



AGENDA

Ordinary meeting of the

**Nelson City Council to hear submissions to the
draft Regional Landfill Proposal**

**Tuesday 2 September 2014
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Her Worship the Mayor Rachel Reese, Councillors Luke Acland, Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson (Deputy Mayor), Gaile Noonan, Pete Rainey, Tim Skinner, and Mike Ward

Apologies

1. Confirmation of Order of Business

2. Interests

- 2.1 Updates to the Interests Register
- 2.2 Identify any conflicts of interest in the agenda

3. Submissions

- 3.1 Index
Document number A1239195
- 3.2 Copy of Submissions
Document number A1239076

4. Hearing Schedule

Time	Sub No.	Page No.	Speaker's Name	Organisation
9.05	5	8-12	Tim King	Tasman District Council
9.30	6	13-22	Kent Gibbons	Gibbons Holdings Ltd

Index - Regional Landfill 2014

Page No	Submission No	First Name	Surname	Organisation	Do you wish to speak at the hearing?
4	1	Karen	Driver		No
5	2	Peter	Young		No
6	3	Peter	Wilks		No
7	4	Marie	Eggers		No
8-12	5	Tim	King	Tasman District Council	Yes
13-22	6	Scott	Gibbons	Gibbons Holdings	Yes
23-24	7	Mark	Lawson	Smart Environmental	No

A1239195

Bev Mcshea

From: Submissions
Sent: Thursday, 7 August 2014 4:31 p.m.
To: Administration Support
Subject: FW: Submission on Regional Landfill

Categories: Bev

From: website@nelson.govt.nz[SMTP:WEBSITE@NELSON.GOVT.NZ]
Sent: Thursday, August 07, 2014 4:30:58 PM
To: Submissions
Subject: Submission on Regional Landfill
Auto forwarded by a Rule

Your name: *

Karen Driver

Your phone number:

03 548 1611

Your email address: *

ks_driver@hotmail.com

Would you like to speak in support of your submission at a hearing? *

No

Would you like to attach a file in support of your submission?

Your submission:

I fully support NCC's proposal for the implementation of a regional landfill-

RECEIVED
21 AUG 2014
NELSON CITY COUNCIL
Customer Service

The Nelson City Council wants your opinion.
Please tell us what you think.

Please type or print clearly. Remember to read the submission writing guidelines (over) before starting.

Office Use Only			
		Submission Number	
File Ref		INITIALS	

Name PETER Younk

Daytime phone 0221 887051

Address 17 MARKET ROAD NEW

Organisation represented (if applicable) _____

Do you wish to be heard in support of your submission? YES NO # of pages

_____ If you do not tick a box we will assume you do not wish to be heard.

Public information

Submissions to Council consultation are public information. Your submission will be included in reports, which are available to the public and the media.

The consultation/proposal my submission relates to:

TRAFFIC MANAGEMENT.

My submission is:

The proposal suggests additional 22 vehicles per day - possibly all trucks - with drivers from Tasman AREA - that is bound to increase more.

My concerns are:

- ① These trucks will treat our road as open speed - many do already - danger to many who walk the road.
- ② Danger to houses below Brunner - existing drives already dangerous, trucks speed round quarry bend down the hill.
- ③ Congestion at Paltex corner onto Wairua. Traffic already backs up due to Wairua flows + speeders.
- ④ Time to address intersection - Boundary/Bishopdale Roads? - weekly accidents, daily close shaves.
- ⑤ Traffic already set to increase with on going housing development on Bishopdale Road.
- ⑥ Why were affected residents on our road not notified (by mail drop). ?

Date 13/08/2014 Signature [Signature]

Help with making a submission overleaf...



Nelson City Council
te kaunihera o whakatū

PO Box 645 • Nelson 7040 • 03 546 0200
www.nelsoncitycouncil.co.nz

PDF RAD A1239076

162 Malling Rd Appleby

RD1 Richmond

22 August 2014

Nelson City Council

P Bag Nelson

Attn: Mr J Thiart

Dear Johan,

Re: York and Eves Valley Landfills-submission in support of proposal

I would like to submit in favour of closure of the Eves Valley landfill and transfer of operations to York Valley. There are obvious synergies and economies of scale by combining the two operations and I commend both the NCC and TDC for co-operating on this issue to the benefit of all ratepayers.

