

6. **COUNCIL RESPONSE TO REQUEST FROM PARLIAMENTARY SELECT COMMITTEE ON LOCAL GOVERNMENT AND THE ENVIRONMENT RELATING TO KATE VALLEY REGIONAL LANDFILL**

General Manager responsible:	Peter Mitchell, General Manager Regulation and Democracy Services
Author:	Chris Gilbert, Legal Services Manager DDI 941-8561

PURPOSE OF REPORT

1. To advise the Council of the request and to obtain approval of the draft response.

EXECUTIVE SUMMARY

2. The Council received a formal request for comment to assist the Parliamentary Select Committee considering a Petition from Matthew Ross Harper and others. The petition seeks a review of the process concerning approval of the Kate Valley Regional Landfill project. The formal request is attached in attachment 1.
3. A similar request has been made to all six Councils participating in the Kate Valley Landfill venture. The Christchurch City Council has volunteered and received approval to respond on behalf of the Banks Peninsula, Selwyn and Ashburton District Councils. These Councils have been sent the draft response for approval. The Waimakariri District Council has also received a copy of the Christchurch City Council response and has appointed a committee to decide whether they will also submit this as their response.
4. Thirty-one questions have been asked by the petitioner. The Councils were asked to answer questions eight to thirty-one. This has been done in the draft response.
5. The questions broadly fall into the following categories:
 - Concerns about the secrecy and confidential process surrounding the Memorandum of Understanding (MOU) between the Councils and private companies.
 - The implications of the MOU on the Resource Management Act 1991 and the Local Government Act, alleging that this created a predetermination of the outcome.
 - The alleged lack of consultation and information given to the public.
 - The alleged lack of information Councillors received on the process and documents.
 - The cost of preparing and negotiating the MOU.
 - The relationship between local government and the private sector.
 - The national implications of the Kate Valley Landfill project.
6. The draft response answers these questions.
7. We have asked the other Councils to have their comments on the draft with us by Tuesday 8 March 2005.
8. The submission must be with the Clerk of the Committee by 16 March 2005.

FINANCIAL AND LEGAL CONSIDERATIONS

9. A Select Committee can compel the Council to respond as it has (or can be granted) the power to summon parties. However, it is customary for the Council to respond to such requests without compulsion.
10. The Council would have an obligation to disclose the information contained in the response if this information was requested pursuant to the Local Government Official Information and Meetings Act 1987. The Council does have the ability to withhold confidential information surrounding the venture.
11. There are no financial considerations.

STAFF RECOMMENDATIONS

It is recommended that the Council approves the draft response to the Select Committee, with any minor alternations which the other Councils may suggest, as the Christchurch City Council's response to the Select Committee's request.

BACKGROUND

12. The process surrounding the MOU has already been reviewed by:
- The Commerce Commission
 - The Auditor-General
 - The Commissioner for the Environment
 - The Independent Commissioners for the Councils hearing the resource consent application for the Kate Valley Landfill
 - The Environment Court
 - The Office of the Prime Minister
13. These reviews affirmed that Councils' processes in relation to the Kate Valley Landfill were satisfactory.

OPTIONS

14. It is recommended that the Council:
- (a) Approve the draft response, with any minor alterations which the other Councils may suggest, as the Christchurch City Council's reply to the Select Committee's request.
- or
- (b) Does not respond to the Select Committee's request and presumably awaits a formal request to appear before the Select Committee in person.