



# AGENDA

**Ordinary meeting of the  
Nelson City Council to deliberate on submissions  
to the draft Regional Landfill Proposal**

**Thursday 25 September 2014  
Commencing at the conclusion of the  
Governance Committee Meeting  
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

**Opening Prayer**

**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. Confirmation of Minutes – 2 September 2014**

**4-10**

Document number A1242960

Recommendation

***THAT the minutes of the meeting of the Nelson City Council to hear submissions on the Draft Regional Landfill Proposal, held on 2 September 2014, be confirmed as a true and correct record.***

**4. Mayor's Report**

**5. Analysis of Submissions on the Proposal for the Implementation of a Regional Landfill**

**11-60**

Document number A1240818

**Recommendation**

***THAT the report Analysis of Submissions on the Proposal for the Implementation of a Regional Landfill (A1240818) and its attachments (A1239076, A1242057 and A1244764) be received;***

**AND THAT the Regional Landfill Proposal be amended to reflect the Council's decisions on submissions.**

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**Minutes of a meeting of the Nelson City Council to hear submissions to the draft Regional Landfill Proposal**

**Held in the Council Chamber, Civic House, Trafalgar Street, Nelson**

**On Tuesday 2 September 2014, commencing at 9.04am**

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Present: Her Worship the Mayor (R Reese), Councillors L Acland, I Barker, R Copeland, E Davy, K Fulton, M Lawrey, G Noonan, T Skinner and M Ward

In Attendance: Chief Executive (C Hadley), Group Manager Infrastructure (A Louverdis), Group Manager Strategy and Environment (C Barton), Manager Administration (P Langley), Senior Asset Engineer – Solid Waste (J Thiant), and Administration Adviser (L Laird)

Apologies: Councillors B McGurk, P Matheson and P Rainey

**1. Apologies**

Resolved

***THAT apologies be received and accepted from Councillors McGurk, Matheson and Rainey.***

Her Worship the Mayor/Davy

Carried

**2. Confirmation of Order of Business**

There were no changes to the order of business.

**3. Interests**

No updates to the Interests Register were provided, and no conflicts with items on the agenda were declared.

**4. Submissions**

**4.1 Tasman District Council**

Tim King (Deputy Mayor, Tasman District Council), David Stephenson (Utilities Network Engineer - Solid Waste, Tasman District Council) and

Mr Lindsay McKenzie (Chief Executive, Tasman District Council) presented the submission on behalf of Tasman District Council (TDC).

Mr King highlighted the key points of the submission in favour of the Regional Landfill Proposal (the Proposal). Mr King said TDC had been working with Nelson City Council (NCC) on the Joint Waste Minimisation Management Plan (JWMMP) for some time, and emphasised that a joint landfill helped to achieve the goals of this Plan. He said there were many non-financial benefits of a joint landfill, particularly waste minimisation.

Mr King spoke about the financial impacts on NCC from the Proposal, including that it would reduce the capital expenditure associated with the York Valley asset, and that there would be no impact on ratepayers due to the increased revenue.

It was noted through the submission that TDC chose not to engage in a separate special consultative procedure on the Proposal, as it had been discussed in its draft Annual Plan and attracted only three submissions.

Mr King noted the issues NCC would need to consider in relation to the Proposal, including noise and vibration, congestion, traffic safety and other such associated issues. Mr King said he was confident that NCC management would be able to alleviate such issues with the increased quality of and revenue from the joint facility.

In summary, Mr King said it was the opinion of TDC that a joint facility would benefit the region as a whole, and each Council in different ways.

In response to questions, Mr King said that the Eves Valley landfill currently received waste from the entire Tasman district, to encourage a co-ordinated approach to waste management.

Mr King spoke about waste minimisation, and said this was a priority for TDC. Mr King further added that recycling was encouraged throughout the district with the exception of extreme rural areas, and that much green waste was diverted from landfill. In response to waste volumes in the Tasman district, the submitter said that one-off events, like the April 2013 floods drove up waste volumes, yet domestic waste had remained at a constant level in recent times, while commercial waste volumes had increased.

Mr King said managing two competing landfills in the region was creating unnecessary competition and was creating variations to the pricing offered at each landfill. He said, in the opinion of TDC, this was an ineffective use of rates.

In response to questions about submission number 3 (Peter Wilks), Mr King said it would be possible to accommodate the submitters concern

within the management plan for the Eves Valley landfill, should the current proposal proceed.

Questions were asked in relation to the waste received at Eves Valley landfill from Buller District Council (BDC). Mr McKenzie said TDC had negotiated a fixed commercial rate with BDC to receive its waste.

Mr McKenzie responded to submissions that noted a loss in competition should the Proposal proceed, and said two Councils could not co-ordinate charges whilst maintaining competition, as these two were mutually exclusive. Mr King re-iterated that, in the opinion of TDC, competition was not an efficient use of rates.

In response to further submissions, Mr McKenzie added that NCC would recoup a commercial rate from TDC through the access charges, which would be set at a rate that included the capital costs incurred by NCC.

Further to the response provided in relation to waste received from BDC, Mr McKenzie confirmed that no Cultural Impact Assessment had been done. However, he said that TDC was committed to completing a Cultural Impact Assessment in relation to any application for further resource consents for Eves Valley going forward.

Mr McKenzie said the shared services agreement was relevant to these hearings, and that in his opinion, the shared services agreement was relevant to both governance and management decisions in relation to the Proposal.

In response to a question, Mr King said that, if the Proposal were not to proceed, TDC would look to develop stage 3 at Eves Valley and seek additional capital investment to achieve this. He added that this would be sub-optimal for regional outcomes and reinforced the concept from the Deloitte report that two landfills operating in competition was the least desired outcome.

#### 4.2 Gibbons Holdings Ltd

Scott Gibbons, accompanied by Mr Nigel McFadden and Louise Devine, presented the submission on behalf of Gibbons Holdings. Mr Gibbons tabled additional documents (A1244764) and spoke to them.

Mr Gibbons cited Council's responsibilities under the Local Government Act 2002 section 14 in relation to financial prudence and stewardship (section 14(1)(f) and (g)). Mr Gibbons said it was the opinion of Gibbons Holdings that the current Proposal was not within the requirements of these provisions.

In relation to consultation, Mr Gibbons said he did not consider the process to be within the bounds required by the LGA. In his opinion, he said, the Nelson community had not been adequately informed and consulted on the issue. Mr Gibbons further added that in relation to the

information about the Proposal, many aspects were not covered, including the resource consent conditions and environmental impacts.

Mr Gibbons spoke about the potential increase of leachate under the Proposal and the issues associated with this increased volume being piped into the sewerage system, and emphasised pictures in the tabled document. Mr Gibbons queried whether this impact on current infrastructure had been taken into account, and whether a possible upgrade had been accounted for.

Mr Gibbons noted that a joint landfill would have impacts on the Bishopdale roading infrastructure, particularly Market Road, and that this had not been covered in the Proposal. He highlighted other gaps in the information provided in the Proposal including whether noise and odour had been considered, and what type of waste would be received from TDC. Mr Gibbons further added that waste volumes from TDC were increasing, whereas waste volumes from NCC were decreasing.

Mr Gibbons then addressed the financial concerns relating to the Proposal from Gibbons Holdings. He said that, in his opinion, the York Valley landfill was a significant asset for Nelson residents and that, should the facility become a joint asset, the life of the landfill would be halved. He added that, due to all of the impacts and costs associated with a joint landfill, NCC should require TDC to pay capital costs relating to the decreased capital value of the asset. Mr Gibbons contended it was not financially prudent to not recover a contribution towards the decreased capital value of the asset and that the Proposal should encompass a more robust business-led structure benefitting Nelson residents.

In relation to his financial concerns, the submitter requested that the Council clarify the value of York Valley landfill, in order for the public to understand the costs associated with transferring the asset to a joint facility.

In response to a question, Mr Gibbons confirmed that Gibbons Holdings owned land neighbouring York Valley, yet his concerns were wider than his relationship to the land in the area and centred around the business structure that was adopted should the Proposal proceed. Mr Gibbons re-iterated that it was the preference of Gibbons Holdings that, should NCC allow the wider region access to York Valley landfill, that careful consideration as to the economic benefits for each party should be made. He said the lack of capital outlay from TDC was his biggest concern.

