

Report No:	RESC11-10-07
File No:	
Date:	12 October 2011
Decision Required	

REPORT SUMMARY

Report to: Engineering Services Committee
Meeting Date: 27 October 2011
Report Author: David Stephenson
Subject: **Proposed Joint Waste Management and Minimisation Plan – Nelson City Council and Tasman District Council**

EXECUTIVE SUMMARY

Council is required under the Waste Minimisation Act 2008 to adopt a Waste Management and Minimisation Plan (WMMP) and to review the existing WMMP by 1 July 2012.

Council has elected through provisions of this Act to adopt a joint Waste Assessment with Nelson City Council and to subsequently develop a joint Waste Management and Minimisation Plan (JWMMP).

This report presents the proposed JWMMP to Council for consideration and release for public consultation through a special consultative process. It is proposed that the special consultative process be conducted jointly with Nelson City Council.

RECOMMENDATIONS

That the report is received.

DRAFT RESOLUTION

THAT the Engineering Services Committee receives the report “Proposed Joint Waste Management and Minimisation Plan – Nelson City Council and Tasman District Council” RESC11-10-07; and

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; and

THAT 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 Nelson City Council on or about 4 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 4.30pm 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.

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1. Purpose

- 1.1 The purpose of this report for the committee to:
- consider and adopt the Proposed Nelson - Tasman Joint Waste Management and Minimisation Plan (JWMMP); and
 - approve the JWMMP and associated documents for public consultation purposes (following an equivalent resolution of the Nelson City Council).

2. Background

- 2.1 As a Territorial Authority, Council is required under the Waste Minimisation Act 2008 (WMA) to adopt a Waste Management and Minimisation Plan (WMMP). A WMMP 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 WMMP and section 44 sets out the requirements when preparing, amending or revoking a WMMP.
- 2.3 The Act requires the Council to review its WMMP no later than 1 July 2012 and then to either
- adopt the WMMP without amendment, or
 - to adopt a new or amended WMMP.
- 2.4 Council's Long Term Plan (LTP) must explain any significant variation between proposals in it and the WMMP.
- 2.5 Section 45 of the Act provides for the development of a joint WMMP by two or more territorial authorities and the Nelson City and Tasman District Council have elected to utilise this provision of the Act to develop a joint Waste Assessment under the WMA.

- 2.6 On 25 March and 15 April 2010 respectively the Nelson City Council and Engineering Services Committee of Tasman District Council resolved:

THAT the Council receive the Joint Waste Assessment dated March 2010 as the basis for the development of a Joint Waste Management and Minimisation Plan;

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.

- 2.7 Since then staff and, more recently, members of the joint waste working party have met and developed a proposed JWMMP. The working party has included staff and councillors from the two Councils and members of the Nelson Marlborough District Health Board.

3. Present Situation and Matters to be Considered

- 3.1 The proposed joint WMMP is attached to this report and sets out the Councils' proposed vision, goals, objectives, policies and methods for implementing these policies.
- 3.2 When preparing the plan the working party have considered the New Zealand Waste Strategy 2010 and the joint Waste Assessment adopted by the Councils in 2010.
- 3.3 The vision of the Plan, "*Valuing resources and eliminating waste*", and the three goals ("*Avoiding the creation of waste*", "*Improving the efficiency of resource use*" and "*Reducing the harmful effects of waste*") are intended to indicate the Councils' priorities in waste management and minimisation.
- 3.4 When preparing, amending or revoking a WMMP, Council must use the special consultative procedure set out in section 83 of the Local Government Act 2002 (LGA 2002).
- 3.5 The Special Consultative Procedure requires Council to:
- publicly advertise where the Statement of Proposal (the proposed Nelson - Tasman JWMMP) may be inspected;

- publicly advertise where the Waste Assessment (the Joint Waste Assessment dated March 2010) may be inspected;
- distribute as widely as possible a Summary of Information contained in the Statement of Proposal;
- advise the public what consultation will be undertaken;
- invite the public to make a submission on the Statement of Proposal with a closing date not less than one month after the public advertisement; and
- acknowledge submissions to the proposed plan and to hear submitters who wish to speak to their submissions at a public meeting of Council.

