Response ID ANON-URZ4-5FKK-6

Submitted to Fast-track approval applications
Submitted on 2024-05-03 17:59:16

Submitter details

Is this application for section 2a or 2b?

2B

1 Submitter name

Individual or organisation name:
Nelson Tasman Regional Landfill Business Unit (NTRLBU)

2 Contact person

Contact person name:
s 9(2)(a)

3 What is your job title

Job title:
General Manager – Regional Sewerage and Landfill Services

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

Civic House
110 Trafalgar Street
Nelson
7010

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

102 Market Road and 130 Enner Glynn Road, Bishopdale, Nelson.

The site has a legal description of Part Section 7 District of Suburban South (NL13/517), Part Lots 34 and 37 DP210 (NL7B/1186), part of Lot 1 DP 13488

and Lot 1 DP19522 (NL13A/515), part of Lot 1 DP 14284 (NL9A1105) (293762) and Lot 1 DP7437 (NL3B/254).

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Do you have a current copy of the relevant Record(s) of Title?

Yes

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Who are the registered legal land owner(s)?

Please write your answer here:

Nelson City Council (NCC)

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The land on which the project will occur is owned by Nelson City Council (NCC) and the NTRLBU is a joint committee of Nelson City Council (NCC) and Tasman District Council (TDC), appointed pursuant to schedule 7 of the Local Government Act (LGA). The NTRLBU is jointly owned in equal shares by NCC and TDC.
The NTRLBU is responsible for the management and operation of two landfills in the Nelson-Tasman region:
• York Valley Landfill in Nelson (currently operating); and
• Eves Valley Landfill in Tasman (currently closed to landfilling).
The applicant confirms the land is held by NCC for landfill purposes and is designated for this purpose in the Nelson Resource Management Plan.

Section 2: Project details

What is the project name?

Please write your answer here:
York Valley Landfill – Gullies 2, 3.

What is the project summary?

Please write your answer here:

To provide for the siting, design, development / construction, operation and management of a refuse disposal site for municipal solid waste onto and into land in gullies 2 and 3 of the York Valley Landfill. The project includes all other ancillary activities, such as transfer stations, composting, recycling and stockpiling of materials, and earthworks to intervening spurs as required.

What are the project details?

Please write your answer here:

Gully 1 in the York Valley Landfill has been the region's primary regional landfill facility since 2017. s 9(2)(b)(ii) The resource consents for gully 1 expire before then, in December 2034.

This project involves extending the existing regional landfill facility into gullies 2 and 3 to enable these gullies to be used as a refuse disposal site for municipal solid waste.
The development of gullies 2 and 3 would be undertaken in stages s 9(2)(b)(ii)

The designation includes additional land (gully 4) that is not included in this proposal. The applicant has chosen to limit the footprint of the landfill to gullies 2 and 3 in order to minimise the potential for adverse environmental effects.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Landfilling in gullies 2 and 3 will be undertaken in stages, and each gully may proceed to construction at different times. Therefore, staging of the applications may be beneficial and will be confirmed as design and investigations are advanced. s 9(2)(b)(ii) However, in advance of the closure of gully 1 significant design, investigation and construction works

will be required to enable filling in the adjacent gullies to occur.
Each gully is expected to be constructed in a series of phases to limit the extent of the active footprint at any time. Phasing also allows for the progressive development of construction, operation and restoration and the spreading of capital expenditure. Given the weather-dependent nature of construction, phases are typically developed with sufficient void space for a minimum of 2-5 years filling.
The appropriate phasing for each gully will depend on the extent to which:
• progressive construction, filling and operation can be undertaken without interface complications;
• progressive development can be undertaken in a timely manner to align with construction season;
• on-site material use can be maximised and double handling minimised;
• leachate and landfill gas management infrastructure can be constructed in a timely manner; and
• stormwater can be managed to minimise the potential for contamination.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 (RMA)
Wildlife Act 1953 (potentially if investigations indicate permits are required)

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Nelson City Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Applications for approvals for the same or similar activity have not been previously made.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

s 9(2)(b)(ii)
NCC and TDC (the Joint Committee) s 9(2)(b)(ii)

