

Report No:	RESC12-04-04
File No:	
Date:	13 April 2012
Decision Required	

REPORT SUMMARY

Report to: Engineering Services Committee
Meeting Date: 26 April 2012
Report Author: David Stephenson
Subject: **Adoption of Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan**

EXECUTIVE SUMMARY

The Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan (JWMMP) was released for public consultation on 9 December 2011 with submissions closing on 31 January 2012. A total of 17 submissions were received and a joint hearing of submissions was held on 19 March 2012.

The hearing panel met following submissions and resolved:

THAT The Chairperson and Councillor Ward be delegated power to make any amendments and agree the final form of the draft Joint Nelson City Council/Tasman District Council Waste Minimisation and Management Plan; and

THAT once the final form of the plan has been agreed, the Plan be recommended to Nelson City Council and Tasman District Council for adoption; and

THAT up to two iwi representatives be invited to join the Joint Waste Minimisation and Management Working Party for the annual process for reviewing the plan.

This report presents the amended JWMMP for adoption by the Committee.

RECOMMENDATIONS

That the Committee revokes the existing Tasman District Council Waste Management Plan (2003) and adopt the attached Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan (dated April 2012).

That the Joint Waste Working Party continue to meet annually to consider and report progress on the implementation of the plan, and that local Iwi be invited to nominate up to two representatives as members of the working party.

DRAFT RESOLUTION

THAT the Engineering Services Committee receives the “Adoption of Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan”, RESC12-04-04; and

THAT the Tasman District Council Waste Management Plan 2003 be revoked; and

THAT the Joint Waste Management and Minimisation Plan prepared for Nelson City Council and Tasman District Council (dated April 2012) and outlined in the report RESC12-04-04 be adopted; and

THAT the Joint Waste Working Party meets annually to consider and report progress on the implementation of the Joint Waste Management and Minimisation Plan to Nelson City and Tasman District Councils as noted in the report RESC12-04-04; and

THAT the local Iwi be invited to nominate up to two representatives to join the Joint Waste Working Party as noted in the report RESC12-04-04; and

THAT the Iwi representatives be paid a meeting allowance to attend the joint waste working party meetings as noted in the report RESC12-04-04.

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Subject: **Adoption of Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan**

1. Purpose

1.1 This report presents the Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan (JWMMP) for consideration and adoption by the Committee.

2. Background

- 2.1 As a territorial authority, Council is required under the Waste Minimisation Act 2008 to adopt a Waste Management and Minimisation Plan. A Waste Management and Minimisation Plan is a strategic policy document of Council which sets out Council's objectives, policies and methods for promoting effective and efficient waste management and minimisation in the District.
- 2.2 Section 43 of the Act sets out the required scope of a Waste Management and Minimisation Plan and section 44 sets out the requirements when preparing, amending or revoking a Waste Management and Minimisation Plan.
- 2.3 The Act requires the Council to review its Waste Management and Minimisation Plan no later than 1 July 2012 and then to either:
- adopt the Waste Management and Minimisation Plan without amendment, or
 - adopt a new or amended Waste Management and Minimisation Plan.
- 2.4 Section 45 of the Act provides for the development of a joint WMMP by two or more territorial authorities. The Nelson City and Tasman District Councils have elected to utilise this provision of the Act to develop a joint waste assessment under the Act.
- 2.5 The existing Tasman District Council Waste Management Plan was considered in a report to the Committee on 15 April 2010, when the joint Waste Assessment was presented. At that meeting the Committee resolved:

THAT staff and the joint waste working party proceed to develop the joint Waste Management and Minimisation Plan, including the investigation of the priority waste streams identified in the report.

AND THAT staff and the joint waste working party continue to develop the joint Waste Management and Minimisation Plan, including the investigation of the priority waste streams identified in the report;

AND THAT staff and the joint waste working party report back to the Combined Shareholders Committee with preferred options for governance arrangements for joint solid waste management.

