1. **MINUTES OF MEETING OF 9 AUGUST 2004**

   It was **resolved** that the minutes be confirmed as a true and correct record.

2. **MATTERS ARISING**

   **TRANSWASTE CANTERBURY LTD - TERMS OF NOMINEE DIRECTORS**

   As recorded in the minutes of the previous meeting the terms of the current nominee directors appointed by the Canterbury Waste Subcommittee on the Board of Transwaste Canterbury Ltd had been discussed at the meeting on 9 August 2004. It had been agreed then that this matter be carried over and discussed further at the Subcommittee’s September 2004 meeting.

   The Subcommittee took the opportunity to discuss further the option of extending the terms for those directors whose terms expired on 17 March 2005, ie Councillor Denis O’Rourke, Councillor Bill Woods and Mr Gerald Clemens.
Members noted that Councillor Bill Woods was currently seeking nomination to the Canterbury Regional Council and would be retiring as a Councillor from the Selwyn District Council.

Councillor Ron Wright moved “That the current expiry date of 17 March 2005 for the terms as directors for Councillor Denis O’Rourke and Mr Gerald Clemens be extended by a further 18 months to 17 September 2006 to ensure continuity during the commencement of the landfill operation in 2005 and during the review of the agreement in respect of the rate of return for Transwaste Canterbury Ltd in June 2006, following the first full year of operation of the landfill”. The motion was seconded by Councillor Robbie Brine and when put to the meeting was declared carried.

In addition it was noted that the appointment of Councillor Denis O’Rourke was in respect to representation on behalf of the Christchurch City Council.

(Note: Councillor Denis O’Rourke declared an interest in respect to the above item and retired from voting (but not from the discussion) in respect to the above clause.)

3. SUPPLEMENTARY ITEM

The Subcommittee received a supplementary report containing correspondence from the Hurunui District Council regarding the Kate Valley Landfill cost of appeal. The reasons why the correspondence was not in the agenda and why the matter could not wait until the next meeting was explained to the Subcommittee.

The Subcommittee resolved that the correspondence be received and considered at the present meeting.

4. CORRESPONDENCE

HURUNUI DISTRICT COUNCIL - KATE VALLEY LANDFILL COST OF APPEAL TO THE ENVIRONMENT COURT

The opportunity was taken to discuss the request from the Hurunui District Council for financial assistance towards the cost incurred by that Council in respect to the appeal to the Environment Court regarding the Kate Valley landfill resource consent decision.

A total of $89,770, GST exclusive, was sought apportioned over the six shareholder councils in the joint venture company on a percentage basis.

Mr Zefanja Potgieter, Christchurch City Council, indicated that he had previously discussed this matter with the Council’s General Manager Regulation and Democracy Services and would prefer to obtain legal comment on the request. In addition it was noted the Christchurch City Council share of $67,957 would not be able to be found within current year budgets. Funding of some $40,000 could, however, be made from the Hurunui District Council support fund in respect to the current financial year.
After further discussion the Subcommittee resolved:

1. That the Canterbury Waste Subcommittee make $40,000, from its Hurunui Support Fund for the 2004/05 financial year, available to the Hurunui District Council subject to supportive legal advice being obtained.

2. That in the 2005/06 financial year the balance of the sum required of $49,770 be allocated on the pro rata basis as below:

<table>
<thead>
<tr>
<th>Council</th>
<th>% Contribution</th>
<th>Previously Paid 2004/05</th>
<th>Payable 2005/06</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christchurch City Council</td>
<td>75.7%</td>
<td>$30,281</td>
<td>$37,676</td>
<td>$67,957</td>
</tr>
<tr>
<td>Waimakariri District Council</td>
<td>7.8%</td>
<td>$3,120</td>
<td>$3,882</td>
<td>$7,002</td>
</tr>
<tr>
<td>Ashburton District Council</td>
<td>6%</td>
<td>$2,400</td>
<td>$2,986</td>
<td>$5,386</td>
</tr>
<tr>
<td>Selwyn District Council</td>
<td>6%</td>
<td>$2,400</td>
<td>$2,986</td>
<td>$5,386</td>
</tr>
<tr>
<td>Banks Peninsula District Council</td>
<td>2.1%</td>
<td>$840</td>
<td>$1,045</td>
<td>$1,885</td>
</tr>
<tr>
<td>Hurunui District Council</td>
<td>2.4%</td>
<td>$959</td>
<td>$1,195</td>
<td>$2,154</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
<td>$40,000</td>
<td>$49,770</td>
<td>$89,770</td>
</tr>
</tbody>
</table>

5. CANTERBURY JOINT STANDING COMMITTEE (CJSC) - DISCHARGE TRIENNIAL ELECTIONS

The Subcommittee considered a report reminding it of the desirability of participating councils adopting an appropriate resolution to ensure that the CJSC did not discharge following the 2004 triennial elections.