As an immediate neighbour of the Eves Valley landfill I would like to ensure the site is maintained in good condition while it is kept as a back-up, and also after eventual permanent closure. In particular I would like to see:

- all bare areas of land grass-seeded to minimise the visual impact of the site and to prevent scouring following rainfall
- all roads and tracks kept open with good water control
- a regular program of spraying for noxious weeds such as gorse and broom
- a thorough clean up of all plastic bags and other loose litter that has the potential to blow into neighbours properties
- maintenance of boundary fences, protective screens, and tree plantings

Thank you,

Peter J Wilks

0275-832244

Bev Mcshea

From: Submissions
Sent: Saturday, 23 August 2014 10:52 a.m.
To: Administration Support
Subject: FW: Submission on Regional Landfill

Categories: Dongrui, Bev

From: website@nelson.govt.nz[SMTP:WEBSITE@NELSON.GOVT.NZ]
Sent: Saturday, August 23, 2014 10:51:37 AM
To: Submissions
Subject: Submission on Regional Landfill
Auto forwarded by a Rule

Your name: *

Marie Eggers

Your phone number:

5484219 0212139888

Your email address: *

rayandmarie@kinect.co.nz

Would you like to speak in support of your submission at a hearing? *

No

Would you like to attach a file in support of your submission?

Your submission:

I am not in agreement with this proposal. The extra traffic that it will create on Market Road not to mention the extra noise, extra vibration from the trucks on our houses. At the moment when it rains the trucks drag wet muddy water down Market Road then when it dries turns to dust coating our houses. This will definitely increase. At the moment there is the odd bit of rubbish along the roadside this will increase as well. The empty rubbish trucks travel at great speed down Market Road. Adding more trucks will increase the danger in crossing the road for private vehicles and pedestrians. All we will hear all day is trucks now in our quite neighbourhood.

Bev Mcshea

From: Submissions
Sent: Monday, 25 August 2014 2:09 p.m.
To: Administration Support
Subject: FW: submission on regional landfill 25-08-14
Attachments: submission on regional landfill 25-08-14.pdf

From: Pamela White[SMTP:PAMELA.WHITE@TASMAN.GOV.T.NZ]
Sent: Monday, August 25, 2014 2:07:51 PM
To: Submissions
Subject: submission on regional landfill 25-08-14
Auto forwarded by a Rule

As attached, thanks

Pamela White
Democracy Advisor /Executive Assistant to the CEO
Tasman District Council
189 Queen Street, Private Bag 4, Richmond, Nelson 7050
P: 03 543 8405
F: 03 543 8560
E: pamela.white@tasman.govt.nz
www.tasman.govt.nz

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For more information about Tasman District Council, please visit our website at <http://www.tasman.govt.nz>

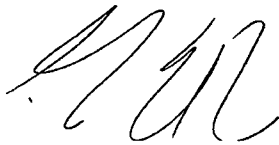
29 April 2014

Regional Landfill Proposal
Nelson City Council
PO Box 645
Nelson 7040
via email submissions@ncc.govt.nz

Regional Landfill

Please find attached the Tasman District Council submission on the proposed acceptance of residual waste from Tasman District Council transfer stations at York Valley.

Yours sincerely



Tim King
Deputy Mayor

G:\Mayor\Correspondence - Mayor\submission on regional landfill 25-08-14.doc

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
14 Junction Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0030
Fax 03 525 9972

Statement of Proposal for the Implementation of a Regional Landfill Submission from Tasman District Council

Tasman District Council has been working closely with Nelson City Council towards a single regional landfill for the Nelson – Tasman region. We welcome the opportunity to submit in support of your statement of proposal to receive Tasman-sourced solid waste at the York Valley landfill.

Tasman District strongly supports the proposal because it delivers shared services that are consistent with the intent of the Local Government Act and with the shared services MoU between Nelson City, Tasman District and Marlborough District Councils. The proposal also gives effect of the Joint Waste Management and Minimisation Plan.

The benefits to both the Nelson and Tasman communities are significant. The commercial risks are reduced, a back-up in the event of an emergency is preserved and there are financial benefits to both councils and the region.

