recommendation: That the Council pursuant to:

1. Clause 2.1 of the Christchurch City Trade Wastes Bylaw 2000, appoint the City Water and Waste Manager to administer the powers of the Waste Management Manager under that Bylaw.
2. Clause 32 of the Seventh Schedule to the Local Government Act 2002, delegate to the City Water and Waste Manager the power to appoint Trade Wastes Officers for the purpose of the Christchurch City Trade Wastes Bylaw 2000.
3. Clause 8.7 of the Christchurch City Trade Wastes Bylaw 2000, delegate to the Council Hearings Panel the power to determine objections under Clause 8.5 of that Bylaw.