

# **CANTERBURY REGIONAL LANDFILL JOINT COMMITTEE AGENDA**

**FRIDAY 12 AUGUST 2011**

**AT 10.30AM**

**AT THE CANTERBURY CLUB, WORCESTER STREET, CHRISTCHURCH**

**Committee:** Councillor Sally Buck (Christchurch City Council) (Chairman)  
Councillor Glenn Livingstone (Christchurch City Council)  
Councillor Aaron Keown (Christchurch City Council)  
Councillor Darryl Nelson (Ashburton District Council)  
Councillor Richard Davison (Hurunui District Council)  
Councillor Lindsay Philips (Selwyn District Council)  
Councillor Robbie Brine (Waimakariri District Council)

**General Manager**

Jane Parfitt  
Telephone: 941-7305

**Principal Adviser**

Mark Christison  
Telephone: 941-5734

**Committee Adviser**

Janet Anderson  
Telephone: 941-8179

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1. **APOLOGIES**
  
2. **CONFIRMATION OF MINUTES - MEETINGS OF 29 APRIL 2011 AND 24 JUNE 2011 (SPECIAL MEETING)**

Attached.

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**3. CORRESPONDENCE**

#### 4. APPOINTMENT OF A DIRECTOR REPRESENTING HURUNUI, WAIMAKARIRI, SELWYN AND ASHBURTON DISTRICT COUNCILS

<b>General Manager responsible:</b>	General Manager, City Environment, DDI 941-7305
<b>Officer responsible:</b>	Unit Manager City Water and Waste
<b>Author:</b>	Zefanja Potgieter, Senior Resource Planner

#### PURPOSE OF REPORT

1. To call for nominations for a councillor director to represent Ashburton, Hurunui, Selwyn and Waimakariri District Councils on the Board of Transwaste Canterbury Ltd (TCL).

#### BACKGROUND

2. The current term of the Councillor Director representing Ashburton, Hurunui, Selwyn and Waimakariri District Councils on the Board of Transwaste Canterbury Ltd expires on 10 August 2011. Councillor Robbie Brine of Waimakariri District Council was appointed on 17 March 2005, is the current councillor director for the four councils and is entitled to seek reappointment.

The Transwaste Board of eight directors is made up of four directors representing the territorial authority members (Ashburton, Christchurch, Hurunui, Selwyn and Waimakariri) and four directors representing Transpacific Industries Ltd. The four territorial authority directors are made up of two Canterbury Regional Landfill Joint Committee elected members, one from the Christchurch City Council representatives and one from the four other rural council representatives. In addition the Committee appoints two directors external to any of the member councils, to provide commercial input. These two directors are Gill Cox, Chairman of the Board, and Gerry Clemens.

The appointment of directors to the Board of TCL by the committee is provided for in the Constituting Agreement for the committee and the TCL Shareholders Agreement. The committee has authority to appoint directors in accordance with the attached policy, adopted by the committee on 10 March 2008.

There are no financial considerations as directors' fees are paid by TCL, not by the shareholder councils.

In terms of clause 14 (a) and (b) of the Constituting Agreement, members vote on the basis that the members appointed to represent Christchurch City Council are entitled to 50 per cent of the votes able to be cast (which votes must be cast as a block and cannot be split), and the members appointed to represent the other four councils are entitled to one vote each.

Note: In accordance with the exemption in clause 6(3) of the Local Authority (Members' Interests) Act 1968, this is not a topic on which members are required to declare a pecuniary interest and retire from discussion and voting.

At the 12 August 2011 meeting nominations will be called for a Director Councillor representing Ashburton, Hurunui, Selwyn and Waimakariri Councils on the Transwaste Board. If there is more than one nomination then a selection process will be started, as set out in the Committee's policy on appointment of directors (copy **attached**). The selection process will be carried out through an external agency (Sheffield) and will take up to two months. In such case it would be prudent for the Committee to reappoint Councillor Brine for the interim bridging period until the Committee can reconvene to consider a report from the agency at the next scheduled meeting of the committee on 28 October 2011.