Specifically, the benefits to the Nelson and Tasman communities include:

- improved income certainty,
- more efficient use of our assets,
- reduced net operating costs,
- better waste minimisation outcomes and prolonged life of our assets,
- reduced need for new capital and borrowing,
- greater certainty for each council in long term planning, and
- continued resilience in the event of natural disasters.

Background

The existence of two competing landfills has been long recognised as an impediment to improved waste minimisation efforts by the councils.

Over the past four years the councils have worked jointly on waste planning matters, through a Joint Waste Assessment in 2010, a Joint Waste Management and Minimisation Plan in 2012 and through detailed consideration of landfill options in 2013 and 2014.

The proposal you have in your Statement of Proposal is the product of these efforts and is the one favoured by the engineering assessments, financial modelling and risk assessments prepared for the councils over this period.

Tasman District Council consulted on the shared landfill proposal in its draft Annual Plan 2014-15, and received four submissions. Three were in favour of the proposal.

Benefits to Tasman District

We consider that one of the strengths of the proposal is that it fairly shares the benefits between the two councils and that it recognises the assets that each party brings to the table. Nelson City Council is best placed to consider benefits to their community, but we take this opportunity to briefly expand on the benefits to Tasman District.

Under the proposal Tasman District's solid waste activity operating costs will increase substantially as we will pay the commercial gate rate for refuse at York Valley as well as continue to maintain the Eves Valley landfill as a stand-by facility. The proposal to share local levy and operating surpluses from York Valley will reimburse Tasman District for most of these increased operating costs. Our modelling indicates that the effect will be roughly neutral.

The key financial benefits to Tasman District relate to avoided cost of capital and income certainty.

Tasman District had planned to develop Stage 3 of the Eves Valley landfill over the next five years, and this required significant capital expenditure. While the Council had budgeted to recover these costs through gate revenue, there would be a risk that the full cost of the Stage 3 development could not be passed to commercial customers, who have the opportunity to move waste to the point of lowest cost.

In this event the cost of capital would be borne by ratepayers rather than waste generators, and the Eves Valley landfill would risk becoming a "stranded asset". Because of this risk, the Council would have needed to consider alternative approaches for future capital requirements.

The shared landfill reduces this financial risk, and provides certainty for forward planning. This certainty also provides significant non-financial benefits.

With the two landfills of the region being regarded as a shared resource, the two Councils will be motivated to maximise the life of the assets, which will lead to increased opportunity for waste minimisation initiatives. These initiatives will lead to improved resource efficiency and reduce waste for our local communities and the regional economy.

We consider that the proposal will not have a significant effect on commercial customers within the region. Commercial operators in Tasman District will retain the ability to take material to existing Resource Recovery Centres and there should be no effect on existing commercial customers that presently tip material at the York Valley landfill. User pays for waste will continue.

Consistency with Statutory Obligations and Council Policy Documents

We consider that this proposal is consistent with our statutory obligations and shared policies.

Nelson City Council and Tasman District Council have satisfied their obligations in relation to the Waste Minimisation Act 2008, in that they have worked collaboratively to develop and adopt the Nelson-Tasman Joint Waste Management and Minimisation Plan.

The consideration of joint landfill management has been clearly signalled in the Nelson Tasman Joint Waste Management and Minimisation Plan (JWMMP) and in the Councils' Long Term Plans.

Consideration of a regional approach to solid waste land-filling is also consistent with the Shared Services MoU signed by the Nelson, Marlborough and Tasman councils in August

2012, where waste management facilities and services were identified as projects for initial consideration.

The joint approach is also consistent with the Local Government Act, in particular with section 14(1)(e):

“a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources”

Tasman District Council strongly supports the proposal to have a single operational landfill within the region. We support the proposal that York Valley be the initial site and commit to maintaining the Eves Valley site as a viable long-term option.

We wish to speak to this submission.

Bev Mcshea

From: Submissions
Sent: Monday, 25 August 2014 2:14 p.m.
To: Administration Support
Subject: FW: Regional Landfill
Attachments: 25082014130321-0001.pdf

Categories: Bev

From: Kent Gibbons[SMTP:KENT@GIBBONS.CO.NZ]
Sent: Monday, August 25, 2014 2:13:22 PM
To: Submissions
Subject: Regional Landfill
Auto forwarded by a Rule

To who it may concern

Please find attached our Submission regarding the Proposed Implementation of a regional council.