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

s 9(2)(b)(ii)

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

• Nelson City Council (as relevant unitary authority)
• Nelson City Council and Tasman District Council (the Joint Committee)
• Ngāti Apa ki te Rā Tō
• Ngāti Kuia
• Rangitāne o Wairau
• Ngāti Koata
• Ngāti Rārua
• Ngāti Tama ki Te Tau Ihu
• Te Ātiawa o Te Waka-a-Māui
• Ngāti Toa Rangatira

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

The NTRLBU is administered as a Joint Committee which comprises two representatives from each Council (NCC and TDC) and one iwi representative. The General Manager presents a quarterly operational report and annual report to the Joint Committee and works with the Joint Committee to prepare a yearly business plan and a three yearly update for a ten-year Activity Management Plan (AMP).
The purpose of the AMP is to guide the long-term management of the regions' landfills and support the councils' Joint Waste Management and Minimisation Plan. s 9(2)(b)(ii)

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

N/A

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The York Valley landfill is located in the Maitai (Mahitahi) River and its tributaries Treaty Settlement Area. The following iwi have statutory acknowledgement and Deed of Recognition in this area:
• Ngāti Kuia
• Rangitāne o Wairau
• Ngāti Toa Rangatira
• Ngāti Koata
• Ngāti Rārua
• Ngāti Tama ki Te Tau Ihu
• Te Ātiawa o Te Waka-a-Māui
• Ngāti Kuia

The relevant settlement Acts are as follows:
• Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te tiawa o Te Waka-a-Māui Claims

Settlement Act 2014.
• Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014.
• Ngāti Toa Rangatira Claims Settlement Act 2014.
• Ngāi Tahu Claims Settlement Act 1998

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

s 9(2)(

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:
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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The potential adverse effects associated with this project are as follows:

Air Quality Effects

Landfill Gas Discharges
Landfill gas (LFG) is an end-product of the decomposition of biodegradable wastes in landfills and therefore over time the LFG production increases. Methane generation (waste decomposition) in landfills is very site specific due to different local conditions such as water content, temperature, leachate and waste compositions. Therefore, LFG monitoring is undertaken to determine the most appropriate control system.
The damage that can be caused by uncontrolled migration of LFG is the main reason why LFG recovery and flaring is currently undertaken at York Valley landfill.
York Valley Landfill also currently operates a gas plant which generates power from the collected LFG to power a boiler at the Nelson Hospital.
The prime purposes of LFG flaring is to dispose of the flammable elements from the landfill safely and to control odour nuisance, health risks and mitigating the effects of greenhouse gas emissions and associated environmental impacts.
Many elements of landfill gas are hazardous and pose potentially significant risks to human health and the environment if they are not safely destroyed.
The York Valley Landfill currently uses an Enclosed Flare system to safely destroy LFG in accordance with the permitted activity standards of the National Environmental Standards for Air Quality 2004. A similar system for destroying LFG would be implemented for future stages of landfilling at the York Valley landfill to mitigate the potential adverse effects from LFG discharges.

Odour Discharges
All landfills have the potential to discharge odours.
The main sources of odour from landfills are:
• inadequately covered waste at the working face
• highly putrescible waste
• excavations into old degraded waste
• leachate accumulation
• landfill gas discharges.
However simple operational and management controls can significantly limit the extent of odour discharges.

Dust Discharges
The main activities that cause dust and smoke generation on landfill sites include:
• dust discharged from the access roads as a result of wind or traffic movements
• earthworks, such as the excavation and placing of cover material during dry periods
• filling and compaction of dusty waste
These effects can be avoided or mitigated through best practice operational and management procedures.