#### STAFF RECOMMENDATIONS

1. That the Canterbury Landfill Joint Committee call for nominations for a Councillor Director on the Board of Transwaste Canterbury to represent Hurunui, Selwyn and Waimakariri District Councils.
2. If a selection of candidates be required, that Sheffield be contracted.

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3. If a selection of candidates be required, that Councillor Robbie Brine be re-appointed up to 31 October 2011.
4. That the costs of contracting Sheffield (no more than \$3,000 GST inclusive) be apportioned between all five member councils, based on the population figures in Clause 27 of the Constituting Agreement.

## 5. APPOINTMENT OF A DIRECTOR REPRESENTING CHRISTCHURCH CITY COUNCIL

<b>General Manager responsible:</b>	General Manager, City Environment, DDI 941-7305
<b>Officer responsible:</b>	City Water and Waste Unit Manager
<b>Author:</b>	Zefanja Potgieter, Senior Resource Planner

### PURPOSE OF REPORT

To appoint a councillor director for Christchurch City Council.

### BACKGROUND

Councillor Sally Buck's term as councillor director on the board of Transwaste Canterbury Ltd started on 12 February 2007 and formally ended with the September 2010 elections. In terms of Transwaste protocol she remains on the board until the committee has informed the company differently.

The Transwaste Board of eight directors is made up of four directors representing the territorial authority members (Ashburton, Christchurch, Hurunui, Selwyn and Waimakariri) and four directors representing Transpacific Industries Ltd. The four territorial authority directors are made up of two Canterbury Regional Landfill Joint Committee elected members, one from the Christchurch City Council representatives (currently Councillor Sally Buck) and one from the four other rural council representatives. In addition the Committee appoints two directors external to any of the member councils, to provide commercial input. These two directors are Gill Cox, Chairman of the Board, and Gerry Clemens.

The appointment of directors to the Board of TCL by the committee is provided for in the Constituting Agreement for the committee and the TCL Shareholders Agreement. The committee has authority to appoint directors in accordance with the relevant policy adopted by the committee on 10 March 2008.

There are no financial considerations as directors' fees are paid by TCL, not by the shareholder councils.

In terms of clause 14 (a) and (b) of the Constituting Agreement, members vote on the basis that the members appointed to represent Christchurch City Council are entitled to 50 per cent of the votes able to be cast (which votes must be cast as a block and cannot be split), and the members appointed to represent the other four councils are entitled to one vote each.

Note: In accordance with the exemption in clause 6(3) of the Local Authority (Members' Interests) Act 1968, this is not a topic on which members are required to declare a pecuniary interest and retire from discussion and voting.

The three Christchurch City Members wish to nominate Councillor Sally Buck as the Councillor Director representing the Christchurch City Council on the Board of Transwaste Canterbury.

### STAFF RECOMMENDATION

It is recommended that the Canterbury Regional Landfill Joint Committee appoint Councillor Sally Buck as the Councillor Director to represent Christchurch City Council on the Board of Transwaste Canterbury until 28 February 2014.

6. **APPOINTMENT OF A REPRESENTATIVE TO ATTEND THE TRANSWASTE CANTERBURY LTD ANNUAL GENERAL MEETING**

<b>General Manager responsible:</b>	General Manager, City Environment, DDI 941-7305
<b>Officer responsible:</b>	City Water and Waste Unit Manager
<b>Author:</b>	Zefanja Potgieter, Senior Resource Planner

**PURPOSE OF REPORT**

1. The purpose of this report is to appoint a representative to attend the Transwaste Canterbury Ltd Annual General Meeting (AGM), which will be held on a date to be advised in November 2011 in Christchurch.

**BACKGROUND**

2. The Transwaste Board has advised that the 2011 AGM will be held on a date to be advised in November 2011. It is intended that the AGM will, as has become the custom, be followed by a shareholder briefing which includes indicative pricing for the next year. Each shareholder group appoints a representative for the AGM, with the form to be received by Transwaste prior to the meeting commencing.
3. All rights of the Councils are exercised through the Canterbury Landfill Joint Committee including rights to vote at shareholder meetings. Under clause 10.2 of the Shareholders Agreement, the Committee appoints its representative for the Annual meeting by written notice to Transwaste Canterbury Limited. This is the equivalent of appointment of a proxy or corporate representative under clause 21 of Transwaste Canterbury Limited's Constitution.
4. The Committee therefore needs to formally appoint a representative before the AGM, and it is advisable to appoint an alternate to cover for unforeseen contingencies that might arise. The proxy voting form is attached (**Attachment 1**).

