

AGENDA

Ordinary meeting of the

Nelson Tasman Regional Landfill Business Unit

Friday 3 May 2024

**Commencing at 1.00p.m. to Hear, Deliberate and Recommend on
LTP Submissions
Council Chamber
Floor 2A, Civic House
110 Trafalgar Street, Nelson**

Membership:

Chairperson

Deputy Mayor of Tasman Stuart Bryant

Deputy Chairperson

Nelson City Councillor Mel Courtney

Members

Tasman District Councillor Trindi Walker

Nelson City Councillor Aaron Stallard

Iwi Representative Andrew Stephens

Quorum: 3

Nelson Tasman Regional Landfill Business Unit

The Nelson Tasman Regional Landfill Business Unit (NTRLBU) ([NDOCS-1974015928-495](#)) is a joint committee of Nelson City and Tasman District Councils. The NTRLBU is governed by a Terms of Reference (NDOCS-1974015982-495).

Areas of Responsibility:

- Matters relating to the operation and use of the York Valley and Eves Valley landfills as regional landfill facilities, and the timing of their use.

Powers to Decide:

- Setting of fees and charges for waste disposal at the regional landfill facilities by 30 June each year; including the power to apply discounted fees and charges for the disposal of waste in bulk; and to determine other circumstances where discounted fees and charges may be applied.
- Decisions to accept (or not accept) waste that is generated outside the Nelson-Tasman region.

Power to Recommend to Councils:

- Any other matters under the area of responsibility of the Business Unit
- All recommendations to Council will be subject to adoption of an equivalent resolution by the other Council, unless it is a matter specific to one Council only.

Quorum:

- The Memorandum of Understanding governing the NTRLBU allows for either four or five members to be appointed. The quorum at a meeting is either two (if four members are appointed), or three (if five members are appointed), including at least one from each local authority.

Procedure:

- The Standing Orders of the Council providing administration to the committee shall be applied at each meeting.
- The Chairperson will not have a casting vote
- Copies of minutes of meetings of the Nelson Tasman Regional Landfill Business Unit will be retained by each Council for record keeping purposes

1. Apologies

Nil

2. Confirmation of Order of Business

3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

**5. Nelson Tasman Regional Landfill Business Unit
2024-34 Activity Management Plan Consultation
Submission Feedback Report**

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Document number R28538

A Speakers Hearing Schedule will be tabled at the meeting.

Recommendation

That the Nelson Tasman Regional Landfill Business Unit

1. ***Receives the report Nelson Tasman Regional Landfill Business Unit 2024-34 Activity Management Plan Consultation Submission Feedback Report (R28538) and its attachment (1995708647-58); and***
2. ***Confirms the increase in the Nelson Tasman Regional Landfill Business Unit fees and charges as proposed in the Nelson Tasman Regional Landfill Business Unit Activity Management Plan 2024-2034 and 2024/2025 Business Plan, considering submissions made to Nelson City Council and Tasman District Council through each Council's draft Long Term Plan 2024-2034 consultation process.***

Recommendation to Nelson City Council and Tasman District Council

That the Nelson City Council and Tasman District Councils

1. ***Notes that the fees and charges at the Nelson Tasman Regional Landfill Business Unit will increase from \$212 to \$250 (excluding GST); and***
2. ***Notes that there are no changes to the 2024/2025 Nelson Tasman Regional Landfill Business Unit Business Plan (1995708647-50); and***
3. ***Notes that there are no changes to the Nelson Tasman Regional Landfill Business Unit Activity Management Plan 2024-2034 (1995708647-49).***

Nelson Tasman Regional Landfill Business Unit

3 May 2024

Report Title: Nelson Tasman Regional Landfill Business Unit 2024-34
Activity Management Plan Consultation Submission
Feedback Report

Report Author: Nathan Clarke - General Manager Regional Sewerage and
Landfill

Report Authoriser: David Light - Acting Group Manager Infrastructure

Report Number: R28538

1. Purpose of Report

- 1.1 To summarise submissions made by members of the public in respect to the Nelson Tasman Regional Landfill Business Unit (NTRLBU) Activity Management Plan 2024 -2034 (AMP) as outlined in both the Nelson City Council (NCC) and Tasman District Council (TDC) Long Term Plans (LTPs) to assist the NTRLBU in its deliberations.
- 1.2 To confirm the increased in general waste landfill fee from \$212 of \$250 per tonne (excluding GST) for the 2024/2025 financial year, and to approve the Operational and Capital Budgets outlined in the NTRLBU 2024-2034 Activity Management Plan and NTRLBU 2024/25 Business Plan.

