

Document No: A478413

Report To: Council



Meeting Date: 28 July 2020

Subject: Declaration of Members' Conflicts of Interest

Purpose of Report

- 1.1 The purpose of this business paper is for elected members to –
- 1 Declare interests that may be deemed a potential conflict with their role as an elected member relating to the business papers for this meeting, and
 - 2 Declare any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 29168.

Commentary

2.1 **Conflicts of Interest**

2.2 Every elected member has a number of professional and personal links to their community. They may own a business or be a member on a board or organisation. They may have a pecuniary (financial) interest or a non-pecuniary (non-financial) interest. These interests are a part of living in the community which they need to make decisions about in their role with Council.

2.3 Elected members are governed by the Local Authorities (Members' Interests) Act 1968 and are guided by the Auditor-General in how this Act is administered. In relation to pecuniary interests, the two underlying purposes of the Act are to:

- ensure members are not affected by personal motives when they participate in local authority matters; and
- in contracting situations, prevent members from using their position to obtain preferential treatment from the authority (the Council).

2.4 Non-pecuniary interests relate to whether an elected member could be in danger of having a real or perceived bias for an issue under consideration.

2.5 Elected members will also have interests that are considered no greater than the public at large. For example, most elected members will own a property and therefore be a ratepayer in the Waitomo District.

2.6 Conflicts of interest at times cannot be avoided, and can arise without anyone being at fault. They need not cause problems when they are promptly disclosed and well managed.

2.7 **Declarations of Interests and Conflicts**

2.8 At the beginning of each triennial council term, elected members are requested to disclose known interests on behalf of themselves (including spouses and partners). It is up to the elected member to judge whether they have any interests

to declare. Some elected members may not have any, other elected members may have many.

- 2.9 As well as this, elected members may decide that they have an interest in a particular issue or item to be discussed at a meeting. There is a standing item on every meeting agenda for elected members to declare conflicts of interest.
- 2.10 These declarations should be clear as to whether there is just an "interest" with no pecuniary benefit and no greater benefit than to any member of the public, or they may be a Council appointed representative to an organization, or whether there is a "conflict of interest" in that there could potentially be a pecuniary or other direct benefit to the elected member.
- 2.11 Members who have declared a "conflict of interest" at the commencement of a meeting should make a further declaration when that item of business is considered and leave the meeting table (or the meeting room) and not take part in any discussion, debate or voting on the matter of conflict.
- 2.12 Attached to and forming part of this business paper is information to assist elected members in determining conflicts of interest.

Declarations

Mayor Robertson will invite elected members to give notice of any conflicts of interest relating to the business for this meeting.

In the event of a Declaration being made, the elected member must provide the following information relating to the Declaration:

Name:	
Item of Business on the Agenda:	
Reason for Declaration:	
Is this Declaration – <ul style="list-style-type: none">• Interest Only• Conflict of Interest	



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Local Authority (Members' Interests) Act 1968

- 3.1 The Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authority decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts. This Act deals with two forms of "interest":
1. Pecuniary
 2. Non-pecuniary
- 3.2 **Pecuniary Interest**
- 3.3 The **two** specific rules in the Act are that members cannot:
1. Enter into contracts with their local authority worth more than \$25,000 (including GST) in a financial year unless the Auditor-General approves the contracts (referred to as the contracting rule). Breach of this rule results in automatic disqualification from office; and
 2. Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule). Breach of this rule is a criminal offence and conviction results in automatic disqualification from office
- 3.4 A pecuniary interest is one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision, to declare any interest when appropriate and to ensure that as an elected member you comply with the Act's requirements at all times. The Act generally provides that no person shall be capable of being a member of Council if that person is concerned or interested in any contracts with the Council where the total payments made by the Council in respect of such contracts exceeds \$25,000 in any one financial year.
- 3.5 The Act also provides that an "interest" exists where a member's spouse is involved and/or where a member or their spouse is a major shareholder or have control or management of a company which contracts with Council or where the company has a pecuniary interest in the decision. It may also apply where your family trust has a contract with the Council.
- 3.6 The Act does provide that on application to it the Office of the Auditor General may give specific approval to a member being concerned or interested in a particular contract, in which case the provisions of the Act will not disqualify the Councillor from remaining in office. The approval needs be gained before the contract concerned is entered into.
- 3.7 The Act also requires that a member shall not vote or take part in the discussion of any matter in which he/she has any pecuniary interest, other than an interest in common with the public. This interest is required to be declared by the member and is noted in the minutes.
- 3.8 The Office of the Auditor General is the agency, which oversees this legislation and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test: "Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."

- 3.9 In deciding whether you have a pecuniary interest you should consider the following factors: What is the nature of the decision being made? Do I have a financial interest in that decision – do I have a reasonable expectation of gain or loss of money as a result of making that decision? Is my financial interest one that is in common with the public? Do any of the exceptions in the Act apply to me? Could I apply to the Auditor-General for approval to participate?
- 3.10 Further guidance is provided in the booklet “Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1968” which has been provided to 5 elected members. It is important that you pay particular attention to the contents of this booklet as this is one of the few areas of the Council’s business where staff do not set out to provide pro-active advice and members are personally liable for compliance with the provisions of this Act.

