1. COMMUNITY PARTICIPATION FUND RR 11118

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Corporate Plan Output: Regional Landfill	

At its meeting of the 16 November 1999 the Canterbury Waste Subcommittee considered a report to establish a community participation fund to assist the Selwyn community with additional research into the Trig site as a preferred site for the proposed new regional landfill. At this meeting of the Subcommittee changes were made to the report contained in the agenda, and an updated report reflecting the outcome of the meeting is presented below for consideration by the Council.

The purpose of this report is to recommend the establishment of a community fund to assist the Selwyn community with additional research into the Trig site as a preferred site for the proposed new regional landfill and to establish guidelines for such funding.

BACKGROUND

At the previous meeting of the Canterbury Waste Subcommittee held on 11 October 1999 staff were requested to investigate the opportunities that exist for a possible fund to be established by Canterbury Waste Subcommittee to assist the Selwyn community in researching certain issues not yet addressed in the Canterbury Waste Services Ltd investigations.

Substantial site selection investigations have been done by a wide variety of professional consultants for Canterbury Waste Services Ltd in getting to the point where a decision could be made on a preferred site. Now that a preferred site has been chosen substantial further investigations by Canterbury Waste Services Ltd have either commenced or will commence soon.

Canterbury Waste Services Ltd has stated that reports on these further site specific investigations are likely to be available in around nine months' time after substantial further work has been done. These detailed investigations will form the basis of future resource consent applications, and as such would also be open to community scrutiny.

LEGAL POSITION

The Christchurch City Council Legal Services Manager advises as follows.

> S.598 (4) of the Local Government Act authorises grants in the following way:
> *The Council may--*
> *(a) Make grants of money, or make advances on such terms and conditions as it thinks fit (including, if a council thinks fit, a condition that the advance is to be free of interest), or grant leases of land at such rental and for such term and on such conditions as it thinks fit, to any organisation or group or body of persons (whether incorporated or not) whose object or principal object is conserving or promoting the welfare of the community or of any members of the community:*

In the present case the question is what the "community" involved is. Given that the landfill is for the benefit of all the participating Canterbury council residents and given that all the participating Canterbury councils are members of the Subcommittee establishing the landfill, "community" can include the intended community groups from Selwyn. Participating councils will however first need to delegate the (new additional) power to make such grants to the Canterbury Waste Subcommittee.

There is therefore no legal impediment to the creation a fund to support community initiated requests subject to such power being delegated by participating councils to the Canterbury Waste Subcommittee.

GUIDELINES FOR A COMMUNITY PARTICIPATION FUND

The issues for the Canterbury Waste Subcommittee therefore are:

- Establishing guidelines for consideration of applications for such funding, and
- Consideration of the amount that could be set aside.

Suggested guidelines for fund expenditure are as follows:

1. **Purpose of the Fund**

   The purpose of this fund is to establish a Community Participation Fund to assist the Selwyn community with additional research into the Trig site as a preferred site for the proposed new regional landfill.

2. **Peer Reviews**

Applications for peer review of final reports should fall within the guidelines for financial support. This could have the benefit of confirming the existing results, thereby strengthening future resource consent applications, or highlighting areas which require further work. Issues to be considered when applications for peer review are considered include the following:

- Peer reviews should provide an appropriate level of assurance depending on the state of finalisation of the information that is available for example only a preliminary review when the work being reviewed is itself of a preliminary nature.
- Peer reviews be done by appropriately qualified and respected experts in their given fields selected by way of a contestable process wherever appropriate.

3. **Work Not to be Repeated**

Applications to repeat work already done should be avoided.

4. **General Issues**

Applications could be considered for funding to address site specific and community related issues not covered by the Canterbury Waste Services Ltd investigations, and such applications be considered on merit including the following:

(a) Applications are to benefit the widest number of people requiring support.
(b) Applications are to focus on issues which are relevant.
(c) Applications are to provide information as opposed to advocacy.
(d) Applications to be administered in an impartial and objective manner.
(e) Applications for funding should be invited by public notice to be received within a defined period - to be determined by the administrator.
(f) Applications relating to alternative sites, or alternative methods of disposal, are outside the scope of the fund.
(g) Applicants seeking funds to employ consultants should produce evidence of having used a contestable process where appropriate.
(h) Applications for funding of legal fees are beyond the scope of the fund.

5. **Availability of Information**

Information obtained by applicants to this fund must be made publicly available as soon as possible.

AMOUNT TO BE SET ASIDE

Current budgets for contributions from member councils party to the regional landfill process do not contain any money for such a fund, and additional money will therefore be required. Any amount set aside for this purpose will be funded by contributions by participating councils on the basis of current proportional contribution.

Determining the amount of money to be made available is not easy. It is therefore recommended that a two staged approach be adopted. The first stage is to set aside an initial amount of $150,000 for 1999/00 financial year, with a further $100,000 to be considered for the 2000/01 financial year. This will enable the Canterbury Waste Subcommittee to follow a conservative approach to spending of public money while still attempting to assist the community where warranted in terms of above-mentioned guidelines.

ADMINISTRATION OF THE FUND

Three possibilities exist for administering the fund. Firstly it is possible that the Subcommittee could administer the fund itself, secondly Selwyn District Council could be requested to do so on behalf of the Subcommittee, or lastly an independent administrator approved by the Canterbury Waste Subcommittee could be appointed.

It is recommended that an independent administrator such as a Resource Consent Commissioner be appointed.

Recommendation:

1. That the Council delegate to the Canterbury Waste Subcommittee the power in terms of Section 598(4) of the Local Government Act to make grants to community groups for research relating to the regional landfill, as well as the power to appoint a person/council/body to administer the fund on behalf of the Subcommittee, should it be required.

2. That the purpose of this fund be to establish a Community Participation Fund to assist the Selwyn community with additional research into the Trig site as a preferred site for the proposed new regional landfill.

3. That subject to recommendation 1 above the Canterbury Waste Subcommittee agrees to the establishment of a special fund, to be called the Community Participation Fund, for the said purpose.

4. That the administration of the fund be subject to guidelines 1-5 outlined in this report.

5. That funding of this special fund be as follows:

   (i) an initial amount of $150,000 in the 1999/2000 financial year, and

   (ii) that a possible increase in the size of the fund up to a further $100,000 be considered for the 2000/01 financial year.

6 That administration of the fund including approval for funding be carried out by an independent administrator.

7. That subject to approval of constituent councils the Chair and Deputy Chair of the Subcommittee be authorised to implement recommendation 6 above.

Note: The Christchurch City Council's share of the $150,000 for the 1999/2000 financial year (see recommendation 5 above) will be 75.7% i.e. $113,550. The Waste Manager advises that the Council need not provide extra funding at this point in time as the extra should be available from capital under-expenditure by the Unit. This will be better known at six month budget monitoring time.