Potential Surface Water Effects
The discharges from the project have the potential to affect water quality in the York stream. However, these effects can be avoided, or mitigated (as they are currently) by various measures, including installing stormwater diversion channels, treating the stormwater discharge with a flocculant and undertaking regular surface water monitoring to achieve compliance with the Council's water quality standards. According to the operative Nelson Resource Management Plan (NRMP), the York stream has a water classification of D (degraded) with the following characteristic uses:
• Water supply (industrial).
• Human consumption of aquatic biota
• Aquaculture
• Aquatic ecosystem (including migration)
• Wildlife habitat
• Recreation and Aesthetics (secondary contact recreation, visual use, fishing, boating, aesthetic enjoyment)
• Commerce

Groundwater Quality Effects
The disposal of refuse to land generates leachate which can migrate downwards into groundwater if it is not intercepted by drains or stopped by a liner. A synthetic liner can be used, or a liner can be constructed with a compacted clay base. Leachate collection drains would also be installed which collect leachate and direct it to leachate storage ponds before it is discharged into the Council's trade waste system.
In addition, groundwater monitoring bores located in and around the landfill are an effective method to mitigate adverse groundwater quality effects as they enable the landfill operator to collect ground water samples and analyse these for several determinands.

Cultural Effects
Based on a search of the New Zealand Archaeological Association site recording scheme, the New Zealand Historic Places Trust register, and the Nelson Resource Management Plan planning maps, there are no heritage, archaeological or cultural sites/items of significance on or in the vicinity of the York Valley landfill.
However, the landfill is within a statutory acknowledgement area (Maitai (Mahitahi) and its tributaries statutory acknowledgement area) which is an acknowledgement by the Crown that recognises the mana of a tangata whenua group, particularly in relation to the cultural, spiritual, historical and traditional associations with this area.
On this basis, the project could result in adverse cultural effects, including:
• Potential for the mauri of wai (water) to be contaminated through discharges to surface and ground water.
• Potential for the mauri of hau (air) to be diminished through discharges to air (dust, odour, and
• gases).
• Ability for manawhenua iwi to practice kaitiakitanga and look after wai environments.
• Contamination of habitats and potential loss of wāhi taonga species.
• Cumulative effects of contaminants entering wai in the York Valley catchment.
• The discharge of leachate into groundwater beneath the landfill and the discharge of
contaminated stormwater to the York Valley stream which may be considered an affront to nga atua kaitiaki (the spiritual guardians).

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Pls see attached assessment

File upload:
YVL - Assessment of NPS and NES.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Given the potential effects and scale of public interest in the project, use of the fast-track decision-making process set out in the Bill will substantially reduce the time and cost required to consent and deliver this regionally significant project. Access to the fast-track process will streamline consultation and engagement and consolidate the various RMA (and other) approvals required to enable the project to proceed. The project presents an opportunity to achieve good environmental outcomes that are consistent with the anticipated outcomes of the relevant statutory documents.

Additionally, the fast-track process provides a mechanism for more efficient consultation and engagement. s 9(2)(b)(ii)

The applicant does not wish to lose the opportunity to utulise gullies 2 and 3 in the York Valley landfill because of inefficiencies in the engagement process.

Cost effectiveness and efficiency

Infrastructure projects are funded by both central government and local government through different funding streams. Having a streamlined consenting timeframe means that project can be delivered in a timelier manner to avoid potential inflation, construction delays, and increase in construction costs. This will have wider benefits for the ratepayers.

Council processes are often complex and involve multiple parties to review and provide inputs into applications and there are often duplications and disagreements throughout the process. Applications for landfills can also be emotive and contentious. This fast-track process will streamline the application and reduce the level of contention and community debate as to whether this is considered to be an appropriate use of the land (when the land is already designated for landfill purposes).

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

This project is not considered to impact on the efficient operation of the fast-track process. The project will be of high quality and consistency to ensure assessment efficiency, it will be well scoped, and will be supported by all necessary technical expertise at the time of subsequential lodgment. Engagement and consultation with the key stakeholders have commenced and will be ongoing to meet the requirement and purpose of the Bill.

Has the project been identified as a priority project in a:

Other

Please explain your answer here:

The land is already designated in the Nelson Resource Management Plan for landfilling purposes. In addition, there is a fundamental obligation on Council's to manage wastes in their district.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The York Valley landfill is already identified in the Council's draft Regional Policy Statement (RPS) as regionally significant infrastructure. This project involves extending the existing regional landfill facility into the adjoining gullies which are already designated for landfill purposes. The project will have regionally significant social, economic, environmental and cultural benefits as it will provide for population and economic growth, productivity and increase resilience.