Regards

Kent

Kent Gibbons | General Manager | Gibbons Holdings Ltd | www.gibbonsholdings.co.nz
kent@gibbons.co.nz | P: +64 3 539 3041 | M: +64 021 547562 | F: +64 3 548 9674



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HOLDINGS



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The advisors - the supporters

25 August 2014

Regional Landfill Proposal

Nelson City Council

P O Box 645

NELSON

To Whom it may Concern

STATEMENT OF PROPOSAL – IMPLEMENTATION OF A REGIONAL LANDFILL

Please find attached our submission for the Regional Landfill Proposal.

Sincerely

Scott Gibbons

MANAGING DIRECTOR

**SUBMISSION IN RELATION TO STATEMENT OF PROPOSAL FOR THE IMPLEMENTATION
OF A REGIONAL LANDFILL – JULY 2014**

My submission is:

1. The Statement of Proposal states"

"The joint Nelson/Tasman Waste Management and Minimisation Plan (JWMMP) adopted by both the Nelson City and Tasman District Councils in April 2012, had an objective to investigate the implementation of a joint regional landfill facility for the benefit of both districts".

(i) This statement indicates that the two Councils will jointly contribute to the siting of and location of a joint regional landfill facility – but the Statement of Proposal is for TDC to use the already established York Valley facility at no ingoing capital costs to infrastructure and yet take out 40% of any operating profit – this is inequitable, and a fraud on the ratepayers of Nelson.

(ii) The JWMMP sets a policy thus:

"The Councils continue to maintain ownership of the waste infrastructure and provide leadership in the provision of waste management services"

The JWMMP states:

"The Councils maintain a user-pay charge system for waste collection and disposal that provides cost recovery as well as incentives and disincentives to promote to the objectives of the JWMMP"

- what is proposed does not achieve that policy.

(iii) The JWMMP states:

"The Councils will jointly make the most effective and efficient use of York Valley and Eves Valley landfill space"

- with a method of "investigating a joint landfill solution"- closing one and focussing wholly on the other does not make the most efficient or effective use of either York Valley or Eves Valley.

(iv) The JWMMP states:

"The Councils are to ensure jointly that there is landfill capacity in the two Districts for the safe disposal of waste"

- what is proposed is contrary to that policy.

(v) The JWMMP sets a guiding principle for cost pricing:

"The environmental effects of reduction, distribution, consumption and reuse, recycling or disposal of goods and of the associated services should be consistently costed and charged as closely as possible to the point they occur.

This principle encourages minimisation of environmental effects by ensuring full environmental costs are reflected in product and service prices, and paid as closely to their sources as possible. An example of the application of this principle is the Landfill Full Costing Guide for New Zealand, Ministry of the Environment 2002, which provides for all costs to be included in landfill charges, including costs over an after care period."

- The proposal, and the Memorandum by my understanding does not recover full costs because substantial reductions are given to Tasman District Council.

2. It is said in the Statement of Proposal:

"Moving to a joint landfill arrangement would provide a platform for the two Councils progress the variety of other waste management and minimalisation initiatives set out in the JWMMP."

- The JWMMP does not propose the effect of gifting of the resource which constitutes York Valley with recompense of the Nelson City Council ratepayer's huge investment in the York Valley landfill. *"Joint"* means joint – the provision of a joint facility should mean a joint facility fully paid for on a joint basis.

3. The proposal set out in the Statement of Proposal is wholly for the benefit of the ratepayers of the Tasman District, and not for the benefit of the ratepayers of Nelson because:

- (i) TDC can close Eves Valley landfill with considerable cost savings;
- (ii) Nelson City will use up its investment in York Valley faster than it otherwise would to the benefit of Tasman District Council, leaving Nelson City Council potentially having to find an alternative (approximately 2031, or earlier depending on the volumes of waste generated from the two local authorities

in years to come) at considerable cost to ratepayers (again) through the resource management and land acquisition process;

