

## 16. SUBMISSION ON WASTE MINIMISATION BILL – SUPPLEMENTARY ORDER PAPER

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	City Water and Waste Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of Supplementary Order Paper No 150 which amends the Waste Minimisation (Solids) Bill and to seek Council approval of a submission on that Supplementary Order Paper.

### EXECUTIVE SUMMARY

2. The Waste Minimisation (Solids) Bill (“the Waste Bill”) was introduced as a private member’s bill in 2006. A Parliamentary Select Committee, the Local Government and Environment Select Committee (“the Select Committee”), called for submissions on the Waste Bill in mid 2006.
3. The Council made a written submission on the Waste Bill in August 2006. It was one of 130 submissions received by the Select Committee. The Mayor and Councillor Buck appeared before the Select Committee in support of the Council’s submission earlier this year.
4. As it was a member’s Bill it was not developed in conjunction with the Ministry for the Environment. A Supplementary Order Paper (No 150 “the SOP”) was developed in conjunction with the Ministry and is based on the government’s policies in relation to waste, waste minimisation, and sustainability. The release of the SOP means that the Select Committee can now consider the Waste Bill together with the SOP.
5. The SOP makes a number of substantive changes to the original Waste Bill, including:
  - Removal of the provisions which related to a national Waste Minimisation Authority, and local Waste Control Authorities;
  - Deletion of some terms and definitions and adds others. Key terms added include disposal and disposal facility;
  - Removal of the requirement for organisational waste management plans;
  - Alterations to the section on extended producer responsibility, now called product stewardship;
  - Amendments to the waste levy provisions; and
  - Incorporation of Part 31 of Local Government Act 1974 into the Bill (Part 31 relates to waste management).
6. Those organisations that submitted comments on the original Bill in August 2006 were invited to submit comments on the SOP to the Select Committee by 31 October 2007. The Select Committee has granted the Council an extension to 30 November 2007.
7. A draft submission on the SOP has been prepared by Council officers and is attached to this report.

### FINANCIAL IMPLICATIONS

8. Although there are no financial impacts that will result from the submission of comments on the SOP for the Waste Bill, it is likely that provisions of the Waste Bill will have significant financial implications for the Council should it be enacted as proposed in the SOP.
9. Potential impacts include:
  - a \$10 per tonne levy on waste, with approximately half of the levy money returned to territorial authorities to fund waste minimisation activities;
  - record keeping for managing levy money and measuring performance against standards set by the Minister for the Environment.
  - a potential need for enforcement officers to ensure compliance with product stewardship regulations made by the Minister.

### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

10. Not applicable.

## **LEGAL CONSIDERATIONS**

11. In 2005 the Council made the Christchurch City Licensed Waste Handling Facilities Bylaw 2005. It came into force on 1 June 2005. Among other things this bylaw required persons, licensed under that bylaw to collect waste, to pay a compulsory waste levy based on the amount of waste collected. The purpose of the levy was not to recover costs incurred by the Council in relation the activities of the licensees but to fund waste management strategies not connected to those activities.
12. The provisions of the bylaw which imposed the levy were subsequently held by the High Court to be invalid on the grounds that the Council had no statutory power to impose such a levy (Carter Holt Harvey Ltd v North Shore City Council [2006] 2 NZLR 787).
13. One of the main features of the SOP is, that if passed into law, it will impose a national waste disposal levy a share of which will be paid to territorial authorities. Territorial authorities will be able to spend that share on reduction, reuse, recycling, or recovery activities provided for in their waste management and waste minimisation plans.
14. There are other legal issues which are addressed in the draft submission.

### **Have you considered the legal implications of the issue under consideration?**

15. Yes; see above.

## **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

16. Not applicable

### **Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

17. Not applicable

## **ALIGNMENT WITH STRATEGIES**

18. Not applicable

### **Do the recommendations align with the Council's strategies?**

19. Not applicable

## **CONSULTATION FULFILMENT**

20. Not applicable

## **STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Consider the attached submission and grant approval for it to be submitted to the Select Committee.
- (b) Resolve whether or not the Council wishes to appear before the Select Committee in support of its submission (assuming that the Select Committee will allow submitters to appear) and if so who should represent the Council.