
SPICER'S LANDFILL – APPOINTMENT TO JOINT COMMITTEE

1. Purpose of Report

To seek Council approval to combine the Porirua Drainage Authority and Joint Services Committee into a single Joint Committee between Porirua City Council and Wellington Council and appoint a Wellington City Council representative to the amended Joint Committee.

2. Recommendations

It is recommended that the Council:

1. *Receive the information.*
2. *Agree to combine the Porirua Basin Drainage Authority and the Joint Services Committee into a single Joint Committee.*
3. *Agree to reduce the representation on the amended Joint Committee to four members with three from Porirua City Council and one from Wellington City Council.*
4. *Agree with Porirua City Council that the Landfill Agreement and the Treatment Plant Agreement be regarded as amended accordingly*
5. *Appoint an elected member of Wellington City Council to an amended Joint Committee between Porirua City Council and Wellington City Council.*

3. Background

The Joint Services Committee was established under the 1983 “*Landfill agreement*” between Tawa Borough Council and Porirua City Council to manage the undertaking and administration of joint services, Spicer Landfill and Whenua Tapu Cemetery in particular. Tawa Borough Council’s interest was subsequently vested in Wellington City Council in 1989.

The Porirua Basin Drainage Authority was established under the 1986 “*Treatment Plant agreement*” between Porirua City Council, Wellington City Council, Tawa Borough Council and Hutt County Council. Tawa Borough Council’s interest subsequently vested in Wellington City Council and Hutt County Council’s in Porirua City Council.

In 1994, the two Councils sought to discharge the two committees, with Porirua City Council to manage the joint works pursuant to a deed between the two Councils. Although draft deeds were prepared, they were not formally adopted and therefore there has been no decision to discontinue the two committees.

4. Discussion

4.1 Role of the Joint Committee

The closure of the Northern Landfill and the Wellington City Council's urban growth strategy for the Northern areas of the city means that infrastructural decisions within this area are of significant strategic importance for the Council. It is therefore considered that it is not appropriate that the committee be discharged, with Wellington City Council representation on a revised Joint Committee being seen as important in gaining the necessary overview and input to infrastructural issues that may affect long term growth within the catchment area.

4.2 Joint committee to combine

The two committees have, in essence, the common primary function of providing a shared governance role for decision making relating to joint infrastructure projects serving Porirua and Wellington ratepayers. With this common purpose in mind, and the administrative challenges of drawing together two separate committees, it is seen as desirable to combine the functions together under a single Joint Committee.

Not only will this provide administrative efficiencies, but more importantly the revised joint committee will be better informed to make decisions across the broader infrastructural issues between the two Councils. Additionally, the amended Joint Committee will represent a single reporting body for providing feedback to the Council on all cross-boundary related infrastructural issues.

For these reasons it is recommended that the two committees be combined into a single joint committee to oversee strategic decisions relating to Spicer's Landfill and the Treatment Plant.

4.3 Representation

The Landfill Agreement established a committee consisting of seven members with two from Wellington City Council and five from Porirua City Council.

The Treatment Plant Agreement established a committee consisting of eight members, with five from Porirua City Council and three from Wellington City Council.

The original membership numbers reflect the number of authorities that were party to the original agreements and the range of issues¹ that were intended to be considered by

¹ The Joint Services Committee also made decisions relating to Whenua Tapu Cemetery and a forestry project

the two committees. It is anticipated that the focus of the amended Joint Committee will be narrowed to deal with Spicer Landfill and the Porirua Treatment Plant as the key utilities requiring joint management between the two Councils. It is considered that the interests of the two Councils will be sufficiently represented with a revised membership of four, with a split of three Porirua City Council representatives and one from Wellington City Council. This approximates the respective ownership interest, which is stated in the Wellington City Council 2006 Annual Plan as 21.5% in Spicer's Landfill and 27.6% in the Treatment Plant.

4.4 Terms of reference

Although the Landfill and Treatment Plant agreements did not make specific provision for variations to the terms of reference, at law such a term could reasonably be implied. As there is no specific provision dealing with the authorisation process that each Council must go through prior to entering into any change, it is a matter for each Council to apply its own procedures to. A resolution of each Council confirming the altered arrangements and acknowledging that the effect is to amend the two agreements will be sufficient to authorise the combined Joint Committee.

Porirua City Council is currently undertaking a similar process to confirm the proposed changes.

It is recommended that the first task of the revised Joint Committee be to prepare revised terms of reference for the Joint Committee. It is anticipated that this would be developed with input from Council officers from Porirua City Council and Wellington City Council, to be brought back to the respective Councils for adoption early in 2007.

4.5 Appointment

The Council, if it agrees to the amended structure of the joint committee, is required to appoint a Wellington City Council representative to the Joint Committee. The representative must be an elected member.

The appointment would normally be made at the beginning of each new triennium for the duration of the triennium. In this instance, however, the Mayor can put forward nominations for a Councillor appointment to commence immediately upon ratification, and cease at the end of the triennium.

5. Conclusion

Combining the Joint Services Committee and Porirua Basin Drainage Authority into a single Joint Committee, to consist of three Porirua City Council representatives and one Wellington City Council representative, will provide the necessary overview of key infrastructure projects serving catchments across the boundaries of the two Councils.

The Council must appoint a Wellington City Council representative to the amended Joint Committee.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The aims of the proposal are consistent with the following long-term outcomes of the Environment Strategy:

4.6 Safer – Wellington will have access to safe and reliable energy and water supplies, clean air, and waste disposal systems that protect public health and ecosystems.

2) LTCCP/Annual Plan reference and long term financial impact

The changes to the Joint Committee and appointment of a representative will have no financial impact in terms of the LTCCP/Annual Plan.

3) Treaty of Waitangi considerations

The proposed changes relate to the governance structure only and have no Treaty of Waitangi implications.

4) Decision-Making

This is not a significant decision under the Council significance policy

5) Consultation

No consultation has been undertaken with external parties

6) Legal Implications

Council's lawyers have been consulted during the development of this report.

7) Consistency with existing policy

This report is consistent with existing policy