3.11 Non-Pecuniary Interest

- 3.12 Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is “bias” or pre-determination. Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where:-
- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it (including the Council’s debate); or
 - The member has a close relationship with an individual or organisation affected by the matter.
- 3.13 Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is: “Is there, to a reasonable, fair-minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?” If there is, the member should declare their interest and withdraw from the debate and take no further part in the discussion of this item. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council’s decision could be at risk. The need for public confidence in the decision-making process is paramount and perception can be an important factor. Again the booklet provided by Office of the Auditor General provides some excellent advice and information on this issue.

Waitomo District Council Procurement Policy – 23 February 2013

4.1 The following is an extract from the Procurement Policy:

2.1.11 Conflicts of Interest

WDC procurement process will be conducted with a spirit of probity demonstrating:

- *integrity;*
- *honesty;*
- *transparency;*
- *openness;*
- *independence;*
- *good faith; and*
- *service to the public.*

A conflict of interest occurs where:

A member's or official's duties or responsibilities to Council could be affected by some other interest or duty that the member or official may have.

The other interest or duty might exist because of:

- *holding another public office;*
- *being an employee, advisor, director, or partner of another business or organisation;*
- *pursuing a business opportunity;*
- *being a member of a club, society, or association;*
- *having a professional or legal obligation to someone else (such as being a trustee);*
- *owning a beneficial interest in a trust;*
- *owning or occupying a piece of land;*
- *owning shares or some other investment or asset;*
- *having received a gift, hospitality, or other benefit from someone;*
- *owing a debt to someone;*
- *holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue ; or*
- *being a relative or close friend of someone who has one of these interests, or who could otherwise be personally affected by a decision of Council*

A relative or close friend includes:

- *For matters covered by the Local Authorities (Members' Interests) Act 1968, the interests of a spouse, civil union partner, or de facto partner must be considered.*
- *Generally, the interests of any relative who lives with the member or official (or where one is otherwise dependent on the other) must be treated as being effectively the same as an interest of the member or official.*
- *For other relatives, it will depend on the closeness of the relationship, but it will usually be wise not to participate if relatives are seriously affected*
- *Where Council's decision or activity affects an organisation that a relative or friend works for, it is legitimate to take into account the nature of their position or whether they would be personally affected by the decision.*

Examples of potential conflicts of interest include:

- *conducting business on behalf of Council with a relative's company;*
- *owning shares in (or working for) particular types of organisation that have dealings with (or that are in competition with) Council;*

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- *deliberating on a public consultation process where the member or official has made a personal submission (or from making submissions at all, in areas that directly relate to the entity's work);*
- *accepting gifts in connection with their official role; or*
- *influencing or participating in a decision to award grants or contracts where the member or official is connected to a person or organisation that submitted an application or tender.*

All elected members, WDC staff or advisers involved in a procurement process are required to declare any other interests or duties that may affect, or could be perceived to affect, their impartiality. WDC will then decide the steps necessary to manage the conflict, having regard to any relevant statutory requirements. WDC will maintain a register of declarations of conflicts of interest that records any conflicts of interest and how they will be managed.

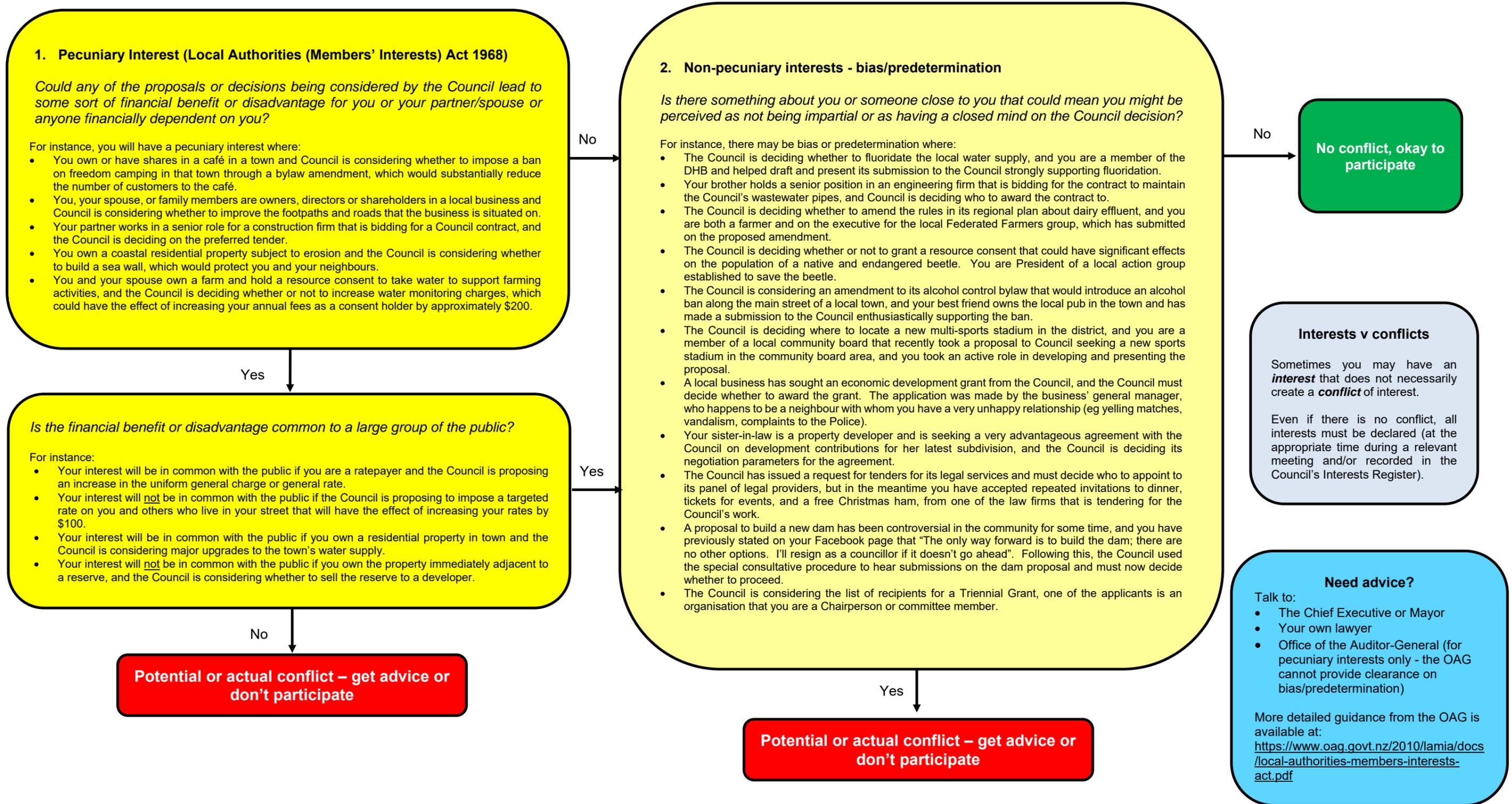
An annual update of the register will be coordinated and maintained by the Executive Office.