In response to questions about waste minimisation, Mr Gibbons said it was optimistic to think that waste would reduce through a joint landfill, as current trends indicated an upward trend.

In response to questions about statements in the written submission (paragraph 8, agenda page 18), Mr Gibbons said, in his opinion, competition between the two current landfills was healthy, and would

be his preferred model. It was recognised the co-ordinating prices between the two landfills and creating competition on prices was contradictory.

Mr Gibbons added that the Proposal did not encompass an accurate reflection of the impacts, as no value had been attributed to the asset, and therefore no return on investment could be calculated. He said this return on investment should come in the form of a capital contribution from TDC to reflect what Nelson residents had paid to develop the asset. He said ensuring this fairness for Nelson residents was required under the LGA.

In response to questions about promoting regional outcomes, Mr Gibbons said if NCC was to require a capital contribution, resulting in TDC 'walking away' from the joint landfill, in his opinion that was prudent and an appropriate outcome. Mr Gibbons added that, in his opinion, charging a commercial rate to TDC did not qualify as a capital contribution and was instead income.

In response to comments made in the written submission (paragraph 3(vii) on page 17 of the agenda), Mr Gibbons said TDC effectively created a monopoly by reserving additional land beside Eves Valley landfill for future use, once York Valley landfill had reached capacity.

In response to a question about increased loads on the infrastructure system resulting from a joint landfill, it was the opinion of the submitter that the sewerage system would experience greater loads in the form of leachate escaping from the increased waste volumes, particularly over periods of heavy rain.

Mr Gibbons said the current debt level of TDC was not the concern of Gibbons Holdings, and should not form part of a decision to develop a joint landfill. He re-iterated that the most important consideration, in his opinion, was that a prudent return on investment was received, and that the correct process in making the decision was followed.

In relation to questions about the process and the statement made in the written submission, (paragraph 18, agenda page 21) Mr Nigel McFadden said there was concern that the information was not sufficiently widely distributed in order to comply with the LGA requirements. He said the result of this was that the community was not appropriately informed of the upcoming decision in relation to a joint landfill with TDC, and the associated impacts on Nelson residents.

Given the significance of the issue, Mr McFadden said the Statement of Proposal should have contained more detailed information about the proposal, particularly the value of the asset. Mr McFadden questioned the dates that advertised the Statement of Proposal and whether they were compliant with legislation.

Attendance: the meeting adjourned for morning tea from 10.50am to 11.00am.



Councillors outlined further information they sought in relation to the Proposal to be considered at the upcoming deliberations meeting to the draft Regional Landfill Proposal:

- Information about whether other business models raised in submission 6 were considered, particularly in relation to the establishment of a company, and if so what assessment was made.
- Clarification from officers as to the impacts on existing infrastructure with the increase load to York Valley landfill under the Proposal.
- Clarification about the resource consent conditions that currently apply to York Valley landfill, and if the Proposal went through whether the landfill would still be compliant.
- Whether legal advice should be sought in relation to the special consultative procedure undertaken by NCC, in relation to the requirements under the LGA.
- Confirmation on the actual value of the asset.
- Clarification as to what was the cause of the 'bubbling' effect in the toilet referred to in submission 6 from Gibbons Holdings.
- Clarification as to the extent of the traffic problems and safety concerns at the Boundary Road/Bishopdale intersection.
- Information on the volume of heavy trucks using Market Road and the origin of this traffic, and what options may exist for slowing these trucks.
- Information about what waste minimisation options were encouraged by a joint regional landfill.
- Information about what current capacity existed to deal with additional leachate should the Proposal proceed, and whether this had been considered in the current Proposal.
- Information about the leachate process, including how it was created, its concentrations, how it entered the sewerage system and whether NCC sewerage treatment plants had the capacity to deal with any increase.
- Information as to whether consideration of the value of the asset and the return on investment had been incorporated in the Memorandum of Understanding.
- A brief summary of the rationale behind option 1 and 2 presented in the Statement of Proposal.

- Information about the waste type anticipated from TDC, and whether this fitted with NCC requirements relating to the resource consent.
- Confirmation about truck movements on Market Road, and whether the size of truck varied (weight and size).
- Confirmation about the Cultural Impact Assessment relating to waste from BDC, if this was a requirement for the Proposal to proceed, and detail about the additional costs associated with this.
- Information about the capital investment model of the Proposal, and how TDC's contribution to this has been incorporated into the model.
- Information about the procedural steps to be taken from this point, and a timeline to proceed on this basis.
- Confirmation about whether there had been a full analysis of the costs and risks, particularly about transport, leachate and infrastructure issues.
- Information in relation to understanding volumes associated with potential waste volumes, and what consideration had been given to growth projections for both the Tasman and Nelson regions, including provision for one-off events like flooding.
- Information and commentary on TDC's recycling, greenwaste and general waste minimisation policies to gauge commitment to reduce waste.
- Information in relation to amenity issues in the area, for example odour and dust.

There being no further business the meeting ended at 11.21am.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

## **Analysis of Submissions on the Proposal for the Implementation of a Regional Landfill**

### **1. Purpose of Report**

- 1.1 To provide an analysis of the submissions on the regional landfill proposal, to assist the Committee's decision making process.

### **2. Delegations**

- 2.1 The Work and Infrastructure Committee has the power to recommend final decisions on Special Consultative Procedures to Council. However, to expedite matters the Works and Infrastructure Committee invited the full Council to hear and deliberate on the submissions.

### **3. Recommendation**

***THAT the report Analysis of Submissions on the Proposal for the Implementation of a Regional Landfill (A1240818) and its attachments (A1239076, A1242057 and A1244764) be received;***

***AND THAT the Regional Landfill Proposal be amended to reflect the Council's decisions on submissions.***

### **4. Background**

- 4.1 On 24 July 2014 the Works and Infrastructure Committee approved the advertising of a Statement of Proposal using the Special Consultative Procedure (section 83 of the Local Government Act 2002). The decision was:

***THAT a Special Consultative Procedure commences;***

***AND THAT the Summary of Proposal (A1217165), Public Notice Statement of Proposal (A1217167) and Special Consultative Procedure (A1216078) for a Regional Landfill be approved subject to any amendments agreed to by the Mayor, the Chair of the Works and Infrastructure Committee and the Chief Executive;***

*AND THAT the Works and Infrastructure Committee refer the hearing of submissions, deliberations and decision-making on the matter to full Council;*

*AND THAT the proposal be released for public consultation in accordance with section 83 of the Local Government Act 2002 on 25 July 2014 or as soon as practicable;*

*AND THAT the submission period for the Regional Landfill Proposal closes on 25 August 2014 (or one month following the actual public notification date) in accordance with section 83 of the Local Government Act 2002.*

4.2 The Statement of Proposal was made public through:

- a public notice placed in the Nelson Mail on 25 July 2014;
- a press release on 25 July 2014;
- the Statement of Proposal, supporting and reference documents which were published on the Council website on 25 July 2014;
- copies of the Statement of Proposal, supporting and reference documents being placed at the designated locations in the three Nelson City Council libraries and the customer service centre in Trafalgar Street on 25 July 2014; and
- an article on the Statement of Proposal in the Live Nelson edition dated 6 August 2014.

4.3 Forty copies of the Statement of Proposal were placed in the Customer Service Centre and 30 copies at the three libraries. Copies at the Customer Service Centre were supplemented on three occasions when the number of copies available was running low. No record was kept of the number of documents collected by the public.

4.4 The submission period ran from 25 July to 25 August 2014 and Council received seven submissions.

4.5 On 2 September 2014 two of the submitters spoke in support of their submissions at a hearing on the Regional Landfill Proposal.