A copy of the report and resolution made by the Subcommittee at its meeting on 5 May 2003 was attached to the report. It was noted that those councils which had not passed an appropriate resolution as provided for by clause 30(7) of Schedule 7 of the Local Government Act 2002 should do so before their existing council term finished.

The Subcommittee resolved that all member councils of the CJSC and the CWSC adopt the resolution as detailed in the report prior to the October 2004 triennial elections and confirm this action to the CWSC Committee Secretary in due course.

6. SOLID WASTE RMF PROPOSAL

A copy of the Statement of Proposal approved by the Christchurch City Council in respect to the future operation of transfer station sites had been circulated to Subcommittee members for their information in the agenda and the opportunity was taken to discuss the detail of the Statement of Proposal.

The Subcommittee resolved that the information be received.

7. PROPOSED WASTE HANDLING FACILITIES LICENSING BYLAW

A copy of the report to be considered by the Christchurch City Council’s Sustainable Transport and Utilities Committee at its meeting on 7 September 2004 had been circulated for the information of members and the opportunity was taken to discuss the proposed draft bylaw.
The Subcommittee **resolved** that the information be received.

(Note: Councillor Ron Wright declared an interest in respect to the above clause and retired from voting and discussion thereon.)

8. **INFORMATION SHARING - KAIKOURA DISTRICT COUNCIL - COUNCILLOR BRYAN SEDDON**

Councillor Seddon advised that the Kaikoura District Council had installed a weigh bridge and that their diversion rate had now been confirmed at 73.8%. In addition they had a new bailer and conveyor and were trialing putrescibles as well as greenwaste in the composting unit.

He advised that they now expected to be able to extend the life of their landfill further but he expected that they would probably be seeking access to Kate Valley within the next 10 year period.

9. **TRANSPORT COSTS FOR WASTE TO KATE VALLEY**

The Subcommittee considered a report from Zefanja Potgieter, Resource Planner Solid Waste, Christchurch City Council, recommending a mechanism for payment of a portion of the transport costs of waste transported from the Ashburton and Selwyn District Council areas to the Kate Valley Landfill in terms of the transport cost equalisation scheme.

The report gave background to the philosophy behind a transport equalisation scheme and noted the provision made for this within the constituting agreement for the Subcommittee and the previous resolution of the Subcommittee at its 9 August 2004 meeting.

Information relating to dividend payments and a possible deed of agreement drafted by Buddle Findlay solicitors together with the detail of the resolutions to be passed by each of the participant councils was also contained in the report.

The Subcommittee **resolved** to recommend that each of the Christchurch City Council, Ashburton District Council, Selwyn District Council, Banks Peninsula District Council, and Waimakariri District Council pass the following resolutions at their September 2004 meetings:

1. That the Council participate in the Transport Cost Equalisation Scheme more particularly described in the attached Deed ("the Equalisation Deed") to the intent that the costs associated with the transport of solid waste to the Kate Valley Landfill be equalised across the districts administered by the Ashburton District Council, the Banks Peninsula District Council, the Christchurch City Council, the Selwyn District Council and the Waimakariri District Council and, accordingly:

   (a) The Council enter into and execute the Equalisation Deed; and

   (b) Make the delegations to the Canterbury Joint Standing Committee set out in recommendation 2.
2. That the Council delegate to the Canterbury Joint Standing Committee and its subcommittee pursuant to clause 3 of the Constituting Agreement dated 16 September 2003, authority to:

(a) Direct Transwaste Canterbury Ltd in the calculation of the Council’s liability for equalisation payments in accordance with the equalisation formula set out in the Equalisation Deed;

(b) Monitor:

(i) the payment of any dividend payable by Transwaste Canterbury Limited;

(ii) the holding of such dividend by Transwaste Canterbury Limited;

(iii) the payment of the balance of any such dividend once any equalisation payment has been deducted; and

(iv) the payment of equalisation payments to refuse station operators under the terms of the Equalisation Deed.