Under no circumstances will a procurement process allow as an outcome of that process a circumstance where Council elected members, WDC staff or advisers to receive preferential treatment.

Before you participate in any Council decision ...

CONFLICTS OF INTEREST

Check you don't have a pecuniary interest and that there is no bias or predetermination.



Remember: If in doubt, stay out!

Document No: A478406

Report To: Council



Meeting Date: 28 July 2020

Subject: Mayor's Report

Nine months ago our Council was sworn in to govern the Waitomo District. Over this period we have found it challenging to form as a cohesive governance group. Our May meeting resolved to adopt an Annual Plan that was opposed by the Mayor. Our June Council meeting was disorderly.

Earlier this month all elected members met to discuss the reasons that led to the Code of Conduct allegation against the Mayor. I hope we never see this process used again. It is costly, confrontational, and time consuming. We should be able to talk such matters through.

Looking forward we need to focus on the business of Council. There are policy issues of significance to address, not the least of which is the Government's desire to remove individual Councils from delivering water services to their communities directly.

In addition to this, our Council has its own unique financial challenges – of how to reduce debt while meeting the principle of rates affordability, and how to extract value from its subsidiary company Inframax. We all agree around the table that our Council's debt needs reducing and that it is not prudent to rely on dividends from Inframax to achieve this. We have also all agreed that our rates are high and that affordability is an issue.

Finding common ground on policy matters is helpful. It would be good to find common ground on matters of governance, for applying best practice governance is key to achieving organizational success.

The NZ Institute of Directors lists four pillars for best practice governance.

- Determination of Purpose
- Holding to Account
- Culture
- Compliance

The first – our purpose - is defined in legislation, notably Section 10 of the Local Government Act.

The second is about our role in holding management to account.

The third - culture - is shaped by us as a leadership team. Most organisations adopt values like integrity, inclusiveness, respect, and transparency. I favour adding priorities for our Council like "embracing innovation", and making us "easy to do business with".

Compliance with the law is important for all organisations, but critically important for public institutions like Councils.

These are discussions that we can have at a strategy day, something I am developing an agenda for.

A handwritten signature in blue ink, appearing to read "John Robertson".

JOHN ROBERTSON, QSO

MAYOR

WAITOMO DISTRICT COUNCIL

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 30 JUNE 2020 AT 9.00AM

PRESENT: Mayor John Robertson, Deputy Mayor Guy Whitaker, Council Members Phil Brodie, Allan Goddard, Lisa Marshall, Janene New and Sue Smith

IN ATTENDANCE: Heather Carston, Waitomo News

Waitomo District Youth Council Members: Taetia Kopa, Hinearangi Ngatai, Halima Shah and Izarna Ngatai-Wilson (Te Kuiti High School) and Callum Harrison (Piopio College)

Chris Ryan, Chief Executive; Michelle Higgie, Manager – Governance Support; Yvette Ronaldson, Leader – Communications and Engagement; Alistair Duncan, General Manager – Business Support (part only); Tony Hale, General Manager – Infrastructure Services (for part only) and Helen Beever, General Manager – Community Services (for part only) and Terrena Kelly, General Manager – Strategy and Environment (for part only)

1. Council Prayer

Four members of the public entered the meeting at 9.02am.

Mayor Robertson proposed that the matter of the Code of Conduct Complaint be moved to the public portion of the meeting.