## **5. Discussion**

5.1 Submitter 1 – Karen Driver

5.1.1 Decision requested (1): Implement the proposal.

5.1.2 Recommendation: Accept the submission.

5.1.3 Reasons: The proposal is in the best interests of both Nelson and Tasman residents.

## 5.2 Submitter 2 – Peter Young

- 5.2.1 Decision requested (1): Do not implement the proposal due to impacts on residents on Market Road, including speeding trucks, congestion (and accidents) at Market/Waimea Road intersection.
- 5.2.2 Recommendation: Reject the submission.
- 5.2.3 Reasons: Tasman District Council officers explained in their submission that the residual waste from TDC transfer stations will be carried in covered truck and trailer units and that there will on average be six loads (12 traffic movements) delivered to York Valley per day.
- 5.2.4 Twelve additional vehicles using a road with an average of 2,400 vehicle movements per day represent a 0.5% increase in traffic movements. On average 15 fully laden trucks (weighing 36 to 38 tonne) laden with quarry product use the road daily.
- 5.2.5 Decision requested (2): There should have been a mail drop about the proposal to affected residents.
- 5.2.6 Recommendation: Accept submission in part.
- 5.2.7 Reasons: Council recognises that Market Road residents are affected by the proposal and that a personal letter drop could have increased awareness about the proposal. However, the Council's consultation process meets the requirements of the Local Government Act 2002, and residents did have the opportunity to learn about the proposal through publicity outlined in section 4.2 of this report.
- 5.2.8 Decision requested (3): Address traffic congestion at the Market/Waimea Road intersection.
- 5.2.9 Recommendation: Reject the submission.
- 5.2.10 Reasons: The operational hours of the York Valley Landfill will influence the movement of the six additional trucks. There will effectively be three additional trucks using this intersection during the peak traffic period each morning.
- 5.2.11 The six additional outbound trucks will all turn left into a merge lane and will generally not use the road after 4.15pm.
- 5.2.12 The passing bays and one dimensional nature of the morning peak traffic, with most vehicles heading to town, means these additional trucks will not adversely impact on traffic.

## 5.3 Submitter 3 – Peter Wilks

- 5.3.1 Decision requested (1): As a neighbour of Eves Valley landfill, Mr Wilks supports implementation of the regional landfill proposal. He

requests that Eves Valley be maintained in a good condition while it is kept as back up, and also after eventual permanent closure.

5.3.2 Recommendation: Forward Mr Wilks' letter to TDC, so that officers can advise him of the maintenance plans for Eves Valley Landfill.

5.3.3 Reasons: Maintenance of Eves Valley is the responsibility of TDC.

5.4 Submitter 4 – Marie Eggers

5.4.1 Decision requested (1): Do not implement the proposal because of the amenity impacts that will be created by extra traffic on Market Road, including extra noise and vibration, dust and rubbish.

5.4.2 Recommendation: Reject the submission.

5.4.3 Reasons: TDC officers explained in their submission that the residual waste from TDC transfer-stations will be carried in covered truck and trailer units and that there will on average be six loads (12 traffic movements) delivered to York Valley per day.

5.4.4 Twelve additional vehicles using a road with an average of 2,400 vehicle movements per day represent a 0.5% increase in traffic movements. On average 15 fully laden trucks (weighing 36 to 38 tonne) laden with quarry product and an average of 55 waste trucks (Weighing less than 11 tonne per vehicle) destined for York Valley use the road daily.

Number of Vehicles	Load
15	Trucks (36 to 38 tonne)
15	Trucks (empty)
55	Trucks (3-11 tonne) Current York Valley
55	Trucks (empty) Current York Valley
6	Truck and Trailer (20 tonne) TDC
6	Truck and Trailer empty TDC
2148	Other vehicles

5.4.5 The trucks and trailers transporting residual waste from TDC transfer stations will be covered so they won't generate increased

litter along the road. The effects of additional dust are considered minor.

- 5.4.6 Regarding increased noise and vibration due to additional trucks using the roads, the six truck and trailers units that will be used to transport residual waste from TDC will carry relatively low density loads and will generate less vibration than the quarry related trucks currently using Market Road and carrying crushed rock. (The Landfill related trucks will carry loads weighing 9 to 11 tonne per trailer compared to the 36 to 38 tonne trucks used to carry product from the quarry.)

## 5.5 Submitter 5 – Tasman District Council

- 5.5.1 Decision requested: Implement proposal as it achieves the objectives of the shared services Memorandum of Understanding between Nelson City, Tasman District and Marlborough District councils, gives effect to the Joint Waste Management and Minimisation Plan, is consistent with the Local Government Act and provides economic benefits to both councils and ultimately the landfill users.
- 5.5.2 Recommendation: Accept the submission.
- 5.5.3 Reasons: For the reason outline in TDC’s submission. In particular, the joint approach is consistent with section 14(1)(e) of the Local Government Act: “a local authority shall 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.”

## 5.6 Submitter 6 – Gibbons Holdings

- 5.6.1 Decision requested (1): Do not implement the proposal because it gives little regard to the effort or costs or social impacts incurred in establishment of the York Valley Landfill with no capital input by TDC to it.
- 5.6.2 Recommendation: Reject the submission.
- 5.6.3 Reasons: The social and capital investments are included in the supporting documents.
- 5.6.4 York Valley has been operating as a self funded activity for more than a decade. For that period it is in fact the users of the landfill who fund the activity as well as NCC waste minimisation activities (including some waste management activities that requires subsidisation).
- 5.6.5 In addition to covering capital costs, landfill user fees contribute to waste management and minimisation initiatives in Nelson irrespective of where the contribution originated (i.e when Buller

waste was received nearly 60% of their charge was used for Nelson NCC solid waste minimisation and management projects).

- 5.6.6 While the contribution from TDC users cannot be quantified it is apparent that they made a significant contribution towards NCC waste management and minimisation initiatives, through payment of existing disposal charges to York Valley Landfill. (At York Valley the waste contractors are monitored and not the origin of the waste)
- 5.6.7 Decision requested (2): Do not implement the proposal because the consultation process followed by the Council does not meet the requirements and intent of the Local Government Act 2002, in that the information about the proposal was not widely distributed.
- 5.6.8 Recommendation: Reject the submission.
- 5.6.9 Reasons: The Special Consultative Process conformed with the requirements of the Local Government Act 2002.
- 5.6.10 Decision requested (3): Do not implement the proposal because the Memorandum of Understanding signed by NCC and TDC on 30 July 2014 and 6 August 2014 respectively indicates predetermination.
- 5.6.11 Recommendation: Reject the submission.
- 5.6.12 Reasons: The Memorandum of Understanding (MOU) established the principles to be considered by the two Councils when developing this proposal. These principles specify the economic conditions that are required before implementing this proposal.
- The MOU expressing the intentions of the Councils does not add any additional information that would have enabled the public to draw a different conclusion. There is no material difference between the content of the MOU and the Statement of Proposal.
  - The MOU is not legally binding.
- 5.6.13 The Statement of Proposal for the Regional Landfill provides an explanation of the effects on Nelson City Council residents if the proposal is implemented.
- 5.6.14 Decision requested (4): Do not implement the proposal because the effects of increased volumes have not been considered and were not disclosed in the Statement of Proposal.
- 5.6.15 Recommendation: Reject the submission.
- 5.6.16 Reasons: The proposed increase in volume was considered and included in the Statement of Proposal.
- 5.6.17 The assessment of the impacts of volume on the management and performance of the landfill is considered appropriate.



- 5.6.18 The effects of the intensified waste management activities and increased tonnages of residual waste disposed of at York Valley were considered by Council solid waste engineers and external professional advisers.
- 5.6.19 Historical evidence has demonstrated that tonnages similar to the projected tonnages were accepted at York Valley in the past without additional negative effects.
- 5.6.20 These assessments demonstrated that the landfill will continue to comply with the existing resource consent conditions.
- 5.6.21 The submitter draws a parallel between effects of stormwater inflow into the sewer system in 1998 and a projected increase in landfill leachate that will result from increased volumes of residual waste managed at York Valley if the proposal is implemented.
- 5.6.22 The average leachate flow rate at York Valley is measured at 0.4 litres per second and discharges to the local collector sewer that was designed to receive the leachate.
- 5.6.23 The Landfill leachate system is constructed in such a way that storm water inflows are prevented.
- 5.6.24 The landfill leachate flow into the Council's wastewater network is limited to a maximum flow rate of 11 litres per second with any flow exceeding this flow rate discharging to a leachate detention pond (as required by the resource consent conditions). (Attachment 4)
- 5.6.25 Leachate projections show that it is unlikely that future flows will double (0.8 litres per second). Therefore the system will continue to be operated within the resource consent requirements.
- 5.6.26 Surcharging of manholes downstream of York Valley results from stormwater inflow into the wastewater network rather than from landfill leachate and these events will be limited to heavy rain events. However, it is intended that the throttle between the Caltex service station and Waimea Road will be upgraded in 2015/16 (refer 6.2.7).
- 5.6.27 Decision requested (5): Do not implement the proposal because the useful life of the York Valley landfill will be eroded by 50% by doubling the waste.
- 5.6.28 Recommendation: Reject the submission.
- 5.6.29 Reasons: The current consent expires in 2034.
- 5.6.30 Doubling the tonnage of waste to the landfill will result in using the available airspace up in half the time. The estimated available airspace is 32 years at current levels of residual waste disposal. If the proposal is implemented the available airspace will be used up in about 16 years.