Effective waste management reduces pollution, prevents the spread of disease and conserves natural resources. The s 9(2)(b)(ii) disposal of solid municipal waste is critical for maintaining public health and fostering sustainable waste management practices.
The project will also support jobs and local businesses and a growing population.
The York Valley landfill is an essential regional facility and a strategic asset which allows the business community to dispose of wastes in a sustainable and environmentally appropriate manner. The residents of Nelson-Tasman also rely on the landfill to enable domestic refuse to be disposed at the council's resource recovery centres.

The project will deliver regionally significant infrastructure, as it will:
• Enable solid municipal waste to be disposed of in an environmentally appropriate way. Providing a waste disposal service provides for the wellbeing and health of the Nelson-Tasman community.

• Commercial and industrial premises produce waste as part of their operations. Having a landfill facility within the region into which this waste can be disposed is vital for the continued operation of these businesses and therefore provides for their economic wellbeing.

• An engineered landfill provides an effective method of managing solid waste and avoids the effects of other less effective waste management practices on the environment.

• Allow the Council to manage the district's waste in an integrated and affordable way that reduces the likelihood of illegal disposal (fly tipping) of waste occurring.

• Continue to mitigate emissions from waste disposal through the use of the York Valley highly developed LFG capture and destruction system.

Will the project:

contribute to a well-functioning urban environment

Please explain your answer here:

The project will contribute to a well-functioning urban environment by enabling solid municipal waste to be disposed of in an environmentally appropriate manner. Regional landfill facilities are essential to a well-functioning urban environment and are an integral component of modern waste management. The project will provide a structure and efficient means of waste disposal and prevent the unsightly and unsanitary accumulation of waste elsewhere within the region (including the urban environment).

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The project will enable the continued use of the York Valley landfill which already services the Nelson - Tasman region. The extension of the York Valley landfill into the adjoining gullies will result in a number of positive economic benefits. For example, commercial and industrial premises produce waste as part of their operations. Having a facility within the region into which this waste can be disposed is vital for the continued operation of these businesses and therefore provides for their economic wellbeing. The project also presents a revenue generating opportunity from the capture and sale of methane gas.
Waste material is also a potential form of biofuel that can serve as s sustainable alternative to oil, coal and gas.
This project represents a cost-effective waste management solution as the land is already available and set-aside for landfilling purposes (and is designated for this purpose in the NRMP). This project represents a cost efficiency that will lead to reduced expenses for the ratepayers, making the project a practical and economically viable option for managing waste effectively in the Nelson-Tasman region.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

The project will support primary industries by providing a municipal solid waste landfill facility in the Nelson-Tasman region that can be used for the disposal of waste from these industries.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The applicant is currently developing a renewable low carbon Compressed Natural Gas (CNG) system at the York Valley landfill as part of the landfill gas reuse facility. This system will use captured landfill gas as a resource that can be used as a fuel and can assist to increase fuel security and reduce carbon emissions from fossil fuel use within the Nelson - Tasman region.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Landfill gas (LFG) is a natural byproduct of the decomposition of organic material in landfills. LFG is composed of methane gas, and carbon dioxide, as well as small amounts of non-methane organic compounds. Methane gas is a greenhouse gas (GHG) and a contributor to global warming and climate change. GHG and its effects are controlled and mitigated through the NZ Emissions Trading Scheme (ETS), which is a tool for responding to climate change that helps to reduce GHG emissions in New Zealand, In respect of this project, ETS obligations can be reduced by capturing and destroying LFG (as it is currently at the York Valley landfill) and by applying for a Unique Emissions Factor (UEF) for the waste facilities under the Climate Change (Unique Emissions Factor) Regulations.

The York Valley landfill already has a formal LFG collection system which has enabled the NTRLBU to apply for a UEF and the applicant intends to develop a similar LFG collection system for subsequent stages of landfilling at York Valley. Further, the NTRLBU is targeting a LFG efficiency at the York Valley landfill of 80%.