The Chief Executive explained that this matter had been included in the public excluded portion of the Agenda as the complaint process, as described in the Council's adopted Code of Conduct, has not been completed and there are further steps in the process to be undertaken. The Chief Executive explained that by including the item as public excluded, it gives the Council the opportunity to consider how the matter is to be dealt with.

After further consideration, Council agreed that once the complaint process is completed, all information relating to the complaint will be made public, however while the process is still underway, the item be dealt with as public excluded.

2. Declarations of Member Conflicts of Interest

Members declared interests/conflicts of interest in respect to the Agenda as set out below:

Deputy Mayor Whitaker

Item of Business on Agenda	Reason for Declaration	Interest / Conflict
• Waitomo Sister City Incorporated	Member of Incorporated Society	Conflict
• Legendary Te Kuiti	Member	Interest – No Conflict

Cr New

Item of Business on Agenda	Reason for Declaration	Interest / Conflict
• Waitomo District Youth Council	Council Representative	Interest – No Conflict
• Waitomo Sister City Incorporated	Member of Incorporated Society	Conflict
• Vibrant Safe Waitomo	Legendary Te Kuiti representative on the Vibrant Safe Waitomo Coalition	Interest – No Conflict
• Legendary Te Kuiti	Member	Interest – No Conflict

Cr Marshall

Item of Business on Agenda	Reason for Declaration	Interest / Conflict
• Waitomo District Youth Council	Council Representative	Interest – No Conflict

Full Council

Item of Business on Agenda	Reason for Declaration	Interest / Conflict
• Code of Conduct Complaint	Councillors: Complainant Mayor: Defendant	Conflict

3. Verbal Reports: Elected Member Roles and Responsibilities

The Councillors gave verbal reports on their individual portfolio roles and responsibilities as follows:

Deputy Mayor Whitaker

- Legendary Te Kuiti
- Legends Gallery

Cr Smith

- Vibrant Safe Waitomo
- Waitomo District Council/Waitomo Sister City Workshop
- Tere Waitomo Meetings (x3)
- Waitomo Museum
- Ratepayer Feedback - Community Concerns

Cr Marshall

- Waitomo District Youth Council
- Waitomo Sister City Incorporated
- Land Hui with property owners at Lawrence Street
- Creative Communities Hui
- Waitomo District Youth Council – Battle of the Valleys

Cr Goddard

- Benneydale Hall Committee
- Plan Change 1 Public Meeting

Cr New

- Hamilton & Waikato Tourism
- North King Country Strategy Group
- Vibrant Safe Waitomo
- Legendary Te Kuiti
- Game On Charitable Trust
- Waitomo District Youth Council
- Waitomo Sister City Incorporated
- Te Kuiti Lyceum
- Te Kuiti Community Clean Up
- On Stage Te Kuiti
- Creative Communities
- Te Kuiti & District Historical Society

Cr Brodie

- St Helens Domain Board (Aria Domain) AGM
- Nga Wai O Waipa Co-Governance Forum
- Tainui Wetere Domain Board Meeting
- Waitomo District Council /Waitomo Sister City Workshop
- Mokau Museum
- LGNZ Zone 2 Meeting
- Ratepayer Feedback - Mayor's "My View"
- Mayor Informal Workshop re Livestreaming of Meetings

Mayor

- Provincial Development Unit Meeting hosted by Otorohanga District Council
- Mayor of Otorohanga and Chair of Maniapoto Maori Trust Board
- Land Hui with property owners at Lawrence Street
- Tere Waitomo
- Department of Conservation
- Regional Transport Committee
- Waitomo District Youth Council

Resolution

The verbal reports be received.

Robertson/Marshall

Carried

The General Manager – Business Support entered the meeting at 9.43am

4. Mayor's Report: 30 June 2020

Council considered the Mayor's Report prepared for the 30 June 2020 Council Meeting.

Councillors raised with the Mayor inaccuracies contained within his report and requested that it be removed from the Agenda.

The Mayor expanded verbally on his report.

MOTION

The Mayor's Report for the 30 June 2020 Council Meeting be noted.

Robertson/Marshall

2 For / 5 Against

MOTION LOST

The Leader – Communications and Engagement left the meeting at 10.04am.

5. Confirmation of Minutes – 26 May 2020

Resolution

The Minutes of the Waitomo District Council meeting of 26 May 2020, including the public excluded Minutes, be confirmed as a true and correct record.

Robertson/Brodie Carried

Members of the public left the meeting at 10.09am.

6. Local Government New Zealand – 2020 Annual General Meeting: Remits

Council considered a business paper -

- (a) Informing Council of the process for submitting remits for consideration at the 2020 Local Government New Zealand (LGNZ) Annual General Meeting (AGM) as a result of the Covid-19 pandemic.
- (b) To formalise Council's responses to remits proposed by Waikato District Council and Hamilton City Council.
- (c) To consider remits received and approved by LGNZ for consideration at the 2020 LGNZ AGM.

The Manager – Governance Support expanded verbally on the business paper and answered members' questions.

The Leader – Communications and Engagement re-entered the meeting at 10.12am.