- (iii) Additional heavy vehicles which would otherwise use Eves Valley and previously coming from all over the Tasman District to Eves Valley will be drawn through Stoke, Annesbrook, Bishopdale and up through the Bishopdale residential subdivision with attendant noise, smell, pollution and disruption;
 - (iv) Vehicles otherwise using Eves Valley and generated from the Tasman District will have to travel an additional 26 kilometres at least (Eves Valley to Nelson) to access the York Valley landfill with attended impacts on traffic congestion, traffic flows, fuel use, potential spillage, cycle and pedestrian safety, and the proposal is inefficient in productivity and time management terms;
 - (v) Further wear and tear impacts on Nelson City Council roads associated with use by heavy vehicles carting rubbish from the Tasman District which would otherwise have gone to Eves Valley with no recompense therefrom to Nelson City Council and its ratepayers.
 - (vi) York Valley landfill costs the ratepayers of Nelson \$400,000 or thereabouts in 1998-1999 to gain a resource consent. No payment is proposed by Tasman District Council to access that facility in terms of historical or capital costs – that is inequitable;
 - (vii) A TDC Councillor has advised that TDC has purchased additional land adjoining Eves Valley to "*future proof*" that landfill – the proposal seems to be the use up to the capacity of York Valley at no cost (in terms of acquisition or infrastructure) to TDC, and when that capacity is used up TDC has the monopoly.
4. The leachate from the York Valley landfill is discharged in part to York Creek and there is the potential for increase waste disposal to mean increase leachate. This is not adequately (or at all) addressed.
 5. There is limited sewer line capacity through the Bishopdale subdivision – the manholes already (at times of high rainfall) bubble over (photographic evidence available) – more leachate the greater the occurrence if there is not any capacity in the sewer line at all.

4

6. Over the last 10 years the Tasman District waste (total tonnes to landfill) has increased by some 110%, that of Nelson City has reduced by 10%/ Nelson City is expected to “pick up” and remedy the failure by TDC not only to co-ordinate and actively minimise waste, but also its inadequate planning in terms of future landfill to serve its district.
7. The proposal is a short term solution, and pays scant regard to the necessity for careful forward planning as NCC has done, but TDC has failed to do.
8. The Morrison Low report states there is an “income problem” – and a:

“...drop in waste received at Eves Valley as seen to correspond with an increase in waste at York Valley and vice versa.”

“The cause being due to an increase in charges at refuse transfer stations and landfills”

- if that is indeed the case, then surely a wise Waste Manager who is working jointly under a joint waste minimisation plan would co-ordinate charges to remove the options between the two landfills – isn't that what “joint operations” involve?. Surely rubbish disposal should be on a “user pays” basis which is not what the Statement of Proposal contends for Tasman District Council. Furthermore, as the so called “income problem” shows, there is a healthy competition between the two existing landfills/transfer stations leading to a choice for users – that will be lost should the proposal be adopted.

9. Although submissions have been called for in relation to the Statement of Proposal, in fact Nelson City Council and Tasman District Council have entered into a “Memorandum of Understanding” which Memorandum states (in part):

(i) *“7. Tasman District Council will from 1 July 2015, or such earlier date as may be agreed, mothball the Eves Valley landfill, but maintain it in a state so that it can be opened at short notice in the event that the York Valley landfill is inoperable or inaccessible.”*

And:

“8. Tasman District Council will endeavour to obtain resource consent so that it is able to receive Nelson-Tasman waste for a total period of up to two years, in the event that this is required”

What if it fails? What happens after two years?

It seems that it is a proposal that Tasman District Council will benefit from and its ratepayers will benefit wholly from Nelson City Council and its ratepayers without contribution.

(ii) The Memorandum of Understanding also states:

"12. Nelson City Council funds waste management minimisation activities through a 'fixed local levy allocation', which is caused charged to the York Valley landfill account and is accounted as an expense prior to any operating surplus. This sum is set at \$1,787,000.00 in the 2014-15 financial year"

And:

"13. For each full year or part thereof that the Tasman District Council disposes waste to the York Valley landfill the Nelson City Council will pay the Tasman District Council a fixed sum (pro rated for a part year) that matches the local levy allocation of Nelson City Council. This will also be treated as an expense prior to receiving any operating surplus."

And:

"14. The matching payment to Tasman District Council will be made on a monthly basis and generally applied as a credit to landfill disposal fees"

And so the Nelson City Council charges a levy to itself, it pays to the Tasman District Council (which did not contribute to the landfill in the first place) a sum that matches the local levy allocation, and that is *"generally applied"* as a credit against landfill disposal fees by TDC. And so TDC not only gets the credit against fees, it pays no local levy allocation, it pays no infrastructural ongoing - that is scandalous and an abuse to the ratepayer's assets.