The applicant is also developing a renewable low carbon CNG system at the York Valley landfill as part of the landfill gas reuse facility. There are several environmental benefits of CNG, including:
• Reduced Emissions: One of the primary advantages of CNG is its lower carbon footprint compared to traditional fossil fuels. Combustion of natural gas produces fewer greenhouse gas emissions, contributing to improved air quality and mitigating climate change concerns.
• Lower Particulate Matter: CNG combustion results in significantly lower levels of particulate matter compared to diesel or gasoline engines. This reduction in particulate emissions is beneficial for both air quality and human health.
• Lower Nitrogen Oxide Emissions: CNG engines generally produce lower nitrogen oxide (NOx) emissions, addressing concerns related to smog formation and its associated environmental and health impacts.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The project will support resilience and recovery from natural hazards by providing a facility for the disposal of municipal waste as well as debris and waste from natural hazard events. Such events could include earthquake, fire, flood or tsunami. Depending on their nature and severity, natural hazard events can create significant volumes of debris and waste, as occurred during the August 2022 flood event in Nelson-Tasman. The waste generated from natural hazards has the potential to impact other emergency response and recovery activities and, if poorly managed, can have significant environmental and public health impacts that could affect the overall recovery process. This project will provide an appropriate facility for the disposal of this material.

The waste generated from natural hazards also has the potential to reduce the lifespan of gully 1 and as such having a secured and appropriate location for the next stages of landfilling in the region is crucial. The NTRLBU has made emergency funds available in the past to provide residents with free disposal of flood damaged waste (and holds a contingency fund to enable this type of support in response to any future event recovery programmes)

The project also supports resilience as gullies 2 and 3 are not located in a flood-prone area or an area that is subject to the impacts of seal level rise and / or tidal surge.

According to the NRMP planning maps, the Bishopdale faultline is partially located within the York Valley landfill, with the Grampians faultine in close proximity. Further geotechnical investigation, together with expert technical assessment on any geotechnical risk profile will be necessary before confirming final concept design(s) for landfilling in gullies 2 and 3.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The project will support the use of land and the disposal of fill and waste generated by residential, commercial, industrial and rural activities within the Nelson-Tasman region. s 9(2)(b)(ii) An alternative location for the disposal of the regions' municipal solid waste will need to be found before gully 1 reaches capacity and closes. Finding and securing an alternative location for a regional landfill facility is considered to be a significant environmental issue which this project seeks to address.
In terms of the potential environmental issues associated with landfilling activities (which in summary relate to soil, groundwater, surface water and air pollution), these effects are generally able to be managed, via gas flaring, stormwater controls, leachate collection and disposal systems and freshwater and groundwater monitoring regimes (as examples).

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The project is consistent with regional planning documents, including:
• The Nelson Regional Policy Statement (NRPS) which seeks to achieve the highest practical level of clean production, waste reduction, reuse, recovery and recycling and to dispose of any residual wastes in the best practicable manner taking into account all costs involved including the need to avoid, remedy, or mitigate any adverse effects on the environment (Objective WM1.2.1).
• Nelson Resource Management Plan (NRMP) which contains the same objective as the NRPS and supporting policy (Objective DO3.1). Gullies 2 and 3 are also designated in the NRMP for landfill purposes and as such, the project is consistent with the regional planning documents

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

This project will have a positive impact on climate change as it will support the continued use of the Renewable CNG system being developed at the York Valley landfill. This system captures landfill gas for use to replace fossil fuels within the Nelson - Tasman Region.
Addressing climate change and natural hazards requires adaptive designs, robust materials, and proactive maintenance to ensure the York Valley landfill withstands future challenges. Climate change and natural hazards pose challenges to the project. These include:
• Increase costs in relation to consenting, design and the need to implement adaptation measures (e.g. amore resilient leachate collection system), and increase frequency of monitoring and maintenance; and
• Create construction challenges, and delay delivery due to extreme weather events and limitation on materials that can withstand extreme weather conditions.
• More stringent requirements in relation to consenting and other statutory permits.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

There have been no compliance or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in Fast Track Approvals bill.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:
s 9(2)(a)

Important notes