- 2.6 Following these resolutions, the Councils jointly engaged a consultant to assist in the development of the Joint Waste Management and Minimisation Plan through a series of four meetings with the joint waste working party. The proposed Joint Waste Management and Minimisation Plan was considered by the Committee on 27 October 2011, where it was resolved:

THAT the Proposed Joint Waste Management and Minimisation Plan prepared for Nelson City Council and Tasman District Council (October 2011) as a statement of proposal be approved for release as the basis of a public consultation process in accordance with section 83 of the Local Government Act 2002; and

THAT the Joint Waste Assessment prepared for Tasman District and Nelson City Councils (March 2010) be included with this public consultation process along with the response from the Medical Officer of Health: and

THAT Tasman District Council staff work with staff of Nelson City Council to develop a joint summary of information for the Joint Waste Management and Minimisation Plan in accordance with section 83 of the Local Government Act 2002; and

THAT the Engineering Manager be delegated authority to approve the joint summary of information for the Joint Waste Management and Minimisation Plan; and

THAT the Proposed Joint Waste Management and Minimisation Plan be publicly notified jointly with the Nelson City Council on or about 24 November 2011, following an equivalent resolution of Nelson City Council; and

THAT the submission period for the Proposed Joint Waste Management and Minimisation Plan close at 4.30 pm one month following the public notification in accordance with section 83 of the Local Government Act 2002; and

THAT current members of the joint waste working party conduct hearings and consider submissions in accordance with section 83 of the Local Government Act 2002 and report back to the Council with any recommended amendments to the Proposed Joint Waste Management and Minimisation Plan by 15 March 2012.

- 2.7 The Nelson City Council passed an equivalent resolution on 24 November 2011.
- 2.8 The proposed JWMMP of Nelson City and Tasman District Councils was released for public consultation on 9 December 2011 with submissions closing on 31 January 2012.
- 2.9 A total of 17 submissions were received and a joint hearing of submissions was held on 19 March 2012.

3. Summary of submissions

- 3.1 Submitters were generally supportive of the plan.
- 3.2 Collection, treatment or diversion of organic material was the largest issue in terms of submissions with many of the submitters stating their capacity and ability to provide these services.
- 3.3 Submitters generally supported user pays principles but warned that high disposal fees could result in increased illegal dumping.
- 3.4 Producer responsibility and the need to target fees and charges at those who create waste were raised by a number of the submitters.
- 3.5 Consultation was identified as an issue with some submitters noting concern with the timing and consultation period.
- 3.6 Submitters generally recommended that the Councils consult with appropriate parties as part of any future investigation into changes in level of service.
- 3.7 Tiakina te Taiao expressed the view that the cultural perspective was not well presented in the plan and that they are keen to continue work on a cultural assessment of the plan. Tiakina te Taiao tabled further information to support their submission on the day of the hearing.
- 3.8 One of the submitters outlined anomalies in the collection of waste within the holiday accommodation sector between Nelson and Tasman and recommended that a more consistent approach is needed for the region.

- 3.9 Two submitters supported initiatives by the two Councils to work together on a joint landfill solution.

4. Consideration of submissions by the hearing panel

- 4.1 After considering the submissions the hearing panel resolved to amend some aspects of the proposed plan and instructed staff to change the plan accordingly. The substance of the proposed amendments to the plan is outlined in the following paragraphs.
- 4.2 Specific waste management and minimisation targets will be developed during the life of the plan. Table 11-1 in the plan will be amended to reflect that targets will be set in future by adding the following additional paragraphs:
- (a) The Joint Waste Working Party of the two Councils will continue to meet on an annual basis and review progress towards the objectives of the JWMMP. Membership of the working party will be by resolution of the Nelson City Council and the Engineering Services Committee of the Taman District Council.
 - (b) The Joint Waste Working party in its annual progress review will consider the performance indicators outlined above and the implementation status of each method of the JWMMP. The Solid Waste Working Party will consider the development of targets for each performance indicator and will report progress to each Council after each meeting.
- 4.3 It was decided that more emphasis should be placed on avoidance of waste and that the hierarchy of methods for waste management and minimisation (as well as policies 1.1.1, 1.2.1, 1.2.2 and 1.3.3 and methods 1.2.1.1 and 1.2.2.3) be amended to include reference to avoidance.
- 4.4 A new method will be included under policy 1.1.1 to reflect that the Councils will promote the reuse of material ahead of the unnecessary consumption of natural resources.
- 4.5 Method 3.2.2.4 will be amended to reflect that the Councils will advocate to central government for improvements to control clean-fills.
- 4.6 A new method dealing with business responsibilities for managing with hazardous waste will be developed and included under policy 3.2.2.
- 4.7 In order to improve consultation it was decided the Joint Waste Working Party will consider the establishment of a Waste Forum at the first meeting of the

