

5. SUPPORT FOR LEGISLATIVE REFORM: WASTE LEVIES

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The purpose of this report is to seek Council support for a proposal from the North Shore and Waitakere City Councils to amend the Local Government Act 2002 in relation to the establishment of waste levies.

BACKGROUND

On 1 July 2004 the Mayor's office received a letter from the North Shore and Waitakere City Councils, asking that the Christchurch City Council support the following proposed amendments to Section 544 of the Local Government Act 2002 (amendments are indicated in bold):

544. Allocation of costs

- (1) *Subject to subsection (2) of this section, every territorial authority shall allocate the costs incurred in the implementation of a waste management plan in such manner as the territorial authority considers will effectively and appropriately promote the objectives of the plan.*
- (2) *Where the waste management plan so provides, the costs incurred in the **establishment and ongoing** implementation of the plan may be allocated by the territorial authority in a way that establishes economic incentives and disincentives **and which may include levies** that promote any or all of the objectives of the plan.*
- (3) ***Territorial authorities may impose waste levies based on refuse type on licensed operators of waste facilities and refuse collectors for the funding of waste minimisation initiatives.***

Through Part 2 of the Solid and Hazardous Waste Management Plan 2004, the Christchurch City Council agreed to lobby central government for the implementation of nationwide action, which will assist in reaching this Council's own waste targets (Section 6.6.4). Supporting the above amendment is in line with this.

ADVANTAGES

The above amendments offer the following advantages:

- They help to clarify the intent of Section 544 in terms of gathering funds for waste reduction by way of waste levies (incentives and disincentives). This in turn makes it easier to implement and reduces the legal risks and costs associated with establishing and defending waste levies.
- It adds more certainty to Councils intending to establish waste levies by offering less grounds to opponents for legal challenge and so can shorten the time needed to establish a levy and increase the likelihood of success.
- It specifies that differential charges (incentives and disincentives) can be placed on different types of waste (eg problematic wastes such as tyres, polystyrene or hazardous substances) making this type of economic instrument easier to implement.
- It enables levies to be applied at different points of the waste stream eg at the point of waste collection, processing and disposal.
- It will strengthen the position of Councils that already have levies in place (in Christchurch a waste minimisation levy is applied to all waste going to landfill and to cleanfill).

Committee

Recommendation: That the Council support the proposed amendments to Section 544 of the Local Government Act 2002.