

## 7. ENVIRONMENT CANTERBURY - MEMBERSHIP CANTERBURY JOINT STANDING COMMITTEE

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### PURPOSE OF REPORT

1. The purpose of this report is to advise on issues relating to the potential membership of Environment Canterbury on the Canterbury Joint Standing Committee (the Committee).

### BACKGROUND

2. In May 1999 the issue of potential membership of Environment Canterbury on the Committee (including the Canterbury Waste Subcommittee) was considered by the Subcommittee. In that report reference was made to Regional Councillor Judy Waters' request for formal representation on the Subcommittee. The Subcommittee resolved:

- “1. That the Canterbury Waste Subcommittee establish a working party to report to the Subcommittee on regional hazardous waste issues.
2. That the working party membership be two representatives of the Canterbury Regional Council, one member representing northern local authorities, one City Council representative and one representative of southern local authorities.
3. That the working party be supported by the existing Hazardous Waste Staff Group.”

3. A month later the Subcommittee supported a Mackenzie District Council proposal to increase number of representatives of the working party from three (as above) to four as follows:

*“That the working party membership be two from the Canterbury Regional Council, one from the Christchurch City Council, one from among Mackenzie, Waimate and Timaru District Councils, one from among Ashburton, Selwyn and Banks Peninsula District Councils and one from among Waimakariri, Hurunui and Kaikoura District Councils.”*

4. Therefore while the Subcommittee did not offer the Regional Council representation on the Subcommittee it instead established a working party on regional hazardous waste issues which included representatives from the Regional Council, based on advice that the Regional Council had a role to play in that regard. The working party has operated ever since. The four current Subcommittee representatives on the Canterbury Regional Hazardous Waste Working Party (the working party) are Councillors Brine (for the northern councils), Mulvey (for the southern councils), Philips (for the central councils) and Wells (Christchurch City). Included in the December 2004 agenda papers of the Subcommittee was a report on the operation of the working party.

5. On 11 April 2005 the Subcommittee resolved that *“Staff report back on the possibility of Environment Canterbury being included as a member of the Subcommittee”*. This was preceded by a brief discussion of the issue at the 7 February 2005 meeting.

6. At the 9 May 2005 meeting of the Subcommittee a letter from Regional Councillor Ross Little was tabled (attached) stating that Environment Canterbury would welcome any offer of membership, and the opportunity for ECan to discuss such an offer.

7. Darren Patterson of ECan has provided the following summary of the role ECan plays regarding hazardous waste management in Canterbury:

*“Environment Canterbury co-ordinates the implementation of the Canterbury Hazardous Waste Management Strategy (Strategy) and the Hazardous Waste Working Party (HWWP). They provide 50% of the funding and through consultation with the regional staff group and the HWWP, develop and manage each year's implementation projects. Projects are selected based on a criteria of priority wastes, risk to the environment, and regional applicability. The Strategy is an excellent example of a partnership approach by local authorities to address issues on a regional level.*

*A successful example of regional co-operation is the collection of unwanted agrichemicals. Over the past three years the councils have worked together through the co-ordination of Environment Canterbury to collect over 100 tonnes of material. Other initiatives have seen the establishment of a regional used oil collection network and it is intended that this be expanded in the future to accept other types of domestic hazardous waste.*

*The strategy has also produced guidelines for storage of hazardous waste; recycling and treatment options for hazardous waste trained staff at transfer stations and provided emergency management plans for transfers stations.*

*It is certain that without the Strategy the issue of hazardous waste would not have progressed as far as is has over the past 5 years. Programmes initiated regionally are then implemented at a local level by individual councils but this regional approach significantly reduces the potential costs that an individual council would face if they attempted to implement a project on their own.*

*By pooling resources and using Environment Canterbury to drive regional initiatives all the councils have saved time and money for hazardous waste initiatives. This work has significantly raised the bar throughout the region with respect to the management of hazardous waste. An improvement that some councils would have made on their own but which could have increased the potential for waste to migrate across boundaries. Working together has reduced this and ensured that all are at the same level.”*