- 5.6.31 The airspace is only available for use if there is a resource consent granted to access that space. The current consent is due to lapse before the airspace is used up.
- 5.6.32 Failure to gain resource consent for continued operation of York Valley Landfill would result in a stranded asset and would deprive Nelson City Council ratepayers of the economic value of the available landfill airspace. The regional landfill proposal allows Council to optimise the value of the asset during the term of the current consent.
- 5.6.33 There is also a risk that conditions for the renewal of the resource consent beyond 2034 will be more onerous than the current conditions and result in effectively making York Valley uneconomic to be used as a municipal landfill. This uncertainty is avoided under the joint regional landfill proposal.
- 5.6.34 Decision requested (6): Do not implement the proposal because the cost of resource consents for future landfill alternatives have not been considered in the economic assessment of the proposal.
- 5.6.35 Recommendation: Reject the submission.
- 5.6.36 Reasons: The cost of future resource consents were included as part of the future development costs in the cost model used in the Regional Landfill Disposal Study (MWH) as well as in the Landfill Proposal Review (Deloitte).
- 5.6.37 Decision requested (7): Do not implement the proposal because the Morrison Low (Joint Waste Assessment 2009) report includes an assessment that the tonnage of residual waste from Tasman District will increase to 56,000 tonnes by the time this proposal is implemented in 2015 and that this increase in tonnage will have a significant impact on vehicle movement along the route to the landfill.
- 5.6.38 Recommendation: Reject the submission.
- 5.6.39 Reasons: The growth projections used in the Morrison Low report have not materialised.
- 5.6.40 Records show that the annual 12 month rolling average of waste sent to landfill in Nelson Tasman is around 62,000 tonnes. This corresponds to the lowest projection in the Morrison Low report – the projection based on population growth rather than on GDP. Nationally waste per head of population is decreasing and there are no drivers for large increases in municipal waste levels.
- 5.6.41 Decision requested (7): Do not implement the proposal because an increased volume of waste will lead to increased odour issues.
- 5.6.42 Recommendation: Reject the submission.

- 5.6.43 Reasons: No odour issues have been recorded during the last decade indicating consistent compliance with best practice landfill management.
- 5.6.44 Odour issues at the landfill are related to the management of residual waste rather than the volume.
- 5.6.45 Decision requested (8): Do not implement the proposal because there is 30 odd years of consented activity left.
- 5.6.46 Recommendation: Reject the submission.
- 5.6.47 Reasons: The York Valley resource consent expires in 2034, which is 20 years away.
- 5.6.48 Decision requested (9): Do not implement the proposal because there hasn't been any consideration of a return on capital.
- 5.6.49 Recommendation: Reject the submission.
- 5.6.50 Reasons: The Statement of Proposal demonstrates that a return on Nelson's capital investment was considered.
- 5.6.51 The Deloitte report points out that the implementation of the proposal is beneficial for NCC even if there is no return on investment. "The results of our 50 year parallel modelling indicate that the Proposal is financially beneficial to NCC, with NCC's share of the additional landfill surpluses more than offsetting the impact of NCC incurring the cost of replacing the landfill 16 years earlier than it would have otherwise faced."
- 5.6.52 Nelson City Council resolved to accept a 60:40 (NCC:TDC) distribution of landfill surpluses instead of charging TDC a return on investment. The nearly \$600,000 per annum that will accrue to Nelson will be forfeit if the proposal is not implemented.
- 5.6.53 The additional 20% that NCC will receive exceed the return on investment that NCC was seeking from TDC as compensation for the use of the established asset
- 5.6.54 Council has also considered the risk of either not getting a consent beyond 2034 or gaining a consent with more stringent conditions. Both these outcomes have impacts on return on investment.
- 5.6.55 Decision requested (10): Do not implement the proposal because it will disadvantage the people of Nelson.
- 5.6.56 Recommendation: Reject the submission.
- 5.6.57 Reasons: The benefits of the implementation of the proposal are set out in the Statement of Proposal, and include: reduced greenhouse gas emissions, improved waste management and minimisation initiatives, more efficient waste disposal to York Valley (due to the

increased scale of the activity), and additional income that can be used by Council for the benefit of Nelson ratepayers.

5.6.58 Nelson City Council would forfeit a return of nearly \$600,000 per annum if the proposal was not implemented.

5.6.59 Nelson City Council would also fail to achieve the objectives of the Joint Nelson Tasman Waste Management and Minimisation Plan adopted by both councils in 2012.

5.6.60 Implementing the Regional Landfill will create the economic environment which will allow the progressive implementation of other waste management and minimisation initiatives if these show environmental and economic gains for the Nelson Tasman region.

5.6.61 Decision requested (11): Do not implement the proposal because the implementation of the proposal will allow TDC to gain a monopoly over time and result in Nelson ratepayers being disadvantaged in this way.

5.6.62 Recommendation: Reject the submission.

5.6.63 Reasons: If Council decides to implement the Regional Landfill proposal, an agreement will be entered between the councils to establish the continued management of municipal landfills owned by the two councils to ensure that neither party will be in a position to create a monopoly. This will be based on the existing, non binding MoU that sets out the agreement in principle should this proposal be accepted by Council.

5.6.64 Decision requested (12): Do not implement the proposal because it will increase the amount of leachate being discharged from the York Valley landfill into York Stream.

5.6.65 Recommendation: Reject the submission.

5.6.66 Reasons: The Landfill leachate is discharged to the municipal wastewater sewer network, not into York Stream.

5.6.67 Decision requested (12): Do not implement the proposal because TDC has failed to actively minimise waste and to proactively plan for future landfill capacity.

5.6.68 Recommendation: Reject the submission.

5.6.69 Reasons: The residual waste as measured per head of population has decreased in both areas.

5.6.70 TDC has proactively planned for future capacity and has an alternative option to extend the use of Eve's Valley. They have put the consent application process on hold pending Nelson City Council's decision on the regional landfill option.

5.7 Submitter 7 – Smart Environmental

- 5.7.1 Decision requested (1): That the residual waste from Buller District Council's Solid Waste Contract be received at the proposed Regional Landfill.
- 5.7.2 Recommendation: Accept in part.
- 5.7.3 Reasons: As the owner of the landfill, NCC has clearly expressed the acceptance criteria for waste from the Buller District Council as well as to their solid waste contractor. This includes a requirement for a Cultural Impact Assessment (CIA) to be carried out as required in the Joint Nelson Tasman Waste Management and Minimisation Plan. NCC has been accepting waste from Buller District Council, as approved by Council, ending June 2014. Since July 2014, TDC have accepted Buller waste. A CIA is still a requirement and TDC have advised that they are arranging for a CIA to address acceptance of waste from Buller at Eves Valley and have already met with iwi in this matter. Whilst the outcome and timeline of this CIA is unknown, a CIA will need to be undertaken to bring Buller waste to York Valley.
- 5.7.4 Acceptance of any residual waste originating from outside the Nelson/Tasman district will need to conform with the requirements of NCC at gate prices.
- 5.7.5 Decision requested (2): That the gate rate for the proposed Regional Landfill be set identically for all users.
- 5.7.6 Recommendation: Reject the submission.
- 5.7.7 Reasons: NCC will set charges at its discretion for the benefit of Nelson residents.

**6. Additional information requested by the Hearing Panel**

- 6.1 **Question 1:** Was consideration given to the establishment of a Regional Landfill entity?
  - 6.1.1 Response: The Joint Nelson Tasman Waste Management and Minimisation Plan states: "Policy 3.1.1. The Councils continue to maintain ownership of their waste infrastructure and provide leadership in the provision of waste management services." The Special Consultative Procedure was followed when the councils consulted on the Plan.
  - 6.1.2 Different business models have been the subject of many investigations by Council in the past. Based on cumulative information Council decided that the model on which this Proposal is based is the most suitable arrangement at this time.
- 6.2 **Question 2:** Can the existing infrastructure cope with additional loads?