In addition members discussed the implications of the Commerce Act in respect to the objectives of the Subcommittee, operation of the regional landfill and waste minimisation and it was agreed that research on this could be undertaken in the 2005/06 financial year as a project with a view to promoting any required legislative changes.

10. CANTERBURY WASTE SERVICES LTD - ORAL UPDATE

Mr Gareth James, General Manager, Canterbury Waste Services Ltd, attended and gave an oral update report on the progress in construction of the regional landfill and the appointment of staff.

The Chairman advised that he had visited the site on the previous Sunday and in addition Christchurch City Council staff had also visited.

It was suggested that the Subcommittee inspect the site after the elections and Mr James confirmed that the tender prices received for the Mt Cass Road upgrade had been very close to budget.

Mr James then took the opportunity to thank members of the Subcommittee for the work which they had undertaken over the last three years towards the establishment of the regional landfill.

11. CERTIFICATION OF WASTE SENT TO KATE VALLEY LANDFILL

The Subcommittee considered a report from Zefanja Potgieter, Resource Planner Solid Waste, Christchurch City Council, recommending that a co-ordinated approach be supported and developed for certifying that waste sent to the Kate Valley Landfill complies with the resource consent conditions.
The report referred to the letter received from Transwaste Canterbury Ltd, dated 30 October 2004, contained within the public excluded section of the agenda and also provided details of the relevant section of the resource consent for the regional landfill in respect to waste certification. It noted that it would be desirable to develop a common approach as requested by Transwaste Canterbury Ltd and suggested that Mr John Buchan of Buddle Findlay, Solicitors, be requested to provide the advice and suggested pro forma certification for use by all shareholder councils.

The Subcommittee resolved:

1. That the Canterbury Waste Subcommittee confirm that a common approach to complying with resource consent conditions is supported.

2. That Mr John Buchan of Buddle Findlay be requested to provide the required advice.

12. **GENERAL BUSINESS**

The Chairman took the opportunity at the conclusion of the meeting to express his thanks to the members of the Subcommittee for their work over the last three years and especially to Councillors Ron Wright and Bill Woods who were retiring and also his thanks to all the staff members involved in supporting the Subcommittee.

13. **RESOLUTION TO EXCLUDE THE PUBLIC**

The Subcommittee resolved that the draft resolution to exclude the public set out on page 57 of the agenda be adopted but that Mr John Buchan, Buddle Findlay, Solicitors, be allowed to remain.
CHRISTCHURCH CITY COUNCIL

MINUTES OF A MEETING OF THE CANTERBURY WASTE SUBCOMMITTEE

PUBLIC EXCLUDED

Held in the No 3 Committee Room, Civic Offices on Monday 6 September 2004 at 10am

PRESENT:
Councillor Denis O’Rourke (Christchurch City Council) (Chairman),
Councillor Sally Buck (Christchurch City Council),
Mayor Tony Arps (Hurunui District Council),
Councillor Bryan Seddon (Kaikoura District Council),
Councillor Robbie Brine (Waimakariri District Council),
Councillor Bev Tasker (Ashburton District Council),
Councillor Bill Woods (Selwyn District Council) and
Councillor Ron Wright (Christchurch City Council).

IN ATTENDANCE:
Bruce Yates (Hurunui District Council),
Geoff Birss (Banks Peninsula District Council),
Dave Hock (Selwyn District Council),
Don Young (Waimakariri District Council),
Darren Patterson (Environment Canterbury),
Zefanja Potgieter (Christchurch City Council),
Simon Collin (Christchurch City Council) and
John Buchan (Buddle Findlay)

APOLOGIES:
Apologies for absence were received and accepted from
Councillor Len Shaw (Waimate District Council) and
Councillor Lee Burdon (Timaru District Council).

14. CORRESPONDENCE - TRANSWASTE CANTERBURY LTD Section 7(2)(h)

The correspondence from Transwaste Canterbury Ltd was considered in association with the report contained within the open section of the agenda relating to certification of waste to Kate Valley.

The Subcommittee resolved that the correspondence be received.

The meeting concluded at 11.55am