**STAFF RECOMMENDATION**

That the Canterbury Landfill Joint Committee appoint a representative and an alternate, to attend and vote at the Transwaste Canterbury Ltd Annual General Meeting in November 2011.

## 7. TRANSPORT COSTS FOR WASTE TO KATE VALLEY 2010/11

<b>General Manager responsible:</b>	General Manager City Environment , DDI 941-7305
<b>Officer responsible:</b>	City Water and Waste Unit Manager
<b>Author:</b>	Zefanja Potgieter, Senior Resource Planner

**PURPOSE OF REPORT**

1. To approve the annual transport cost arrangement for waste transported to Kate Valley landfill for 2011/11.

**BACKGROUND**

2. On 6 September 2004 the Canterbury Waste Subcommittee passed a resolution to implement a shared transport cost arrangement whereby Christchurch City Council, Banks Peninsula District Council (since amalgamated with Christchurch City) and Waimakariri District Council proportionally (based on population) contribute towards the transport costs for waste sent to Kate Valley landfill by Ashburton and Selwyn District Councils. By agreement the Hurunui District Council, as host council to the landfill, is not part of the cost share arrangement, the purpose of which is to ensure that communities further away from the landfill are not disadvantaged through higher transport costs.
3. The table below sets out a summary of 2010/11 financial year information based on all waste tonnages going to Kate Valley from Ashburton and Selwyn districts. Last year's figures are in italics.

	Total waste in tonnes	Average cost per tonne for four councils \$	Cost based on average cost \$	Actual cost paid by district council \$	Difference funded by CCC and WDC \$	CCC Share based on tonnages \$	WDC Share based on tonnages \$
Ashburton	8,061.92 <i>(8,375.85)</i>	27.20 <i>(28.89)</i>	219,284.22 <i>(241,978.31)</i>	321,421.32 <i>(499,188.27)</i>	102,137.10 <i>(257,209.96)</i>	95,942.79 <i>(236,381.13)</i>	6,194.31 <i>(20,828.83)</i>
Selwyn	11,700.08 <i>(9,988.08)</i>	27.20 <i>(28.89)</i>	318,242.18 <i>(288,555.63)</i>	353,693.06 <i>(304,118.50)</i>	35,450.88 <i>(15,562.87)</i>	33,300.89 <i>(14,302.59)</i>	2,149.99 <i>(1,260.28)</i>

4. The agreed mechanism for payments to Ashburton and Selwyn Councils is via a request by the Joint Committee to Transwaste Canterbury Ltd to adjust the company's final dividend payments (to be declared) accordingly – i.e. to reduce the Christchurch and Waimakariri Councils' dividend payments by the amounts indicated above and to increase the Ashburton and Selwyn Councils' dividend payment accordingly. The calculations are based on the following rules:
  - (a) The number of return trips that would have been required by each district if all loads had been full loads.
  - (b) The annual transport costs for all councils combined, based on full load trips.
  - (c) The average cost per tonne for all councils combined, based on full load trips.
  - (d) The amounts that Ashburton and Selwyn would have paid if they had been charged at average, per tonne, all councils combined, rates (based on full load trips).
  - (e) For Ashburton and Selwyn, the differences between individual annual transport costs (full loads) and average annual transport costs (full loads). This amount will be the transport cost amount to be shared between Christchurch City and Waimakariri.



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- (f) Contributions required from Christchurch City and Waimakariri shall be proportioned on the basis of annual tonnages from these councils.

**STAFF RECOMMENDATIONS**

It is recommended that the Canterbury Landfill Joint Committee

- (a) Approves the 2010/11 transport cost payments to Ashburton and Selwyn District Councils as set out in the report.
- (b) Requests Transwaste Canterbury Ltd to implement the payments set out above by adjusting its dividend payments to the participating territorial authority shareholders.

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**8. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.