2. Summary

- 2.1 The NTRLBU has prepared its AMP for inclusion in the NCC and TDC LTPs.
- 2.2 The AMP and its Operational and Capital budgets were approved by both NCC and TDC for inclusion in their respective Draft LTPs.
- 2.3 The Councils have publicly consulted on their LTPs and have provided feedback from the community to NTRLBU for consideration.
- 2.4 At the time of preparation of this report some submissions were still to be processed. Any relevant additional submissions will be tabled at the meeting.
- 2.5 The feedback received the community has been summarised and considered in this report.
- 2.6 The NTRLBU must now deliberate on submissions and make decisions on whether to make any changes to the NTRLBU Activity Management Plan 2024 -2034 and the associated Fees and Charges.

3. Recommendation

That the Nelson Tasman Regional Landfill Business Unit

- 1. Receives the report Nelson Tasman Regional Landfill Business Unit 2024-34 Activity Management Plan Consultation Submission Feedback Report (R28538) and its attachment (1995708647-58); and**
- 2. Confirms the increase in the Nelson Tasman Regional Landfill Business Unit fees and charges as proposed in the Nelson Tasman Regional Landfill Business Unit Activity Management Plan 2024-2034 and 2024/2025 Business Plan, considering submissions made to Nelson City Council and Tasman District Council through each Council's draft Long Term Plan 2024-2034 consultation process.**

Recommendation to Nelson City Council and Tasman District Council

That the Nelson City Council and Tasman District Councils

- 1. Notes that the fees and charges at the Nelson Tasman Regional Landfill Business Unit will increase from \$212 to \$250 (excluding GST); and**
- 2. Notes that there are no changes to the 2024/2025 Nelson Tasman Regional Landfill Business Unit Business Plan (1995708647-50); and**
- 3. Notes that there are no changes to the Nelson Tasman Regional Landfill Business Unit Activity Management Plan 2024-2034 (1995708647-49).**

4. Background and Discussion

4.1 Fees and charges for the York Valley Regional landfill facility have been proposed to increase from \$212 to \$250 (excluding GST) and these charges have been consulted on.

4.2 This increase is because of:

- Increases to the government's Waste Minimisation Levy (which is a levy imposed for waste disposed to landfill),
- Increases to the Local Disposal Levy,
- Increased operations and Maintenance Costs associated with a new Operations and Maintenance contract,

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- Increased financing charges for capital expenditure to implement several improvements to the resilience of the landfill,
 - and investment in gas reuse facilities for the gas captured at the landfill.
- 4.3 The breakdown of the reasons for the fees and charges is documented in the Nelson Tasman Regional Landfill Business Unit 2024-2025 Business Plan (1995708647-50).
- 4.4 This plan indicates that 26% of the increase relates to the increase in Waste Minimisation and Local Disposal Levies, 15% relates to changes associated with managing the Eves Valley Landfill, including trade waste charge increases, gas destruction system maintenance, and stormwater costs.
- 4.5 A further 31% of the increase relates to increased costs associated with the new operations and maintenance contract costs, and increased administrative fees, and with the safety improvements required at the York Valley Landfill.
- 4.6 The last 28% cost increases related to interest, insurances, and post closure levies required for the York Valley landfill.
- 4.7 The draft NTRLBU AMP was submitted to NCC and TDC for inclusion in their Draft LTPs.
- 4.8 NCC and TDC have subsequently consulted on their draft LTPs, and feedback has been received.
- 4.9 The LTP submissions from each Council have been forwarded to NTRLBU for consideration.
- 4.10 Submissions on the LTP Fees and Charges were made by residents or on behalf of organisations or their members.
- 4.11 This report covers the main issues raised in submissions.
- 4.12 It is noted that NTRLBU has made no response to submitters as these submissions were made to NCC and TDC and are being administered by the relevant staff within the councils.

5. NCC Submissions

- 5.1 One submission was received which had some reference to the NTRLBU and or fees and charges related to NTRLBU.
- 5.2 This submission did not support the increase in landfill fees and outlined that landfill fees have increased significantly faster than inflation since the NTRLBU began managing the landfills within the region.