#### **ISSUES TO CONSIDER**

8. In terms of the Constituting Agreement the Subcommittee operates in two distinct areas, firstly the co-ordination of regional waste minimisation initiatives where all ten members are involved, and secondly regional waste disposal to Kate Valley Landfill where only the shareholders in the joint-venture (six councils) are involved. As confirmed by the letter received from Councillor Little, ECan has no interest in participating in Kate Valley related issues before the Subcommittee. ECan membership would therefore only involve regional waste minimisation initiatives which would ensure no conflict of interest regarding Kate Valley resource consents.
9. Membership by ECan of the CWSC would therefore include ECan in deliberations on regional waste minimisation management which could add value to regional waste minimisation outcomes. Although there is no legal obligation to do so, ECan's own Regional Policy Statement (1998) identifies policies to advance regional waste minimisation. Instances exist, (Taranaki Regional Council and Environment Waikato) where regional waste groups are in fact co-ordinated by the respective regional council, as distinct from the more formalised Canterbury approach.
10. Funding of CWSC regional waste minimisation initiatives is governed by the *Constituting Agreement* and funding share is determined on a population basis, ranging from Christchurch's contribution (65.8%) to Kaikoura (0.7%) and currently amounts to \$75,000 a year. Consideration would need to be given to how to accommodate ECan's contribution should it become a member.
11. ECan is responsible for the Regional Hazardous Waste Working Party, a working party of the CWSC. ECan membership of the CWSC opens up the possibility of incorporating regional hazardous waste management into the Subcommittee if considered advisable and practical, which could mean not requiring a separate working party. The last paragraph of item 2 above sets out the grouped territorial authority representation on the working party, whereas at Subcommittee level each territorial authority has separate representation.
12. The Local Government Act 2002 makes provision for territorial authorities to transfer specified responsibilities to the regional council. Should occasions arise where for instance a new legal instrument (e.g. Christchurch Cleanfill Licensing Bylaw) could benefit a number of territorial authorities then an ECan passed bylaw could apply regionally to those territorial authorities which had transferred such specific responsibilities to ECan. It should be noted that in order to

transfer responsibilities in this way the proposal to transfer the responsibility must be included in the appropriate annual plans or LTCCPs or the special consultative procedure must be followed. Additionally, notice of the proposal must be given to the Minister of Local Government. A point to consider is that having each territorial authority not transfer such responsibilities but retain it would allow for greater flexibility than what may be appropriate in one authority.

13. The *Constituting Agreement* provides that member councils may only allow other councils to join the Committee (or Subcommittee) on such terms and conditions as are agreed unanimously by the Committee. In order for this to be resolved by the Committee, each member of the Committee is required to pass a resolution supporting ECan's membership. Should such a proposal be supported by all ten member councils then the Committee would be able to resolve to make ECan a member, subject to specified terms and conditions. The *Constituting Agreement* would require formal amendments.

#### **FINANCIAL AND LEGAL CONSIDERATIONS**

14. There are no legal restrictions to Environment Canterbury becoming a member of the Subcommittee. Having said that, it should also be noted that there are no legal imperatives or requirements for ECan to become a member of the Subcommittee. Unlike the territorial authorities, ECan has no mandated role in relation to waste minimisation. That is not to say that ECan has no interest in the matter but such interest arises as a matter of choice by ECan as opposed to the territorial authorities who have legal obligations in this area.
15. A decision to accept ECan as a member is a decision for each of the existing Council members. It is not a decision that the existing Subcommittee can make on its own. This is because what in effect would happen is that the existing Committee/Subcommittee would be discharged and a new Committee (with ECan as a member) would then be constituted.
16. A new Constituting Agreement would be required and legal costs would be incurred in drafting the same. It should be noted that the existing Constituting Agreement requires amendment to accommodate changes as a result of the Local Government Act 2002 and should membership of ECan be supported by all existing members it would be opportune to make those amendments at the time the new agreement was prepared. If ECan was not to be admitted then those amendments should be made in any event.

#### **SUMMARY**

17. The report addresses issues relevant to the issue of potential ECan membership. While there are no legal restrictions to Environment Canterbury becoming a member of the Subcommittee it should also be noted that there are no legal imperatives or requirements for ECan to become a member of the Subcommittee. Membership by ECan of the CWSC would include ECan in deliberations on regional waste minimisation management which could add value to regional waste minimisation outcomes.

#### **STAFF RECOMMENDATIONS**

It is recommended that:

- (a) The Subcommittee consider the issues around Environment Canterbury membership of the Canterbury Joint Standing Committee.
- (b) The Subcommittee decide if it wishes staff to develop a formal proposal to be put to Environment Canterbury.