Joint Waste Working Party and that method 2.1.3.1 will be amended to reflect that the establishment of a Waste Forum can be considered as a method to achieve the objectives of the JWMMP.

4.8 In response to the submission by Tiakina te Taiao it was decided that the section on Kaitiakitanga be amended to conform to the submission presented by Tiakina te Taiao. The hearing panel considered the inclusion of up to two Iwi representatives to the Joint Waste Working Group was the most appropriate manner in which to give proper consideration to the Maori cultural perspective towards solid waste activities. The Councils will have to consider the payment of Iwi representatives for attending joint waste working party meetings.

4.9 Following consideration of submissions the hearing panel resolved:

THAT The Chairperson and Councillor Ward be delegated power to make any amendments and agree the final form of the draft Joint Nelson City Council/Tasman District Council Waste Minimisation and Management Plan.

AND THAT once the final form of the plan has been agreed, the Plan be recommended to Nelson City Council and Tasman District Council for adoption.

THAT up to two iwi representatives be invited to join the Joint Waste Minimisation and Management Working Party for the annual process for reviewing the plan.

4.10 Staff met with representatives of Tiakina Te Taiao subsequent the hearing to further clarify aspects of their submission and worked with Councillors Edgar and Ward to finalise the final document for consideration by the Councils. This document is attached as an appendix to this report.

5. Financial and Budgetary Considerations

5.1 The methods outlined in the Joint Waste Management and Minimisation Plan are budgeted as activities in the Solid Waste Activity Management Plan 2012 and the draft Long Term Plan of Council. The methods added following submissions are able to be funded within these budgets.

5.2 The addition of two Iwi representatives to the joint waste working party is unlikely to have a significant impact on staff resources, considering that the joint waste working party will only meet once as year to review and report on progress

- 5.3 The establishment of a Waste Forum may have a significant impact on staff resources and the Councils have to consider the impact of this additional work once they consider such proposal from the joint waste working group.

6. Options

- 6.1 A Waste Management and Minimisation Plan can be only be amended in accordance with section 44 of the Waste Minimisation Act.
- 6.2 Such amendment requires the use of the special consultative procedure set out in section 83 of the Local Government Act 2002, with the most recent Waste Assessment undertaken being notified with the statement of proposal.
- 6.3 It is considered that the process followed for the development of the Joint Waste Assessment and JWMMP constitutes a review of the existing Waste Management and Minimisation Plan (as required by the Act).
- 6.4 Regarding adoption of the Joint Waste Management and Minimisation Plan, the Councils have three options:
- a) adopt the proposed Joint Waste Management and Minimisation Plan (including provisions for meetings and membership of the joint waste working party),
 - b) amend the proposed Joint Waste Management and Minimisation Plan and send these amendments for consideration by the other Council, or
 - c) reject the proposed Joint Waste Management and Minimisation Plan and develop a new Waste Management and Minimisation Plan.

7. Pros and Cons of Options

- 7.1 The proposed JWMMP has been developed collaboratively and constructively by the working party, recognising the cross-boundary issues each Council faces in waste management and minimisation.
- 7.2 The proposed plan provides common goals, objectives and policies across the region, while providing for both common and differing methods for implementation. The proposed plan is consistent with the Tasman Regional Policy Statement, Section 10 (waste and contamination). Adoption of a JWMMP provides for improved coordination of services and consideration of joint governance options.
- 7.3 Because the WMMP has been developed jointly, there may be some instances where the individual preference of one or other Council could be compromised. Notwithstanding, it is considered that advantages of a joint approach outweigh any negative aspects of the proposal.