6. TDC Submissions

- 6.1 NTRLBU received 34 submissions from TDC submitters.

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- 6.2 Three submissions were received in relation to food waste disposal, but these submissions are not relevant to NTRLBU as organic waste disposal considerations are not within the NTRLBU area of responsibility.
- 6.3 Nine submitters indicated support of the increase in Waste Disposal Fees and Charges, and user pays principles.
- 6.4 16 Submitters disagreed with the proposed increase in landfill fees, with five of these submitters indicating that cost increases should only be the same rate as inflation.
- 6.4.1 Staff considered the cost of landfill and the scale of the landfill fee increases throughout the preparation of the AMP. The costs were minimised where possible. Staff acknowledge that the economic situation being experienced by residents is more difficult than over recent years, but highlight that the NTRLBU is required to recover the costs associated with waste levies, high financing costs, and a new Operations and Maintenance contract.
- 6.5 Three submitters indicated that the AMP should include funding to investigate and support a solution for the disposal or beneficial reuse of contaminated soil within the Nelson Tasman region.
- 6.5.1 The NTRLBU Joint Committee was briefed on this matter, and a workshop to discuss this issue and potential options is being scheduled.
- 6.5.2 NTRLBU has funding in the 2023/24 financial year for a contaminated soil disposal facility. This funding has not been spent and will be requested to be carried over to the 24/25 financial year.
- 6.5.3 It is therefore not proposed that any change be made to the AMP.
- 6.6 Six submitters were concerned that the increase in fees would result in increased fly tipping, or inappropriate disposal of wastes.
- 6.6.1 While the responsibility for managing fly tipping and littering does not sit with the NTRLBU, NTRLBU staff will work collaboratively with the Councils Solid Waste teams to identify ways to minimise fly tipping and inappropriate disposal of waste.
- 6.7 One submitter supported a system where suppliers should include the cost of disposal within the cost of the product.
- 6.7.1 Product stewardship and waste minimisation are outside of the NTRLBU responsibilities and sit with the Councils Solid Waste teams. NTRLBU supports the development of Waste minimisation and management plans, and supports the use of product stewardship programmes.
- 6.8 One submitter indicated a preference for ratepayers to receive voucher(s) for disposal, and a second submitter indicated a preference for no disposal fee.
- 6.8.1 The NTRLBU believes that both of these submissions are more related to the Councils than to the NTRLBU directly. The NTRLBU is a self-funding

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joint Committee and as such must charge for waste disposal to cover the costs incurred in managing wastes at the landfill.

7. Options

7.1 The NTRLBU has the option to adopt the Fees and Charges or Adopt the Fees and Charges with changes to reflect the submissions made by submitters. Officers recommend Option 1.

Option 1: Option 1: Adopt the Fees and Charges with no changes. Officers recommend this option	
Advantages	<ul style="list-style-type: none"> • Gives clear guidance for the NTRLBU officers to deliver the programme of works and allows this programme to be started at the commencement of the 2024 -25 financial year. • Supports NTRLBU meeting the obligations of its Memorandum of Understanding with NCC and TDC. • Assists both Councils in meeting their requirements of the LGA.
Risks and Disadvantages	<ul style="list-style-type: none"> • May not fully satisfy some submitters that NTRLBU has considered their submissions.
Option 2: Adopt the Fees and Charges with changes to accommodate issues raised in submissions	
Advantages	<ul style="list-style-type: none"> • Demonstrates consideration of submitter concerns
Risks and Disadvantages	<ul style="list-style-type: none"> • Not adopting will create issues with the delivery of the Activity Management Plan and will require the revision of both NCC and TDC LTPs and additional approval processes to accommodate any changes to the CAPEX and OPEX charges. • Will create further workload for NTRLBU staff, which will further constrain their ability to deliver the current and proposed programme of works. • Creates issues for both Councils in meeting their requirements of the LGA.

8. Conclusion and Next Steps

8.1 The NTRLBU has considered the submissions made by both NCC and TDC submitters, and has concluded that the submissions made, are split between

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submitters concerned about increasing costs and the effects on fly tipping, and submitters who either want more services, or are comfortable with the fees proposed.

- 8.2 NTRLBU recognises that fly-tipping may increase because of the increase in fees and changes, however this is outside NTRLBU Terms of Reference and falls under the TDC and NCC to monitor this. NTRLBU staff will work with NCC and TDC Solid Waste teams to identify ways to reduce fly tipping.