9. The Memorandum of Understanding states:

"15. Nelson City Council will pay Tasman District Council a 40% share of the operating surplus of the York Valley landfill (after the matching local levy payment)"

- so TDC pays no infrastructural ongoing cost, it receives a local levy payment/credit, gets 40% profit from the operation to which it has contributed nothing, and can dispose of waste at the landfill (because of the credits) cheaper than can the residents of Nelson City who paid for the York Valley landfill in the first place – that is scandalous.

10. The Memorandum of Understanding states:

"18. Nelson City Council will establish a stabilisation fund to smooth out surpluses returned to the Council and reduce the need to adjust disposal charges throughout the year to achieve the budgeted surplus."

And:

"19. The fund will initially be set at \$400,000 and will be funded in the first year of agreement by the retention of \$200,000 of operating surplus normally distributed to each Council"

- thus not only does TDC provide no capital ingoing to the infrastructure and development of York Valley landfill, it receives a credit for levies, 40% of the operating capital and has its contribution to the stabilisation fund of \$200,000 given to it from out of the operating profit of the Nelson City Council's assets – this is scandalous.

11. The Memorandum of Understanding states:

"23. The Councils will agree an equitable arrangement for any discounted fees for bulk loads or special circumstances."

- that should be set by the Nelson City Council, it is the owner of the infrastructure and the asset.

12. The local levy allocation (be paid to the Tasman District Council) will:

"25. Not be less than \$1,715,000 in the 2015-16 financial year and in subsequent years not less than \$1,715,000 plus adjustments indexed to the Consumer Price Index."

That is determined by Nelson City Council *"in consultation with Tasman District Council"* – and so Nelson City Council is simply not in control even of the costing of its own asset.

13. That Memorandum of Understanding is signed by P K Matheson on behalf of the Mayor of Nelson and Deputy Mayor Tim Kearns for Tasman District Council.

14. It is ridiculous that Nelson City Council proposes to share its landfill at no entry cost but is willing to share the benefits of economies of scale as a dividend – that is very beneficial to TDC, it is not beneficial to Nelson.

15. In a normal situation (there is no reason why this principle should not apply here) TDC should pay the normal commercial price (as do other commercial operators) so that Nelson City and its ratepayer's benefits, or if not then Nelson uses the land for share of profit by a reduction in charges.

16. The Statement of Proposal issued is for the purpose of Section 83(1)(a) of the Local Government Act 2002. Section 83 incorporates a special consultative procedure. The purpose is “to consult”. The requirements “consultation” and what it means were set out in a Court of Appeal decision Wellington International Airport Limited v Air New Zealand [1993] 1NZLR671 quoted from the decision in Port Louis Corporation v Attorney General of Mauritius [1965] AC1111 where the Law Lord delivering the judgement of the Privy Council said:

“The requirements for consultation is never to be treated perfunctorily or as a mere formality.”

In Wellington International Airport Limited after referring to a number of cases in which statutory requirements for consultation had been discussed it was said by the Court of Appeal:

“Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It will also implicit that the party obliged consult, or quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh.”

17. Section 88 requires the use of the special consultative procedure in relation to the change of mode of delivery of a significant activity – including:
- A change in delivery of the activity by the local authority itself to the delivery of the activity by another organisation or person

As far as the Tasman District Council is concerned, it is required also to proceed with the special consultative procedure as set out as is required under Section 88(4):

- a detailed statement of the proposal;
 - a statement of the reasons for the proposal;
 - an analysis of the reasonably practicable options
- that appears not to have been done and the whole issue is being dealt with “piecemeal”.
18. Nelson City Council whilst going through “consultation” has actually entered into a Memorandum of Understanding with much more detailed information which has not openly been shared with the public with who it is consulting – that is an abuse of the process.

