

1. HEARING OF SUBMISSIONS ON THE DRAFT TRADE WASTE BYLAW 2006 AND RELATED POLICIES AND CHARGES

INTRODUCTION

The Council, on 15 June 2006 resolved:

- “(a) That the Council resolve that it has determined that, as is required in terms of Section 155 of the Local Government Act 2002:*
- (i) A bylaw is the most appropriate way to address the management of discharges from trade waste;*
 - (ii) The form of draft bylaw is the most appropriate form; and*
 - (iii) There are no inconsistencies between the Draft Trade Waste Bylaw 2006 and the New Zealand Bill of Rights Act 1990.*
- (b) That the attached Statement of Proposal for the Draft Trade Waste Bylaw 2006, the Draft Trade Waste Bylaw 2006 itself and the Draft Trade Waste Policy and Schedule of Charges 2006 be approved to be publicly notified subject to the Local Government Act 2002 special consultative procedure with public submissions to be made between 7 June 2006 and 7 August 2006, with the hearing of submissions to take place as set out in the report.*
- (c) That a Trade Waste Bylaw hearings panel be appointed to hear submissions as set out in the report.*
- (d) That a hearings panel comprising Councillors Sally Buck, Carole Evans and Bob Shearing be appointed to hear the submissions on the proposed review of the Trade Waste Bylaw, and the related policies and charges.”*

PUBLIC NOTIFICATION

The Statement of Proposal for the Draft Trade Waste Bylaw 2006, the Draft Trade Waste Bylaw 2006 itself, and the Draft Trade Waste Policy and Schedule of Charges 2006 (as publicly notified 21 June 2006) were included in the 15 June 2006 report to Council.

THE HEARING

The hearing of submissions commenced on 4 September 2006 at 9am in the Civic Offices. Copies of all written submissions are attached to this report as Appendix A. Those submitters who indicated they wished to be heard were given the opportunity to present their submissions as follows:

1. Chemwaste Industries Limited: represented by Mr Mark Cox
2. GL Bowron Limited: represented by Neil Shewan, Mandy Nottingham and Peter O'Donnell (NZ Leather and Shoe Research Association)
3. Graeme Lowe Limited: represented by Euan Chapman of Duncan Cotterill, Trevor Proffit, David Beckwith and Trevor Arnold
4. Gelita Australia Pty Ltd: represented by Andy Blaikie, Gary Monk, Pablo Silber and Peter O'Donnell
5. Goodman Fielder NZ Ltd and Integrated Waste Solutions Ltd on behalf of Goodman Fielder NZ Ltd: represented by Jim Maddock, Tony Andrew and Bryan Rooney
6. NZ Leather and Shoe Research Association: represented by Peter O'Donnell

The hearing of submissions was then adjourned, and the panel considered written submissions from the following, who did not wish to be heard:

8. Independent Fisheries, Christchurch
9. BJ Dakin and Co Ltd, Christchurch
10. Lyttelton Port of Christchurch
11. Becky Ellis, Christchurch
12. S C Wilson, Lower Hutt
13. City Water and Waste, Christchurch City Council

The meeting of the hearings panel adjourned at 3.45pm.

The hearing of submissions reconvened on Thursday 7 September 2006 at 3pm in the Civic Offices to allow the hearings panel to consider the following submission:

7. Canterbury Manufacturers' Association (CMA), represented by John Walley. A paper tabled by Mr Walley is attached as Appendix B.

The Panel subsequently also received a late submission dated 15 September from PPCS Ltd (Appendix C).

In general most submissions from industry addressed proposed changes to some or all of the following issues: peak to off-peak ratios, changes to suspended solids management, BOD versus COD, and rolling averages of the charging model. Other issues raised in submissions included the ability to negotiate individual agreements, increased charges, metal contaminant charges, domestic offset, compliance costs, definitions, business paying the fair cost of treatment. Staff submissions referred to inadvertent omissions, typographical points, etc as set out in the submission.

ADDITIONAL INFORMATION

The panel sought additional information from Gelita during the hearing seeking a comparison of charges which have to be met by the Christchurch operation, and how these compare in relation to all the other Gelita companies worldwide. This confidential information was subsequently provided to the hearings panel on 13 September 2006. The panel requested staff to prepare options for a further meeting to consider new options to address issues raised by submitters.

The panel again met again on 6 October when different options were discussed, and recommendations to the Council were formulated. The panel requested that staff discuss the recommendations with the Canterbury Manufacturers' Association (see Appendix D). The document summarises the approach taken by the Panel in recommending to the Council the changes to the bylaw, policies, and schedule of rates and charges attached to this report.

CHANGES TO THE BYLAW

A list of changes made to the Bylaw is attached as Appendix E.

AMENDED BYLAW

The amended Bylaw recommended for approval by the Council, to come into effect on 1 January 2007, is attached as Appendix F and the amended Policy and Schedule Charges for Trade Waste is attached as Appendix G.

RECOMMENDATION

It is recommended that the Council in accordance with Section 146 of the Local Government Act 2002 adopt the Trade Waste Bylaw 2006 and the accompanying Policy and Schedule of Charges, to come into effect on 1 January 2007.