Important considerations for decision making	
9.1	Fit with Purpose of Local Government
	The NTRLBU is a joint committee constituted pursuant to the provisions of Schedule 7 to the Local Government Act 2002. The regional landfill contributes to the four Local Government well-beings of social, economic, environmental, and cultural.
9.2	Consistency with Community Outcomes and Council Policy
	The NTRLBU Disposal Fees feed into Nelson City and Tasman District Councils' 2024-34 LTPs and the NTRLBU Activity Management Plan feeds into the NCC and TDC Activity Management Plans.
9.3	Risk
	This report allows NTRLBU to consider the community feedback on the NTRLBU fees and development through NCC and TDC community consultation processes. These comments will be considered by the Board. The risk of not confirming the fees is that this could delay the NTRLBU implementing their Business Plan for 2024/25, could also delay the implementation of the Activity Management Plan, and could have a consequential effect on NCC and TDC Council Annual Plans and Activity Management Plans
9.4	Financial impact
	The NTRLBU 2024/25 fee reflects an increase in operational charges, Government levy increases and increase finance and depreciation costs associated with essential expenditure associated with resilience and environmental protection.
9.5	Degree of significance and level of engagement
	The NTRLBU plans are included in the Long Term Plans and Annual Plans of each Council. Consultation has been undertaken by both Councils in the preparation and adoption of these plans.

9.6 Climate Impact

A key feature of the NTRLBU Business Plan and Activity Management Plan are projects that work toward mitigation of greenhouse gas emissions. This includes a commitment to measure and reduce greenhouse gas emissions from the facility, and the beneficial reuse of Landfill gas.

9.7 Inclusion of Māori in the decision making process

No engagement with iwi has been undertaken in preparing this report, but iwi have representation on the Joint Committee.

9.8 Delegations

The Deed of Agreement for the Nelson-Tasman Regional Landfill Business Unit (Deed), signed on the 28 April 2017 by the two Mayors and the two Chief Executives of each of the two Council's (Nelson and Tasman) assigns the delegations (as shown in the extract from the Deed - namely Clause 14 below) to the Joint Nelson-Tasman Regional Landfill Business (NTRLBU).

These delegations are in addition to NTRLBU having powers to decide the setting of fee and charges at the regional landfill, and to accept (or not accept) waste from outside the Nelson/Tasman region as reflected in the Delegations Register (pages 25/26).

These delegations as set out in the Deed are consistent with the delegations given to the NRSBU on the same matters – specifically designed to ensure consistency.

Clause 1.3 of the Delegations Register notes:

“The general principle is that Council retains all responsibilities, duties, functions and powers that must be exercised by Council and where delegations are prevented by legislation. It may also retain certain key responsibilities, duties, functions and powers that it wishes to exercise. All other responsibilities, duties, functions and powers may be delegated to a committee, sub-committee or other subordinate decision-making body or, where not retained by Council, are delegated to the Chief Executive.

In addition, Section 3 of the Delegations Register details Delegations from Council to the Chief Executive.

On this basis the NTRLBU (and consistent with the NRSBU) is deemed to have the authority to enter into all contracts necessary for the operation and management of the NTRLBU in accordance with the approved budgets and intent of the Business Plan.

Responsibilities delegated to the NTRLBU

14. *The Councils agree that responsibility for all management and administrative matters associated with the operation of the Joint Committee shall be delegated*

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to the NTRLBU. The NTRLBU may without the need to seek any further authority from the Councils:

- (i) operate a bank account for the NTRLBU.*
- (ii) enter into all contracts necessary for the operation and management of the NTRLBU in accordance with the approved budgets and intent of the Business Plan and the 'Procurement guidance for public entities' as produced by the Office of the Auditor General.*
- (iii) authorise all payments necessary for the operation and management of the NTRLBU within the approved budgets and intent of the Business Plan.*
- (iv) do all other things that are necessary to achieve the objectives as stated in the Joint Waste Plan, Long Term Plan, Activity Management Plan or Business Plan approved by the Councils, including setting terms of trade and acceptance criteria for waste to landfills.*
- (v) comply with applicable Health and Safety legislation, and standing orders and administrative requirements of the administering Council.*
- (vi) comply with all regulatory requirements concerning operation of the regional landfill facilities.*

Attachments

Attachment 1: 1995708647-58 - LTP submissions relevant to NTRLBU