Resolution

- 1 The business paper on Local Government New Zealand – 2020 Annual General Meeting: Remits be received.
- 2 Council support/oppose remits to be considered at the Local Government New Zealand Annual General meeting as follows:

Remit	Support /Oppose	Comments
1 Public Transport Support	Neutral	
2 Housing Affordability	Support	Supported on the basis it is optional and not compulsory
3 Returning GST on rates for councils to spend on infrastructure	Neutral	WDC does not believe Local Government lobbying will make a difference
4 Natural hazards and climate change adaptation	<i>Support</i>	
5 Annual regional balance of transfers	Oppose	
6 Local Government electoral cycle	Support	
7 Water Bottling	Neutral	
8 Quorum when attending local authority meetings	Support	
9 Use of macrons by local authorities	<i>Support</i>	
10 Rates rebates for low income property owners	<i>Support</i>	
11 Local Government’s CO2 emissions	Neutral	

Marshall/Goddard Carried

7. North King Country Development Trust – Resignation of Brian Hanna

Council considered a business paper presenting a copy of the resignation of Brian Hanna as a Trustee on the North King Country Development Trust, appointed jointly by the Mayors of the Otorohanga and Taupo District Councils with the support of the Waitomo District Council.

Councillors requested, for transparency purposes, why Mr Hanna, having been supported by the Waitomo, Otorohanga and Taupo District Councils, was requested to resign from the North King Country Development Trust. Mayor Robertson advised Council that he was not prepared to comment and Councillors would need to make any queries directly to Mr Hanna.

Resolution

- 1 The business paper on North King Country Development Trust – Resignation of Brian Hanna be received.
- 2 Council note the resignation of Brian Hanna from the role as a Trustee on the North King Country Development Trust as appointed jointly by the Otorohanga and Taupo District Mayors with the support of the Waitomo District Council.

Robertson/Whitaker Carried

8. Reappointment of Gareth Green to the Waikato Local Authority Shared Services Board

Council considered a business paper seeking support for the reappointment of Gareth Green to the Waikato Local Authority Shared Services (WLASS) Board.

The Chief Executive expanded verbally on the business paper and answered members' questions.

Resolution

- 1 The business paper on Reappointment of Gareth Green to Waikato Local Authority Shared Services Board be received.
- 2 Council support the reappointment of Gareth Green to the Waikato Local Authority Shared Services Board and notify Waikato Local Authority Shared Services of its decision.

Goddard/Whitaker Carried

9. Notification of Special General Meeting of New Zealand Local Government Funding Agency

Council considered a business paper advising of a Special General Meeting of the New Zealand Local Government Funding Agency to be convened on 30 June 2020 to consider proposed policy changes to provide greater financial flexibility and borrowing capacity as a result of COVID-19.

The General Manager – Business Support expanded verbally on the business paper and answered members' questions.

Resolution

The business paper on Notification of Special General Meeting of New Zealand Local Government Funding Agency be received.

Robertson/Smith Carried

10. Setting of Audit Fees for the Years Ending 30 June 2020, 2021 and 2022

Council considered a business paper presenting an alternative fee structure for Audit Fees for the financial years ending 30 June 2020, 2021 and 2022.

The General Manager – Business Support expanded verbally on the business paper and answered members' questions.

Resolution

- 1 The business paper on Setting Audit Fees for Years Ending 30 June 2020, 2021 and 2022 be received.
- 2 Council select the Original Schedule of Fees and Deloitte's be notified of Council's decision.

New/Whitaker Carried

The meeting adjourned for morning tea at 10.38am.

Heather Carston (Waitomo News) and the General Manager – Business Support left the meeting at 10.38am.

The meeting reconvened at 10.55am.

Council noted the declared conflicts of interest made by Deputy Mayor Whitaker and Councillor New in respect to the Waitomo Sister City Incorporated – Memorandum of Understanding item of business and that they were both abstaining from any participation in the consideration of this item of business.

Councillor New also advised that neither she, nor Deputy Mayor Whitaker, participated in the Council/Waitomo Sister City Incorporated Workshop to remove any possibility of an inferred conflict of interest.

The General Manager – Community Services entered the meeting at 11.01am.

11. Waitomo Sister City Incorporated – Memorandum of Understanding

Council considered a business paper presenting for consideration a draft Memorandum of Understanding between Waitomo District Council and Waitomo Sister City Incorporated.

The General Manager – Community Services and Chief Executive expanded verbally on the business paper and answered members' questions.

Resolution

- 1 The business paper Waitomo Sister City Incorporated – Memorandum of Understanding be received.
- 2 Council adopt the Memorandum of Understanding between Waitomo District Council and Waitomo Sister City Incorporated.

Goddard/Brodie Carried

12. Vibrant Safe Waitomo – COVID-19 Recovery Response and Amendments to the Regional Coalition Terms of Reference

Council considered a business paper providing a brief on the Vibrant Safe Waitomo recovery response and amendments to the Regional Coalition Terms of Reference.

The General Manager – Community Services expanded verbally on the business paper and answered members' questions.

Resolution

The business paper on Vibrant Safe Waitomo – COVID-19 Recovery Response and Amendments to the Regional Coalition Terms of Reference be received.

Robertson/Smith Carried

13. Vibrant Safe Waitomo – COVID-19 Recovery Responses – Community Partnership Fund

Council considered a business paper presenting for consideration a proposed temporary amendment to the Community Partnership Fund criteria and timeline for 2020, to align with the Vibrant Safe Waitomo temporary focus on COVID-19 recovery response.