- 7.4 The Joint Waste Assessment adopted by each of the Councils in 2010 identified a substantial number of issues requiring joint consideration by the Councils. The working party has recognised these issues in the development of the JWMMP and developed joint policies. Setting aside the proposed JWMMP and developing a new WMMP will set back joint initiatives and planning and is unlikely to be sustainable in the long term.
- 7.5 It is considered that inclusion of iwi representatives in the Joint Waste Working Party will lead to improved engagement between the Councils and iwi. Development of a waste forum (should it be agreed by the working party) will potentially improve engagement with industry and the wider community.
- 7.5 It may be the view of one or other of the Councils that the proposed JWMMP requires amendment prior to adoption. However it is considered that the proposed Joint Waste Management and Minimisation Plan has not varied significantly from the document released for public consultation.
- 7.6 A proposed amendment could be passed by resolution of one Council and submitted to the other for consideration, however this approach is unlikely to result in a timely adoption of the JWMMP, may compromise the joint approach adopted by the Councils thus far and may put at risk Waste Disposal Levy income for the Council.

8. Evaluation of Options

- 8.1 The adoption of the JWMMP provides for improved coordination of services and consideration of joint governance options for waste management in the region.
- 8.2 To maintain a co-ordinated approach to waste management and minimisation it is appropriate that the Joint Waste Working Party meets to annually review and report to the Councils on progress towards achieving the objectives of the JWMMP.
- 8.3 The incorporation of Iwi representatives into the Joint Waste Working Group will improve the ability to consider Maori cultural values. It is considered appropriate that the Iwi representatives be paid a meeting allowance to attend joint waste working party meetings.
- 8.4 Considering the factors outlined above, it is considered that adoption of the proposed JWMMP is in the best interests of the Council and of the wider region.

9. Significance

- 9.1 This is not a significant decision according to the Council's Significance Policy because adoption of the proposed JWMMP does not breach any of the thresholds in Council's significance policy.
- 9.2 While the proposed JWMMP includes policies and methods relating to a strategic asset (the Eves Valley landfill), the JWMMP does not bind Council to a decision relating to ownership or management of this asset.

10. Recommendations

- 10.1 That the Committee resolve to revoke the existing Tasman District Council Waste Management Plan (2003) and adopt the attached Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan (dated April 2012).
- 10.2 That the Joint Waste Working Party continue to meet annually to consider and report progress on the implementation of the plan, and that local Iwi be invited to nominate up to two representatives as members of the working party.

11. Timeline / Next Steps

- 11.1 The proposed JWMMP is being considered by the Nelson City Council on 26 April (the date of this meeting).
- 11.2 Following adoption of this plan staff from the Councils will work to prioritise and implement the methods outlined in the plan. Included in these is a proposal to investigate a joint landfill solution (and the options will include using one landfill as a regional facility serving both Districts or that the two landfills will be used for separate materials).
- 11.3 It is anticipated that the Joint Waste Working Party will meet in August or September to consider progress and implementation of the plan and to draft a terms of reference for consideration by the Councils.

12. Draft Resolution

- 12.1 THAT the Engineering Services Committee receives the "Adoption of Nelson City Council and Tasman District Council Joint Waste Management and Minimisation Plan", RESC12-04-04; and**
- 12.2 THAT the Tasman District Council Waste Management Plan 2003 be revoked; and**

12.3 THAT the Joint Waste Management and Minimisation Plan prepared for Nelson City Council and Tasman District Council (dated April 2012) and outlined in the report RESC12-04-04 be adopted; and

12.4 THAT the Joint Waste Working Party meets annually to consider and report progress on the implementation of the Joint Waste Management and Minimisation Plan to Nelson City and Tasman District Councils as noted in the report RESC12-04-04; and

12.5 THAT the local lwi be invited to nominate up to two representatives to join the Joint Waste Working Party as noted in the report RESC12-04-04; and

12.6 THAT the lwi representatives be paid a meeting allowance to attend the joint waste working party meetings as noted in the report RESC12-04-04.

Appendices:

Appendix A - Nelson City Council Tasman District Council Waste Management and Minimisation Plan (April 2012)