

In reply please quote: #1162816  
For enquiries please contact: Peter Keller  
Email: pkeller@pcc.govt.nz  
Direct Dial: 04 237 1477 (DDI)

17 November 2015

Rachel Allan  
10 Westhaven Drive  
Tawa  
**WELLINGTON 5028**

Dear Ms Allan

### **OFFICIAL INFORMATION REQUEST: SPICER LANDFILL**

I refer to your email request of 29 October 2015 for information under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

You asked the following (in *italics*):

*On the 29 September Mayor Leggett made the following comment on his public Facebook Page:*

*"Yes the council has already had its own independent advice on the landfill issues and is in the process of following a lot of it. Hopefully some specifics will be forthcoming next week."*

*Please provide the following:*

**1. *The name of the organisation who has provided this independent advice to PCC on the landfill issues.***

- The independent advice referred to by the Mayor is a review of the AECOM report provided to Council by its consultants, Tonkin and Taylor. The Council has also received legal advice from its solicitors, Simpson Grierson.

**2. *A copy of the advice provided.***

**3. *Please indicate which parts of the advice is being followed, and which isn't.***

- Under section 17 of LGOIMA, the Council declines to provide a copy of the advice. The Council considers that good reasons for withholding the information exist under the following sections of LGOIMA:
  - a. section 7(2)(g), as the withholding of the information is necessary to maintain legal professional privilege; and
  - b. section 7(2)(i), as withholding the information is necessary to enable the Porirua City Council to carry on negotiations, without prejudice or disadvantage.

PCC - #1162816-v1

- The information was provided in the context of, and for the purpose of informing the Council's position on, the current legal proceedings before the Environment Court regarding abatement notices issued by the Greater Wellington Regional Council. Without prejudice discussions have taken place between Porirua City Council, EnviroWaste Services Limited and the Greater Wellington Regional Council regarding those proceedings. The Council considers that the provision of the information would be likely to prejudice the Environment Court's processes and any negotiations between the parties identified above towards the resolution of the proceedings.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of LGOIMA.

Yours faithfully



Wendy Walker  
**CHIEF EXECUTIVE**