The General Manager – Community Services expanded verbally on the business paper and answered members' questions.

Resolution

- 1 The business paper on Vibrant Safe Waitomo COVID-19 Recovery Response - Community Partnership Fund be received.
- 2 Council approve a revised 2020 Timeline for the Community Partnership Fund.
- 3 Council approve that applications to the 2020 Community Partnership Fund of either a capital or non-capital nature will be accepted for consideration.

New/Whitaker Carried

14. Progress Report: Civil Defence Emergency Management Joint Committee Minutes – 9 December 2019

Council considered a business paper presenting information relating to the Civil Defence Emergency Management Joint Committee meeting of 9 December 2019.

Resolution

The Progress Report: Civil Defence Emergency Management Joint Committee Minutes be received.

Goddard/New Carried

15. Progress Report: Property Divestment – Old Ministry of Works Building

Council considered a business paper providing an update on the divestment of the old Ministry of Works building in Queen Street, Te Kuiti.

The Chief Executive expanded verbally on the business paper and answered members' questions.

Resolution

The Progress Report: Property Divestment – Old Ministry of Works Building be received.

Goddard/Smith Carried

16. Waikato and Bay of Plenty Waste Liaison Group – Submission to “Managing the trade in plastic waste: New Zealand’s approach to implementing amendments to the Basel Convention”

Council considered a business paper presenting a copy of the Waikato and Bay of Plenty Territorial Authority Waste Liaison Group’s submission to the Ministry for the Environment’s proposed amendments to the implementation of the Basel Convention in Aotearoa New Zealand.

Resolution

The business paper on the Waikato and Bay of Plenty Waste Liaison Group Submission to “Managing the trade in plastic waste: New Zealand’s approach to implementing amendments to the Basel Convention” be received.

Robertson/Smith Carried

The Waitomo District Youth Council and Community Development Coordinator entered the meeting at 11.37am.

17. Presentation: Waitomo District Youth Council – Approval of 2020 Work Programme

The Waitomo District Youth Councillors introduced themselves to the Council and presented their 2020 Work Programme including a PowerPoint Presentation on the recently completed “Battle of the Valleys” event.

2020 Youth Council Members:

- Taetia Kopa – Te Kuiti High School (3rd Term in WDYC)
- Hinearangi Ngatai – Te Kuiti High School (2nd Term in WDYC)
- Halima Shah – Te Kuiti High School (1st Term in WDYC)
- Izarna Ngatai-Wilson – Te Kuiti High School (1st Term in WDYC)
- Callum Harrison – Piopio College (1st Term in WDYC)

Resolution

The business paper on Waitomo District Youth Council 2020 Work Programme be received.

New/Robertson Carried

The meeting adjourned for lunch at 12.01pm

The Waitomo District Youth Council left at 12.30pm

The meeting reconvened at 1.00pm

The General Manager – Business Support, General Manager – Strategy and Environment and General Manager – Infrastructure Services and Manager – Strategy and Policy entered the meeting at 1.00pm

18. Adoption of Road Map Work Programme for the period May 2020 to June 2021

Council considered a business paper presenting for consideration and adoption, the Road Map Work Programme, revised as a result of the known implications of Covid-19.

The General Managers made a PowerPoint Presentation addressing each of the projects of work contained within the Road Map and informing Council of the impact Covid-19 has had on the project timelines.

The Manager – Policy and Strategy left the meeting at 1.10pm.

Resolution

- 1 The business paper on Adoption of Road Map Work Programme for the period June 2020 to June 2021 be received.
- 2 The Road Map Work Programme for the period June 2020 to June 2021 (Doc A472779) be adopted.

Robertson/Goddard Carried

The General Manager – Business Support, General Manager – Community Services, General Manager – Infrastructure Services and General Manager – Strategy and Environment left the meeting at 1.53pm

19. Motion to Exclude the Public

Council considered a business paper pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987 giving Council the right by resolution to exclude the public and/or staff from the whole or any part of a meeting on one or more of the grounds contained within that Section.

Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 Council agree the following staff remain in attendance as follows:

Staff Member	Reason for remaining in attendance
Chief Executive	Having relevant knowledge of the matter under consideration
Manager – Governance Support	Minute Taker for the Meeting

- 3 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter under the specific grounds of Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

Confidential Confidential

Confidential Confidential

Confidential

Document No: A478408

Report To: Council



Meeting Date: 28 July 2020

Subject: **Receipt of Brook Park Incorporated:
Minutes – 13 July 2020**

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to provide Council with information relating to the latest Brook Park Incorporated meeting.