3.6 Members of the working party and Council staff recommend that the JWMMP be adopted jointly by each Council as a joint plan for public consultation and that the Council's resolve to jointly hear and consider submissions to the plan.

4. Financial and Budgetary Considerations

- 4.1 Preparation of the JWMMP has been funded through previously approved budgets.
- 4.2 The proposed plan sets out a range of by methods and methods how the Councils' propose to make grants or advances of monies.
- 4.3 While the scope of the Councils' activities is indicated in the proposed JWMMP, the timing and scale of these activities will be decided through the LTP process of each Council.
- 4.4 Since development of the proposed JWMMP staff from each Council have met to discuss and agree the timing and scale of budgets for joint activities. These budgets will be included in the submitted budgets for each Council's LTP.

5. Options

- 5.1 The WMA requires each Council to review their WMMP by 1 July 2012 and sets out the requirements for adoption, amendment and revocation of the WMMP. The Councils have resolved to delegate development of a joint WMMP to a joint waste working party using the joint Waste Assessment 2010 as a basis.
- 5.2 The Councils now have the following options:
- a) adopting the proposed JWMMP for public consultation,
 - b) amending the proposed JWMMP and sending these amendments for consideration by the other Council, or
 - c) rejecting the proposed JWMMP and developing a new WMMP.

6. Pros and Cons of Options

- 6.1 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.
- 6.2 The proposed plan provides common goals, objectives and policies across the region, while providing for both common and differing methods for implementation. Adoption of a JWMMP provides for improved coordination of services and consideration of joint governance options.
- 6.3 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.
- 6.4 It may be the view of one or other of the Councils that the proposed JWMMP requires amendment prior to release for public consultation. A proposed amendment could be passed by resolution of one Council and submitted to the other for consideration. This approach is unlikely to result in a timely release of the proposed JWMMP for public consultation. It is recommended that unless the JWMMP is considered fundamentally flawed by either Council, that proposed amendments by one or other Council be considered as submissions to the proposed JWMMP.
- 6.5 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 proposed 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. Evaluation of Options

- 7.1 It is recommended that each Council adopt the proposed JWMMP as a basis for public consultation and that any proposed amendments by the Councils be considered as submissions to the JWMMP.

8. Significance

- 8.1 This is not a significant decision according to the Council's Significance Policy because adoption of the proposed JWMMP for consultation does not breach any of the thresholds in Council's significance policy.

- 8.2 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.

9. Recommendation

- 9.1 That the report is received.

10. Timeline/Next Steps

- 10.1 A proposed timeline for adoption of the JWMMP is attached to this paper.
- 10.2 It is proposed that following adoption of the proposed JWMMP by Nelson City Council that the statement of proposal, summary of information and waste assessment will be notified on or about 5 November 2011. The proposed plan will be open to submissions for a one month period, concluding on or about 5 December 2011.
- 10.2 Hearings and consideration of submission to the plan are proposed on or around 13 and 14 February 2012. It is proposed that the members of the joint working party be nominated as members of the panel selected to hear and consider submissions, and that the working party recommend amendments to the plan to each Council.
- 10.3 It is proposed that each Council will adopt of the final JWMMP by 15 March 2012. This will ensure that the JWMMP is adopted prior to the consideration of submissions to each council's LTP.
- 10.4 The adoption of the JWMMP will not bind each council to funding of the activities described in the JWMMP, but any significant variations will need to be explained.
- 10.4 It is proposed that a common summary of the proposed JWMMP will be included each Council's draft LTP.

11. Draft Resolution

- 11.1 THAT the Engineering Services Committee receives the report "Proposed Joint Waste Management and Minimisation Plan – Nelson City Council and Tasman District Council" RESC11-10-07; and**
- 11.2 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

11.3 THAT the Joint Waste Assessment prepared for Tasman District and Nelson City Councils (March 2010) be included with this public consultation process; and

11.4 THAT 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

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

11.6 THAT the Proposed Joint Waste Management and Minimisation Plan be publicly notified jointly with Nelson City Council on or about 4 November 2011, following an equivalent resolution of Nelson City Council; and

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

11.8 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.

Appendices:

Appendix 1: Proposed JWWMP programme

Appendix 2: Proposed Joint Waste Management and Minimisation Plan