- 6.2.1 Response: The increased activity at York Valley will not result in increased stormwater runoff because the landfill work area does not change.
  - 6.2.2 Work will intensify to more or less the same activity levels experienced during 1998/99 when 58,543 tonnes of residual waste was received at York Valley per year.
  - 6.2.3 The most recent waste composition study carried out for waste generated in the region has shown that, with the exception of greenwaste, there is little difference in waste composition between what goes to the two landfills.
  - 6.2.4 The leachate generated, per unit of waste disposed of at York Valley, will therefore be lower following the implementation of the Regional Landfill.
  - 6.2.5 Leachate is controlled at a maximum flow rate of 11 litres per second through a control valve mechanism located at the point where landfill leachate is discharged to the wastewater network. The system is designed to prevent inflow from stormwater. If stormwater entered the leachate system it would in the first instance be retained in a detention pond upstream of the sewer discharge point, and if this system became inundated the leachate-contaminated stormwater would only then be discharged to the stormwater system.
  - 6.2.6 However, there is no record of any instance where this pond overflowed following a failure of the control system. Surcharging into the stormwater network will constitute an accidental discharge and will be managed in terms of the resource consent for accidental discharges and this occurred in December 2011 following the extreme rainfall event and this was managed via the resource consent. It is worthwhile to note that the discharge due to the stormwater was very diluted.
  - 6.2.7 The surcharging downstream of the landfill (toilet bubbling up) which was referred to by a submitter is associated with network capacity issues that are unrelated to the landfill leachate.
  - 6.2.8 Preliminary investigations have shown that the hydraulic grade of the wastewater pipeline leading up to the connection to the Waimea Road wastewater pipeline is the likely cause and surcharges. This pipe project is in the Asset Management Plan for upgrade to address these issues.
  - 6.2.9 At 0.78% of total inflow of the wastewater treated at the Nelson Wastewater Treatment Plant, the landfill leachate will not cause any issues at the wastewater treatment plant.
- 6.3 **Question 3:** What is the number of accidents at the Waimea/Market Road intersection?

- 6.3.1 Accident statistics indicate that there were less than two accidents per year at this intersection since 2006.
- 6.4 **Question 4:** Does rubbish currently destined for Eves Valley comply with York Valley Landfill acceptance criteria?
- 6.4.1 There is no difference in acceptance criteria at York and Eves Valley. Residual waste that does not comply with landfill acceptance criteria must be pre-treated or taken to an alternative disposal facility outside the Nelson Tasman region.
- 6.5 **Question 5:** Can residual waste from outside the Nelson Tasman region be accepted?
- 6.5.1 The Joint Waste Management and Minimisation Plan was adopted by both Councils following a Special Consultative Procedure that targeted the general public in the Nelson Tasman region. In accordance with the joint policy waste from outside the region can be accepted at York Valley based on the Council's acceptance criteria. Council has resolved that waste generated outside the region will only be accepted at York Valley following the consideration of a Cultural Impact Assessment of the movement of waste from outside the Nelson Tasman region.
- 6.5.2 Residual waste generated in Buller district will be subject to the consideration of such a Cultural Impact Assessment.
- 6.6 **Question 6:** How effective are the waste management and minimisation initiatives in Tasman District?
- 6.6.1 TDC and NCC have adopted the Joint Nelson Tasman Waste Management and Minimisation Plan. The implementation of the plan was delegated to the Joint Waste Working Party. The second annual progress review will be considered later this financial year.
- 6.6.2 Waste minimisation initiatives are generally carried out separately at present.
- 6.6.3 Performance of the two Councils can be considered broadly similar based on the joint statistics and the outcome of the joint residual waste composition study carried out during 2012/13.
- 6.6.4 The implementation of the Regional Landfill is the first major joint initiative of the two councils.
- 6.6.5 A number of joint initiatives such as – recycling in the; commercial sector and construction industry, composting industry and food processing industry - will be investigated over the next few years.
- 6.7 **Question 7:** Was the Special Consultative Procedure carried out in accordance with the requirements of the Local Government Act?
- 6.7.1 Following concerns expressed at the hearing that due process was not followed the process was discussed with the Council's Senior

Legal Adviser who expressed the view that the process did conform with the requirements of the Local Government Act.

- 6.7.2 Independent legal advice procured from Fletcher, Vautier and Moore confirmed that the process complied with the requirements of the Local Government Act 2002.
- 6.8 **Question 8:** How does the implementation of the Regional Landfill benefit the ratepayers of Nelson?
- 6.8.1 The implementation of the proposal secures a return of nearly \$600,000 per annum to Nelson City Council which would otherwise not be available. The financial benefits are extensively discussed in the Deloitte Landfill Proposal Review which was part of the supporting documents provided to the public as part of the process.
- 6.8.2 It also ensures that value is extracted from using consented airspace which may become unavailable/more expensive one a new consent is required in 2034.
- 6.9 **Question 9:** Timeline for the project.
- 6.9.1 Council will consider the implementation of the Regional Landfill proposal at the Council meeting on 2 October 2014.
- 6.9.2 Officers will initiate the drafting of the Regional Landfill Agreement with TDC following this meeting.
- 6.9.3 The transition to a Regional Landfill is programmed for 1 July 2015 but can be brought forward by mutual consent between NCC and TDC.
- 6.10 **Question 10:** What growth projections were used in the Deloitte.
- 6.10.1 The Deloitte model is based on zero growth of residual waste for NCC and 1% per annum for TDC which are the estimates for growth for residual waste in the Nelson Tasman region. These estimates are based on census data for population growth and allow for a small decrease due to waste minimisation activities.
- 6.11 **Question 11:** How many complaints are there on the Complaints Register.
- 6.11.1 There is only one complaint on the complaints register and it is associated with an odour event that occurred in 2000. The fact that only one complaint has been received in over 14 years manifest the value of the Landfill Management Plan.
- 6.11.2 There is no expectation that the increased tonnage will affect the ability to continue managing the landfill at this level. There is no record of any dust complaints. Officers who have been associated with the landfill operation for an extended period have indicated that they are not aware of any dust issues relating to solid waste and York Valley landfill activities.



## **7. Options**

7.1 The two options are:

7.1.1 Adopt the regional landfill proposal.

7.1.2 Continue to operate two different separate landfills in Tasman and Nelson.

7.2 As outlined in the Statement of Proposal, a regional landfill is the most cost effective option for both Nelson and Tasman councils. It enables waste disposal to be managed more efficiently due to economies of scale, which will financially benefit both communities.

7.3 A regional landfill is appropriate for present and future circumstances because it reduces greenhouse gas emissions and provides for combined efforts to reduce waste.

7.4 Section 11A of the Local Government Act states that solid waste collection and disposal is a core service to be provided by local authorities.

7.5 The risks and potential impacts of a regional landfill are primarily related to the need to establish a new regional landfill before 2030. This is primarily due to the current consent for York Valley running out in 2034, and the need to start early planning for a consented facility.

7.6 The risks and potential impacts of continuing to operate two landfills relate to lost opportunities to benefit from economies of scale, and the cost of two resource applications and two landfill developments for the two councils.

## **8. Assessment of Significance against the Council's Significance Policy**

8.1 The decision on whether or not to implement the Regional Landfill Proposal is a significant decision because the asset is listed in Council's Significance Policy.

## **9. Alignment with relevant Council Policy**

9.1 Nelson City Council began its consultation on a joint approach to waste management with Tasman District Council through the Joint Waste Minimisation and Management Plan, which was adopted in 2012. This Special Consultation Process, on the implementation of a Regional Landfill, is the culmination of long term discussions with the community about the management of waste in the Nelson and Tasman regions, and it delivers on commitments in that Plan.

## **10. Consultation**

10.1 The Council has carried out a Special Consultative Procedure on the Regional Landfill proposal to ensure it gives consideration to the views

and preferences of affected or interested persons (LGA 2002 s78). This process is outlined in more detail in clauses 4.2 to 4.5 of this report.

## **11. Inclusion of Māori in the decision making process**

11.1 Māori have not been specifically consulted.

## **12. Conclusion**

12.1 Extensive assessments of the costs and benefits of a regional landfill have been carried out, and all show that the benefits for both Nelson and Tasman communities outweigh the costs of the proposal to implement a regional landfill.