Background

- 3.1 In November 2007, Council established a Work Group for the purpose of working with a Consultant and members of the community to develop a proposal and policy document for Brook Park.
- 3.2 Development of the Brook Park Management Plan (MP) was completed following a public consultation process, including a Hearing of submissions in February 2010.
- 3.3 An objective contained in the MP was to establish a Friends of Brook Park (FBP) organisation to enable the community to participate in the future of Brook Park, and, as a primary objective, to raise funds for achieving park projects and developments.
- 3.4 The FBP was to replace the Brook Park Advisory Committee which was in place at that time, but which did not have any mandate to represent the community's interest in the Park, nor to raise funds for park projects.
- 3.5 It was envisaged that the FBP would enable the community to become more involved in their Park, through dissemination of information; being able to assist in fundraising and other activities that promote and enhance Brook Park; and by having a "voice" to assist Council with management of Brook Park.
- 3.6 As a charitable body, and an incorporated society, a FBP organisation would be able to successfully apply for third party funding to assist Council with implementing the community's vision for Brook Park.
- 3.7 The Policy implemented by Council through the Brook Park MP is as follows:
 1. *Council will support and encourage the formation of a Friends of Brook Park, as a charitable incorporated society.*
 2. *The aims of the Friends of Brook Park shall be:*
 - i) *To foster interest in Brook Park;*
 - ii) *To promote the development of Brook Park;*
 - iii) *To raise funds for approved projects*
 - iv) *To preserve the integrity of Brook Park*

3. *The Constitution of the Friends of Brook Park shall provide for Council representation on the Society's Committee, and to enable the representative to veto any decision that is not in the best interests of the park or the community.*
 4. *Council will dissolve the Brook Park Advisory Committee on the successful establishment of the Friends of Brook Park.*
- 3.8 During 2011 WDC advertised several times seeking interested persons to join the Committee with limited success. Council considered that a Leadership Work Group consisting of three Council members would be beneficial to provide political leadership and assist in getting the FBP established and in December 2011 Council established the Brook Park Leadership Work Group.
- 3.9 The FBP Group was finally established early in 2012 with numbers fluctuating as more members of the public become interested in the future of the park. By mid-2012 the group was incorporated as "Brook Park Incorporated Society" (BPI) to administer the day to day operations/development of Brook Park.
- 3.10 Brook Park is operated as a farm park, with any grazing licence to be granted by WDC. The Reserves Act 1977 states that any lease or agreement on reserve land has to be granted by the administering body, which in this case is the Waitomo District Council. Therefore BPI cannot let the grazing rights to another entity or individual.
- 3.11 With the administering body being WDC and any consequent income stream for grazing being part of WDC's reserve income, there is little opportunity for BPI to achieve a sustainable income stream for minor works and administration. The income derived by BPI at that time was by way of subscription donation (\$10 per member) and any successful grant applications for specific projects.
- 3.12 To improve the financial viability and robustness of the BPI, in October 2012 a Memorandum of Understanding (MOU) between WDC and BPI was developed and approved. Council also agreed to provide an annual grant to BPI for operational management of the reserve, equivalent to the annual derived grazing income.

Commentary

- 4.1 Since early in 2014, BPI has kept WDC informed of progress in the day to day operations/development of Brook Park by providing copies of its monthly meeting Minutes.
- 4.2 Attached to and forming part of this business paper is a copy of the unconfirmed BPI Minutes of 13 July 2020.

Suggested Resolution

The unconfirmed Minutes of Brook Park Incorporated of 13 July 2020 be received.



MICHELLE HIGGIE

MANAGER – GOVERNANCE SUPPORT



BROOK PARK INCORPORATED SOCIETY

Meeting Minutes

Monday 13 July 2020

5.30 pm

Council Chambers

Queen Street

TE KUITI

BROOK PARK INCORPORATED SOCIETY

THE MINUTES OF THE MEETING OF THE BROOK PARK INCORPORATED SOCIETY HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON MONDAY 13 July 2020 COMMENCING AT 5.30 PM

MINUTES

Attendance: Guy Whitaker, Neil Brooks, Graeme Churston, Jane Murray, Glynn Meads, Sue Wagstaff, Gerald Kay, Andrea Hanna, Dawn Anselmi, Sheralee Buchanan, Helen Sinclair, Phillip Houghton, Tony Hale, WDC, Quin Powell WDC.

MOU- A draft MOU was presented and spoken to by Quinn, and over the next 45 minutes, BPIS members discussed the contents and made suggestions, which Quin noted for the revised draft, which will hopefully come to our next meeting.

'The draft MOU be received by this meeting; M/S Graeme/ Glynn.

Apologies – Elly Kroef

Apologies accepted-M/S Andrea/ Neil

Confirmation of Minutes of 2 March 2020

Accepted as a true and accurate record. M/S Neil/ Graeme

Financial Report

Westpac

Current Account \$3230.94

Term 1 \$10651.05

Term 2 \$10141.15

Total. \$20792.20

'Finance report be accepted' M/S Phillip/ Jane

Correspondence

Inward- - Te Awamutu Brass Band-Thank you for our donation for Concert in the Park.

Outward- Maori Wardens-thank you for Guy Fawkes .

Maintenance/Fencing

Lilies are dead, thanks to Gerald

Weed Control

See above

Disc Golf

Competition happened.

General Business

Guy Fawkes-Yes for 2020; Sat 14 November.

Op Shop- Ours from 14-18 September.

Robin Charteris Memorial tree-Andrea to liaise with Marilyn Charteris, with
'BPIS paying for a rimu tree and the WDC fees involved in the memorial.' M/S Guy/ Graeme.

Meeting closed: 6:40pm

Next meeting: Monday 3 August.

Neil Brooks

Secretary

Document No: A478220

Report To: Council



Meeting Date: 28 July 2020

Subject: Code of Conduct – Findings of Preliminary Investigation

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to report on the investigation of the alleged breaches of the Code of Conduct and findings on the complaint initiated by all six elected Councillors against the Mayor on 14 May 2020.
- 1.2 This business paper does not address the recommendations made by the Investigator as to the possible future course of actions available to the Council.

