

11. PROPOSED WASTE HANDLING FACILITIES LICENSING BYLAW 2005

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PURPOSE OF THE REPORT

The purpose of this report is to seek approval to the appointment of a subcommittee to hear and consider the submissions received on the draft Christchurch City Licensed Waste Handling Facilities Bylaw 2005.

EXECUTIVE SUMMARY

At its meeting on 23 September 2004 the Council considered a report from the Sustainable Transport and Utilities Committee meeting of 7 September 2004 concerning the proposal for a new bylaw to license waste handling facilities in the Christchurch City Council area.

The Council resolved:

- “1. That the attached Statement of Proposal for the draft Christchurch City Waste Handling Facilities Licensing Bylaw 2005 be publicly notified and be subject to the Local Government Act 2002 special consultative procedure with public submissions to be made between 2 October 2004 and 19 November 2004, as set out in the report.*
- 2. That the licence fee of \$50 be reviewed on an annual basis in conjunction with other Council charges.”*

The draft proposal was publicly notified in the Press and Star newspapers on Saturday 2 October and Wednesday 6 October 2004 respectively and in the City Scene on Friday 1 October 2004, with submissions closing on 19 November 2004.

A total of 13 submission have been received on the proposed bylaw as follows:

- In support 10
- Opposed 3
- Total 13

Of the 13 submissions received three have also indicated that they wish to be heard in person.

In accordance with the provisions contained within the Local Government Act 2002 and as noted by the Council on its meeting of 23 September 2004 a subcommittee now needs to be appointed to hear and consider these submissions and make a recommendation to the Council.

It is intended that submitters be heard in February 2005 and a recommendation made to a weekly Council meeting in that month.

FINANCIAL AND LEGAL CONSIDERATIONS

There are no direct financial considerations to the establishment of a subcommittee to hear and consider the applications. It is a requirement of the Local Government Act 2002, section 83(b)(ii) that any submitter to a special consultative process procedure must be given the opportunity to be heard if they so request. Adoption of a bylaw requires the special consultative procedure process to be used (section 156(i)).

RECOMMENDATION

That a subcommittee of three Councillors be appointed to hear and consider the submissions received on the proposed Christchurch City Waste Handling Facilities Licensing Bylaw 2005 and to report a recommendation in the February 2005 weekly Council meeting cycle.

BACKGROUND

The proposed Waste Handling Facilities Licensing Bylaw 2005 aims to:

1. Promote resource recovery options by requiring all waste handling facilities (also called refuse stations) to extract from the waste stream those materials for which economic and realistic diversion options already exist.
2. Ensure that currently applicable waste minimisation levies are collected from all licensed waste handling facilities.

It provides for the Council to monitor and audit:

1. The waste handling facilities.
2. All invoices and other documentation.
3. Performance of waste sorting onsite.

The proposed Bylaw will not apply to sites that send materials to sites that further sorting or diversion takes place, nor does it apply to cleanfill sites, which are subject to the Cleanfill Licensing Bylaw.

OBJECTIVE

To provide for proper consideration of the submissions received on the proposed new bylaw.

OPTIONS

It is not considered that there are any other options at this stage of the process.