Johan Thiart  
**Senior Asset Engineer – Solid Waste**

### **Attachments**

1. Regional Landfill Consultation 2014 – Total Submissions ([A1239076](#))
2. Submission tabled by Scott Gibbons at Hearing. ([A1244764](#))
3. Accident Statistics Waimea/Market Intersection ([A1245742](#))
4. York Valley Leachate System ([A1245762](#))

**Bev Mcshea**

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**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](mailto:website@nelson.govt.nz)[SMTP:WEBSITE@NELSON.GOVN.Z]  
**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](mailto: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  
Customer Services

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 0221887051

Address 17 MARKET ROAD NEM

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.

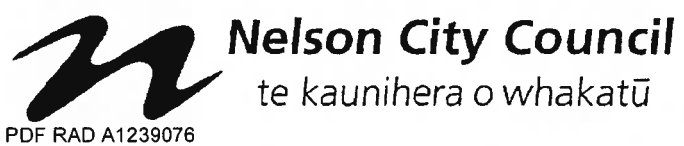
The consultation/proposal my submission relates to:  
TRAFFIC MANAGEMENT.

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 Burner - exiting drives already dangerous, trucks speed round quarry bend down the hill.
  - ③ Congestion at Caltex corner onto Waimea. Traffic already backs up due to Waimea 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...



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

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

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

**Categories:** Dongrui, Bev

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**From:** [website@nelson.govt.nz](mailto: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](mailto: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.TZ]  
**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](mailto:pamela.white@tasman.govt.nz)  
[www.tasman.govt.nz](http://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](mailto: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](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

**Richmond**  
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**Motueka**  
11 McKinnon Place  
PO Box 125  
Motueka 7143  
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Phone 03 528 2007  
Fax 03 528 2751

**Takaka**  
14 Junction Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9912



## **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

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**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](http://www.gibbonsholdings.co.nz)  
[kent@gibbons.co.nz](mailto:kent@gibbons.co.nz) | P: +64 3 539 3041 | M: +64 021 547562 | F: +64 3 548 9674



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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

Gibbons Holdings Limited  
19 Parere Street, Nelson 7010  
PO Box 7004, Nelson 7042  
New Zealand  
PDF RAD A1239076

Ph +64 3 548 3039  
Fx +64 3 548 9674  
Em admin@gibbons.co.nz  
www.gibbonsholdings.co.nz



**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:

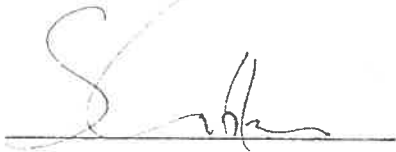
*“Local authorities should undertake any commercial transactions in accordance with sound business practices” (Section 14(1)(f) LGA2002)*

*“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

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**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

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**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](mailto:mlawson@smartenvironmental.co.nz) W [www.smartenvironmental.co.nz](http://www.smartenvironmental.co.nz)





25<sup>th</sup> August 2014

Nelson City Council  
PO Box 645  
Nelson 7040

192 James Fletcher Drive  
Otahuhu  
P.O. Box 59 041  
Mangere Bridge  
AUCKLAND 2151

Phone (09) 259 4500  
Fax (09) 276 6107

**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.

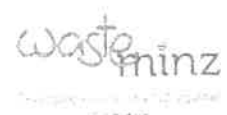
Regards

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).

PDF RAD A1239076

PDF. A1250810



**Regional Landfill Proposal – July 2014**

The people of Nelson City have paid for the development of the York Valley asset throughout the 90's I expect hundreds of thousands of dollars– the proposal gives little regard to the effort or costs or social impacts incurred by the use of York Valley with no capital input by TDC to it.

The Local Government Act gives directions on the business dealings of local authorities, for example:

*“Local authorities should undertake any commercial transactions in accordance with sound business practices” – Section 14(1)(f) LGA 2002;*

And:

*“A local authority should ensure prudent stewardship and efficient and effective use of its resources in the interests of its district or region” – Section 14(g) LGA 2002*

I fully understand that the Joint Waste Minimisation Management Plan indicates for a joint waste facility – I accept that, but having regard to your obligations under the Local Government Act you must do so in accordance with sound business practices and ensuring prudent stewardship – I don't think you have.

**1. Consultation**

The Council has gone down the road of a special consultative procedure. Section 83 of the LGA 2002 requires consultation to be more than just a formality.

The volume of submissions indicates that the Statement of Proposal was not widely distributed as is required by the Local Government Act 2002 (Section 83, Section 89) and achieved only 7 submissions, two of which wanted to be heard. There was one press release (which is not its consultation in any event) and one ad in the paper on the 25<sup>th</sup> July – that is not *“wide distribution”* and certainly not enough for full consideration to be given by ratepayers. When I compare what you did in relation to the Wakatu Square proposal and compare it to this equally important proposal the difference is vast.

I sat in meeting with 12 odd Nelson businesspeople last Thursday night (28/08/2014) and not one indicated that they were aware of what was being proposed for York Valley, when asked.

I am also aware that a Memorandum of Understanding has been signed – I have a copy of it - it seems to indicate *“the deal is done”* and consultation is a merely lip service – I understand that the Memorandum of Understanding says it is not *“legally binding”* but let us see what happens from here.

**2. Resource Consent and Environmental Effects**



Has the current resource consent condition and the Management Plan been taken fully into account when considering the proposed increased volumes? If they have not, then why not, and if they have, why is that not disclosed in the Statement of Proposal? There is no reference at all that I can find and I suspect that this has not been adverted to, or there is an assumption that *"she'll be right"*. If it has not been taken into account, then that is simply not appropriate. The 10 year period to 2009 TDC waste had increased by 110%, and NCC reduced by 10%. This is extremely relevant because leachate was identified by the Tonkin Taylor Report as a risk, as the landfill is unlined and has potential for leachate contamination of water way and the environment generally. Currently leachate is collected at the base of the Valley and piped into a sewer system as it was in 1998 and at times of heavy rainfall flooding of the York Stream occurred, effluent bubbled out from the sewer system, water impounded in the Valley and overland and pipe flows came from the landfill. (See photos annexed as "A", "B", "C", "D" and "E" from 1998). If the system is overloaded by the proposal that could happen again.

More waste must mean more leachate, more leachate will necessitate an upgrade of the system – who will pay for the upgrade? Has that been costed in?

Nelson City Council have an obligation to comply with the conditions and Management Plans under its current consent – if they fail then not only do we have a problem generally, the Bishopdale area downstream of the landfill, Market Road and downstream of the York Valley will be affected.

### **3. Lifespan of York Valley Landfill**

The papers indicate that you will reduce the lifespan from 32 years (2046) to 16 years (2030) – what an asset it was to Nelson to have a landfill facility with 32 years without any major capital costs. That 32 year buffer will be eroded by 50% by this proposal. The resource consents you hold only cover Gully 1 and there are limits as to what you can put into the landfill. Will you need further resource consents? Tonkin & Taylor (see Table 3.6) say you do – have you costed that in?

What will be dumped there compared to what is dumped there now? What contaminants will exist in the waste proposed to be dumped by comparison to what is there now? – What effect will that have on the sewage infrastructure or the treatment facility at Whakapuaka? Has any thought gone into this? I would expect that the *"landfill pattern"* of waste at Eves Valley is vastly different to the landfill pattern for York Valley.

### **4. Additional Heavy Traffic – Road Wear and Tear**

As I read the report obtained there has been no costing in of the impact on the roading infrastructure. Why was that not costed in? The report really downplays traffic – there will be a huge additional tonnage coming from Tasman to Nelson on the basis of 2008/2009 figures (Morrison Lowe report) it appears that waste in Tasman has been going up by about 4,000 tonnes per year (see Report page 13). If you extend that out for the years 2009/2014 at 4,000 additional tonnes per year that brings you up to 52,000 tonnes of TDC waste by the end of 2014. With this proposal to start in 2015 that indicates you will have to deal with about 56,000 tonnes of waste from TDC extrapolating from the 2008-2009 figures in the Morrison Lowe Report. There appears to no minimisation of the TDC waste over that period.

