
REPORT 3
(1215/52/IM)

TRADEWASTE BYLAW AMENDMENT

1. Purpose of Report

The purpose of this report is to enable the Council to amend its Trade Waste Bylaw in concert with the Porirua City Council's review of its Trade Waste Bylaw (Porirua City Council General Bylaw 1991 Part 20, Trade Waste).

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Note that*
 - a. *The Porirua City Council is reviewing its Trade Waste Bylaw and the outcome of this review would require a change to the Wellington City Council Trade Waste Bylaw 2004.*
 - b. *The Special Consultative Procedure shall be followed for the review of the Porirua and Wellington City Councils' Trade Waste Bylaws*
3. *Agree that*
 - a. *The Wastewater Treatment Plant and Landfill Joint Committee will conduct the review of the Porirua and Wellington City Councils' Trade Waste Bylaws.*
 - b. *The Wastewater Treatment Plant and Landfill Joint Committee will hear submissions and report its deliberations and recommendations to both Councils.*

3. Background

The Porirua City Council (PCC) is undertaking a routine review of its Trade Waste Bylaw, as required by the Local Government Act 2002.

The Wellington City Council adopted its Trade Waste Bylaw (the bylaw) in 2004. Schedule 6 of the bylaw contains the PCC Trade Waste Bylaw because liquid waste from the northern suburbs is treated at the Porirua Waste Water Plant.¹

The Wellington City Council is also required to follow the Special Consultative Procedure because the outcome of the PCC Trade Waste Bylaw review would necessitate a change to Schedule 6 of the Wellington Trade Waste Bylaw 2004 and pursuant to s 156 of LG 02, the Special Consultative Procedure must be followed to make such a change.

The PCC has prepared a statement of proposal for consultation, via the Wastewater Treatment Plant and Landfill Joint Committee. WCC officers have discussed the technical and procedural implications of the review with PCC officers.

4. Discussion

A joint committee appointed pursuant to clause 30, schedule 7 of LG 02 is deemed to be a committee of each Council. Using the Wastewater Treatment Plant and Landfill Joint Committee, in this instance, enables both Councils to minimise the duplication of information and processes that would otherwise be required to amend both Councils' bylaws. However, as the Joint Committee is unable to make the bylaw, it will be required to report to each Council to initiate and complete the decision making processes entailed as part of the review.²

The Joint Committee is scheduled to consider the matter on 17 September and make recommendations following this meeting that will formally commence the Special Consultative Procedure. PCC will receive the Joint Committee's recommendations on 10 October. It will also be reported to a future relevant committee of the Wellington City Council.

5. Conclusion

A review of the PCC Trade Waste Bylaw will cause a change to the Wellington City Council Trade Waste Bylaw. An efficient way to complete the processes is for The Wastewater Treatment Plant and Landfill Joint Committee to conduct the review for both Councils.

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¹ See schedule 5 of the WCC Trade Waste Bylaw for drainage zones.

² See s 161 LG 02. WCC can transfer its bylaw making powers, in so far as Schedule 6 of the WCC Trade Waste Bylaw to PCC, but it may not delegate such powers. Pursuant to s 17 (4) LG 02 the Special Consultative Procedure must be followed to effect a transfer of bylaw making powers.

Supporting Information

1) Strategic Fit / Strategic Outcome

The proposal is consistent with community outcomes and the Council's long-term outcomes. Wellington's environmental health will be protected by well-planned and well-maintained infrastructure. Services will be reliable and meet high quality standards for the wellbeing of residents and the city as a whole.

2) LTCCP/Annual Plan reference and long term financial impact

The review will be conducted within operating budgets.

3) Treaty of Waitangi considerations

Maori organisations will be contacted.

4) Decision-Making

The Statement of Proposal will be prepared and presented to the Council by the Joint Committee.

Although the matter affects the whole community to some extent, it is not expected to generate change to any material extent in terms of the criteria in the Significance Policy.

5) Consultation

a) General Consultation

No preliminary community feedback was sought as the proposal is subject to the Special Consultative Procedure.

b) Consultation with Maori

Maori organisations will be provided with the Statement of Proposal.

6) Legal Implications

Legal compliance issues are specifically addressed in the report.

7) Consistency with existing policy

Council has an objective for its bylaws to be effective, efficient and relevant instruments. The proposals are consistent with Council's policies and do not conflict with s 97 of the Local Government Act 2002.