- 19. Nelson City Council is a unitary authority (as is Tasman District Council) in which the Local Government Act 2002 does not authorise a local authority to act against the best interests of its own district – the word “district” meaning “the district of a territorial authority”.
- 20. The Local Government Act imposes an obligation (the words used is “must”) in accordance with certain principles, namely:

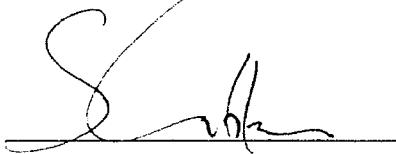
“Local authorities should undertake any commercial transactions in accordance with sound business practices” (Section 14(1)(f) LGA2002)

“A local authority should ensure prudent stewardship and efficient and effective use of its resources in the interest of its district or region.” (Section 14(g) LGA2002)

- Nelson City Council is able to exercise prudent stewardship and efficient and effective use of its resources in the interests of its region by fully commercially charging TDC for the use of the facility (as everybody else has to pay) and by requiring a capital ingoing for the benefit of the people of Nelson who paid for the facility in the first place.

Gibbons Holdings Limited wishes to be heard in support of this submission.

Gibbons Holdings Limited require that 1 hour be provided for this submission to be presented



Gibbons Holdings Limited

Per: SCOTT GIBBONS
MANAGING DIRECTOR

Dated: 25 AUGUST 2014

Bev Mcshea

From: Submissions
Sent: Monday, 25 August 2014 2:56 p.m.
To: Administration Support
Subject: FW: Submission to Nelson City Council on the Proposed Regional Landfill (at York Valley) - by Smart Environmental Ltd
Attachments: Submission to Nelson CC re Regional Landfill - Smart Environmental Ltd 25 8 14.pdf
Categories: Bev

From: Mark Lawson[SMTP:MLAWSON@SMARTENVIRONMENTAL.CO.NZ]
Sent: Monday, August 25, 2014 2:55:10 PM
To: Submissions
Subject: Submission to Nelson City Council on the Proposed Regional Landfill (at York Valley) - by Smart Environmental Ltd
Auto forwarded by a Rule

Good afternoon,

Please find our submission on the Proposed Regional landfill (at York Valley).

Regards
Mark Lawson
Chief Operating Officer

Smart Environmental
192 James Fletcher Drive, Mangere Bridge, PO Box 59041 Auckland 2151
P 09 259 4500 xtn.122 C 021 926 076 F 09 276 9800
E mlawson@smartenvironmental.co.nz W www.smartenvironmental.co.nz





25th August 2014

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Nelson 7040

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RE: Submission to Nelson City Council regarding Regional Landfill

Introduction & Context:

Smart Environmental Ltd (Smart) is one of New Zealand's largest Waste and Recycling operators with operations throughout New Zealand. We have provided Councils throughout New Zealand with waste and recycling services for many years. Our areas of expertise are waste and recycling operations with particular focus on diversion from landfill and local recycling.

At present in the Upper South Island:

- Smart provides Tasman District Council with Waste and Recycling Services (until September 2016) – as well as kerbside collections (refuse and recycling) and processing we operate the Resource Recovery Centre/Refuse Transfer Station network for Tasman DC with all residual waste currently going thence to the Eves Valley Landfill
- Smart provides Buller District Council with Solid Waste Services (until February 2024) and also operate a medium sized commercial collections operation in Buller. We are directly responsible for disposal of residual waste from the contracted Council operations including all waste which passes through the Westport and Reefton RTS – at present this waste goes to Eves Valley landfill, but has previously gone to the York Valley Landfill (via Buller District Council) for many years, with efficient backhauls of goods from Nelson/Tasman Districts being used to transport goods back to the West Coast.

Overall View on the Proposal for the Regional Landfill:

We have read the Proposal documentation available regarding the Regional Landfill and we are in Support of the Proposal, subject to the incorporation of submitted points outlined below.

Smart's Submission for incorporation into the Regional Landfill Proposal:

Smart makes the following submissions that we would like to see incorporated into the Proposal for the Regional Landfill:

1. That the residual waste from Buller District Council's Solid Waste Contract (currently operated by Smart Environmental Ltd) be able to be received by the proposed Regional Landfill (at York Valley) at the standard gate rate as other users (until at least February 2024).
2. That the gate rate for the proposed Regional Landfill (at York Valley) be set identically for all users ongoing, such that no party is advantaged or disadvantaged by differential landfill gate rates.

We are happy to clarify any of the above as required.

Regards

Mark Lawson
Chief Operating Officer, 021 926 076

Cc: Grahame Christian, Managing Director (Smart); Yuri Schokking, Area Manager (Smart);
Steve Griffin, Manager Operations (Buller District Council).

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