- (i) That additional tonnage will have a huge effect on the maintenance of Nelson City Council roads – and those effects will be met by Nelson City Council ratepayers, not Tasman rate payers;
- (ii) The impact of all of the TDC waste traffic (and it will be all) on Market Road and through the Residential areas will be massive – no social impact reports seem to have been obtained to address that either. Has the potential increase in leachate, to bring it a significant volume of extra material through and into urban areas, and the potential increase in smell been considered?

## 5. Capital Contribution

After considering all effects, impacts and costs associated with increased volumes, the very minimum should be for NCC to obtain an access fee, capital contribution for access to its assets.

It seems to me that under the guides of creating a “*joint regional landfill*” Nelson City Council is passing over 40% of the profit, together with levies, this business without any capital contribution whatsoever from TDC. In doing so the interests of the people of Nelson are, in my view, not protected nor is any element of fiscal prudence exhibited by the Council.

- a. What value does NCC currently value this asset at? - There is 30 odd years of consented activity left – but there is no balance sheet available to assess what values have been placed on that asset and this is extremely important because the people of Nelson are entitled to a return on the market value of their investment.
- b. I have checked with Council Officers through my representatives and find that there is no capital contribution which confirmed what the Statement of Proposal indicates.
- c. And if not then why not? – Why should the people of Nelson simply hand over the use and the long term of this asset without any contribution back from what is going to be a primary user. I know that in the Memorandum of Understanding it says that 60% of the profit will be returned to NCC but in my view 100% of the profit should be returned to NCC – NCC could keep the land, receive substantial ingoing from the TDC for its entry into “*the business*”, for example, if you are going to do something “*jointly*” why can you not look at something like the Nelson Airport, Port Nelson models?
  - (i) Separate the land and business and assess the value of the business for the TDC to contribute towards – NCC then gets a return of capital on its long term investment.
  - (ii) It has been confirmed however by your Council officers that there is not and never was proposed to be a capital contribution.
  - (iii) I understand from Council file that NCC did not want to concede ownership of York Valley – I agree that is prudent, but to give its use away – receive a tonnage rate, receive no capital contribution and then pay out a levy of \$1,715,000.00 and 40% of the operational profit is not prudent, and certainly not a sound business practice.

In my view, what Council should have considered is not the proposal as it is, but to ensure that Nelson city and its ratepayers are not disadvantaged:

- (i) Value the “*business*” of waste disposal at York Valley on a market basis. This can be done on the basis of returns, it is not a complex process;
- (ii) To sell an interest in that business to TDC and if it is to be a joint venture then it should be a half;
- (iii) The money that comes in is used to fund other infrastructural development in the NCC territorial area;
- (iv) Operation be carried out through a company with shares held by NCC and TDC with a Board of Directors appointed;
- (v) Profits apportioned according to capital input;
- (vi) NCC continues to own the land and can charge the operations company for its occupation;
- (vii) The wish to have a joint facility for regional waste disposal is respected – the way you are doing it, and its structure, and its disadvantages to the people of Nelson are not.
- (viii) For NCC to exercise prudent stewardship and efficient effective use of its resources in the interest of Nelson City would be by fully commercially charging TDC for the use of this facility and where requiring a capital commitment for the benefit of the people of Nelson who paid for the facility in the first place and ensuring that they consider fully the environmental impacts of the larger operation, i.e. operating hours, roads, sewage capacity, Management Plan compliance and the people who live there – who will be vastly affected by the decision that you make today.

What the NCC is doing, and the way it is doing it, is giving the asset of the waste disposal business to the TDC for nothing, for the overall benefit of the TDC (which contributes nothing in terms of capital) for what NCC ratepayers have paid for), so then the NCC ratepayer bears the benefit of the cost for the TDC ratepayer. No doubt someone will say “*but it is all economies of scale*” – but NCC will get that work anyway if TDC does not continue with Eves Valley and so NCC has a business opportunity whereby there can still be a joint landfill, but the people of Nelson city not be disadvantaged and the people of TDC benefited in the manner occasioned by your proposal.

A





B





C





D









First Street	Second street or landmark	Crash Number	Date	Day	Time	Description of Events	Crash Factors (ENV = Environmental factors)	Road	Natural Light	Weather	Junction	Cntrl	Tot Inj F S M A E I T R N
Distance (ft)			DD/MM/YYYY	DDD	HHMM								
WAIMEA ROAD	I MARKET ROAD	2611715	24/04/2006	Mon	1545	CAR1 SBD on WAIMEA ROAD hit CAR2 turning right onto WAIMEA ROAD from the left	CAR2 failed to give way at give way sign, didnt see/look when required to give way to traffic from another direction	Wet	Overcast	Light Rain	T Type Junction	Give Way Sign	1
WAIMEA ROAD	I MARKET ROAD	2751496	22/03/2007	Thu	1535	CAR2 turning right hit by oncoming CAR1 NBD on WAIMEA ROAD CAR1 hit Post Or Pole	CAR2 failed to give way when turning to non-turning traffic, didnt see/look when visibility obstructed by other vehicles	Dry	Bright	Fine	T Type Junction	Give Way Sign	
WAIMEA ROAD	50S BOUNDARY ROAD	2752723	27/05/2007	Sun	0410	CAR1 NBD on WAIMEA ROAD lost control; went off road to right, CAR1 hit Fence	CAR1 alcohol test above limit or test refused, fatigue (drowsy, tired, fell asleep)	Dry	Dark	Fine	Unknown	Nil	
WAIMEA ROAD	I MARKET ROAD	2712450	15/07/2007	Sun	1310	CAR1 WBD on MARKET ROAD lost control turning left, CAR1 hit Fence	CAR1 lost control under heavy acceleration VAN2 vehicle caught fire	Dry	Bright	Fine	T Type Junction	Give Way Sign	2
WAIMEA ROAD	20S MARKET ROAD	2754970	23/08/2007	Thu	1710	CAR1 SBD on WAIMEA ROAD hit rear end of CAR2 stop/slow for queue	CAR1 suddenly braked CAR2 following too closely	Dry	Twilight	Fine	Unknown	Nil	
WAIMEA ROAD	25S MARKET ROAD	2951640	17/04/2008	Thu	0855	CAR1 NBD on WAIMEA ROAD hit rear end of SUV2 stop/slow for queue	CAR1 following too closely	Wet	Overcast	Light Rain	Unknown	Nil	
WAIMEA ROAD	20S BOUNDARY ROAD	2953648	27/06/2008	Fri	0735	CAR1 NBD on WAIMEA ROAD lost control; went off road to left, CAR1 hit Fence, Phone Box Etc.	CAR1 illness with no warning (eg heart attack)	Wet	Overcast	Fine	T Type Junction	Nil	
WAIMEA ROAD	I MARKET ROAD	2856973	25/12/2008	Thu	1205	CAR1 WBD on MARKET ROAD turning right hit CAR2 turning right into MARKET ROAD	CAR1 failed to give way at give way sign	Dry	Bright	Fine	T Type Junction	Give Way Sign	
WAIMEA ROAD	I MARKET ROAD	2911237	13/01/2009	Tue	1730	CAR1 WBD on MARKET ROAD turning right hit CYCLIST2 (Age 49) turning right into MARKET ROAD	CAR1 failed to give way at give way sign, didnt see/look when required to give way to traffic from another direction	Dry	Bright	Fine	T Type Junction	Give Way Sign	1
WAIMEA ROAD	50S BOUNDARY ROAD	2952509	07/05/2009	Thu	1930	CAR1 SBD on WAIMEA ROAD hit rear of CAR2 turning right from centre line	CAR1 too fast on straight, failed to notice car slowing, attention diverted by cigarette etc ENV: entering or leaving private house / farm	Dry	Dark	Fine	Driveway	Nil	
WAIMEA ROAD	I MARKET ROAD	2952873	20/06/2009	Sat	1310	SUV1 SBD on WAIMEA ROAD hit CAR2 turning right onto WAIMEA ROAD from the left	CAR2 failed to give way at give way sign	Dry	Bright	Fine	T Type Junction	Give Way Sign	
WAIMEA ROAD	I MARKET ROAD	201053000	26/06/2010	Sat	1540	CAR1 SBD on WAIMEA ROAD hit CAR2 turning right onto WAIMEA ROAD from the left	CAR2 failed to give way at give way sign	Dry	Bright	Fine	T Type Junction	Give Way Sign	
WAIMEA ROAD	I MARKET ROAD	201012887	20/09/2010	Mon	1535	CAR1 SBD on WAIMEA ROAD hit CAR2 merging from the left	CAR2 failed to give way at give way sign, didnt see/look when required to give way to traffic from another direction	Wet	Overcast	Light Rain	T Type Junction	Give Way Sign	1
WAIMEA ROAD	I MARKET ROAD	201152393	26/05/2011	Thu	1508	CAR2 turning right hit by oncoming CAR1 SBD on WAIMEA ROAD	CAR1 too fast for conditions CAR2 failed to give way when turning to non-turning traffic, didnt see/look when required to give way to traffic from another direction	Dry	Overcast	Fine	T Type Junction	Give Way Sign	
WAIMEA ROAD	30S MARKET ROAD	201254554	23/12/2012	Sun	0840	CAR1 NBD on WAIMEA ROAD hit CAR2 merging from the left	CAR2 failed to give way at driveway, misjudged speed etc of vehicle coming from another dirn with right of way ENV: entering or leaving private house / farm	Dry	Bright	Fine	Driveway	Nil	
WAIMEA ROAD	I MARKET ROAD	201436995	02/05/2014	Fri	1555	CAR1 SBD on WAIMEA ROAD hit CAR2 turning right onto WAIMEA ROAD from the left	CAR2 failed to give way at give way sign	Dry	Bright	Fine	T Type Junction	Give Way Sign	

Crash List: market w airnea

**Overall Crash Statistics**

Crash Severity	Number	%	Social cost (\$m)
Fatal	0	0	0
Serious	1	6	0.72
Minor Injury	3	19	0.25
Non-injury	12	75	0.26
	<b>16</b>	<b>100</b>	<b>1.23</b>

**Crash Numbers**

Year	Fatal	Serious	Minor	Non-inj
2009	0	1	0	2
2010	0	0	1	1
2011	0	0	0	1
2012	0	0	0	1
2014	0	0	0	1
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>6</b>
Percent	0	13	13	75

Note: Last 5 years of crashes show n

**Overall Casualty Statistics**

Injury Severity	Number	% all casualties
Death	0	0
Serious Injury	1	20
Minor Injury	4	80
	<b>5</b>	<b>100</b>

**Casualty Numbers**

Year	Fatal	Serious	Minor
2009	0	1	0
2010	0	0	1
2011	0	0	0
2012	0	0	0
2014	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>1</b>
Percent	0	50	50

Note: Last 5 years of casualties show n

**Crash Type and Cause Statistics**

Crash Type	All crashes	% All crashes
Overtaking Crashes	0	0
Straight Road Lost Control/Head On	2	13
Bend - Lost Control/Head On	1	6
Rear End/Obstruction	3	19
Crossing/Turning	10	63
Pedestrian Crashes	0	0
Miscellaneous Crashes	0	0
<b>TOTAL</b>	<b>16</b>	<b>100</b>

Crash factors (*)	All crashes	% All crashes
Alcohol	1	6
Too fast	2	13
Failed Give way/Stop	10	63
Incorrect Lane/posn	2	13
Poor handling	1	6
Poor Observation	6	38
Poor judgement	1	6
Fatigue	1	6
Disabled/old/ill	1	6
Vehicle factors	1	6
Other	1	6
<b>TOTAL</b>	<b>27</b>	<b>169</b>

Crashes with a:

Driver factor	25	157
Environmental factor	0	0

(\*) factors are counted once against a crash - ie two fatigued drivers count as one fatigue crash factor.

Note: Driver/vehicle factors are not available for non-injury crashes for Northland, Auckland, Waikato and Bay of Plenty before 2007.

This will influence numbers and percentages.

Note: % represents the % of crashes in which the cause factor appears

**Driver and Vehicle Statistics**

Note: Driver information is not computerised for non-injury crashes

**Drivers at fault or part fault in injury crashes**

Age	Male	%	Female	%	Total	%
15-19	0	0	0	0	0	0
20-24	1	33	1	100	2	50
25-29	0	0	0	0	0	0
30-39	1	33	0	0	1	25
40-49	0	0	0	0	0	0
50-59	0	0	0	0	0	0
60-69	1	33	0	0	1	25
70+	0	0	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>4</b>	<b>100</b>

**Drivers at fault or part fault in injury crashes**

Licence	Male	Female	Total	%
Full	2	1	3	75
Learner	0	0	0	0
Restricted	1	0	1	25
Never licensed	0	0	0	0
Disqualified	0	0	0	0
Overseas	0	0	0	0
Expired	0	0	0	0
Other/Unknown	0	0	0	0
<b>TOTAL</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>100</b>

**Vehicles involved in injury crashes**

	No. of vehicles	% Injury crashes
Car/Stn Wagon	6	100
Bicycle	1	25
Truck	1	25
Van Or Utility	1	25
<b>TOTAL</b>	<b>9</b>	<b>175</b>

Note: % represents the % of injury crashes in which the vehicle appears

Number of parties in crash	All crashes	% All crashes
Single party	2	13
Multiple party	14	88
<b>TOTAL</b>	<b>16</b>	<b>101</b>

Crash List: market w aimea

**Road Environment Statistics**

Road Type	Local road	%	State highway	%	Total	%
Urban	16	100	0	0	16	100
Open Road	0	0	0	0	0	0
<b>TOTAL</b>	<b>16</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>100</b>

Conditions	Injury	Non-injury	Total	%
Light/overcast	4	9	13	81
Dark/twilight	0	3	3	19
<b>TOTAL</b>	<b>4</b>	<b>12</b>	<b>16</b>	<b>100</b>

Conditions	Injury	Non-injury	Total	%
Dry	2	10	12	75
Wet	2	2	4	25
Ice/snow	0	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>12</b>	<b>16</b>	<b>100</b>

Intersection/mid-block	All crashes	% All crashes
Intersection	10	63
Midblock	6	38
<b>TOTAL</b>	<b>16</b>	<b>100</b>

Objects Struck	Injury crashes	%	Non-injury crashes	%
Crashes w /obj.struck	1	25	3	25
Object Struck	Injury crashes	%	Non-injury crashes	%
Fence	1	25	2	17
Phone Box Etc.	0	0	1	8
Post Or Pole	0	0	1	8
<b>TOTAL</b>	<b>1</b>	<b>25</b>	<b>4</b>	<b>25</b>

Note: % represents the % of crashes in w hich the object is struck

**Time Period Statistics**

Day/Period	All crashes	% All crashes
Weekday	11	69
Weekend	5	31
<b>TOTAL</b>	<b>16</b>	<b>100</b>

Day/Period	0000-0259	0300-0559	0600-0859	0900-1159	1200-1459	1500-1759	1800-2059	2100-2400	Total
Weekday	0	0	2	0	1	7	1	0	11
Weekend	0	1	1	0	2	1	0	0	5
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>16</b>

Note: Weekend runs from 6 pm on Friday to 6 am on Monday

Day/Period	0000-0259	0300-0559	0600-0859	0900-1159	1200-1459	1500-1759	1800-2059	2100-2400	Total
Mon	0	0	0	0	0	2	0	0	2
Tue	0	0	0	0	0	1	0	0	1
Wed	0	0	0	0	0	0	0	0	0
Thu	0	0	1	0	1	3	1	0	6
Fri	0	0	1	0	0	1	0	0	2
Sat	0	0	0	0	1	1	0	0	2
Sun	0	1	1	0	1	0	0	0	3
<b>TOTAL</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>16</b>

Month	Injury	%	Non-injury	%	Total	%
Jan	1	25	0	0	1	6
Feb	0	0	0	0	0	0
Mar	0	0	1	8	1	6
Apr	1	25	1	8	2	13
May	0	0	4	33	4	25
Jun	0	0	3	25	3	19
Jul	1	25	0	0	1	6
Aug	0	0	1	8	1	6
Sep	1	25	0	0	1	6
Oct	0	0	0	0	0	0
Nov	0	0	0	0	0	0
Dec	0	0	2	17	2	13
<b>TOTAL</b>	<b>4</b>	<b>100</b>	<b>12</b>	<b>100</b>	<b>16</b>	<b>100</b>





**York Valley Leachate Stormwater - Green, Leachate sewer - Red**



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Scale 1:1,000



Date: 9/09/2014

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