Commentary

2.1 Code of Conduct Complaint

2.2 On the evening of 14 May 2020, the Chief Executive received a complaint from the six Waitomo District Councillors against Mayor John Robertson. The complaint alleged four breaches of the Waitomo District Council's Code of Conduct ("the Code").

2.3 In summary, the four alleged breaches were:

1. That the Mayor's column published in the Waitomo News on Tuesday 3 March 2020 did not accurately describe Council decisions.
2. That the Mayor's column published in the Waitomo News on Tuesday 5 May 2020 was mis-leading and promoted a personal view.
3. That the Mayor has published editorial content to the "John Robertson – Mayor of Waitomo" Facebook to promote and encourage community support of his opinions but in doing so fails to acknowledge that his position on those matters is not supported by the Council.
4. That the persistent publication by the Mayor of personal statements through the Waitomo News, comments made by the Mayor to the Waikato Times and comments made by the Mayor on Facebook confirms a strongly pre-determined position on the setting of rates.

2.4 A copy of the Complaint is attached as Appendix 1.

2.5 Code of Conduct Process

2.6 The Chief Executive addressed this matter to Bruce Robertson in his capacity as Independent Chairperson of the Council's Audit, Risk and Finance Committee, and also in that capacity, being the only Council Governance member without a direct or personal interest in the complaint.

- 2.7 Bruce Robertson recommended that an Independent Investigator be engaged to undertake the assessment required by Appendix C of the Code; and recommended Mr Robert Buchanan of Buchanan Law, Wellington, who is experienced in these types of investigations.
- 2.8 The Chief Executive engaged Robert Buchanan of Buchanan Law, Wellington to undertake the Code of Conduct investigation.
- 2.9 Council's Code of Conduct, and the process guidance (Section 12 and Appendix C) requires that a preliminary assessment be made to assess whether there has been a breach of the Code. These steps are set out in Step 2 of Appendix C of the Code (attached as Appendix 3):

On receipt of a complaint the investigator will assess whether:

- 1 *The complaint is trivial or frivolous and should be dismissed;*
2. *The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;*
3. *The complaint is minor or non-material; or*
4. *The complaint is material and a full assessment is required.*

- 2.10 In making the preliminary assessment, the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties.
- 2.11 Where a breach of the Code is identified, and is found to be non-material, but more than trivial or frivolous, the Investigator is to inform the Chief Executive and, may make recommendations appropriate to the breach (Step 3).
- 2.12 Where a breach of the Code is found to be material, the Investigator is required to inform the Chief Executive and prepare a report for Council on the seriousness of the breach.

2.13 The Investigation Process

- 2.14 The Investigator, Robert Buchanan, as part of his investigation attended a meeting with the six elected members in Te Kuiti on Thursday 28 May 2020, followed by a meeting with the Mayor. Further follow-up meetings were convened via telephone and/or Zoom between Robert Buchanan and the elected members following the initial meetings in Te Kuiti.

2.15 The Outcomes

- 2.16 On 22 June 2020, Robert Buchanan provided his preliminary assessment report to the Chief Executive, which was circulated via email to all elected members on 23 June 2020. A copy of Robert Buchanan's report is attached to and forms part of this business paper (Appendix 2).

2.17 Complaint Treated as Breach

- 2.18 Mr Buchanan found (at clause 1 of his Report) that a breach of section 5.1 of the Code had occurred.
- 2.19 The breach related to the Mayor's statement in his Waitomo News column on 5 May 2020 about elected members' voting intentions in respect of the forthcoming rates decision.

2.20 However, while a breach did occur, Mr Buchanan found that the breach did not reach the threshold of being "material".

2.21 Other Complaints not Treated as Breaches

2.22 Mr Buchanan found (at clause 4 of his Report) that the other complaints should not be treated as breaches of the Code.

2.23 However, Mr Buchanan found that the communications referred to in the complaint raised important issues about clarity of roles, which Council and the elected members together need to address as they move forward.

2.24 Conclusion

2.25 As no material breach of the Code of Conduct was identified, no further investigation is required from Mr Buchanan, and the Code of Conduct investigation is now closed.

Suggested Resolutions

- 1 The business paper on Code of Conduct Investigation be received.
- 2 Council note the findings and the recommendations made, in the Preliminary Investigation Report.



CHRIS RYAN
CHIEF EXECUTIVE

Attachment(s):	1	Complaint – Breach of Code of Conduct (A478334)
	2	Code of Conduct Preliminary Investigation Report prepared by Robert Buchanan (A478335)
	3	Waitomo District Council Code of Conduct 2019 – Appendix C (A478336)

Memo to: Chris Ryan (CEO)

Thursday 14 May 2020

From: Waitomo District Council Councillors

Subject: Complaint – Breach of Waitomo District Council Code of Conduct

We believe that the Mayor, John Robertson has failed to comply with the duties and obligations required of him by the Waitomo District Council's Code of Conduct.

That failure has breached his duties to the Elected Council, we ask that you investigate our complaint.

Waitomo District Council's Code of Conduct (CoC) sets out the following:

Section 3 describes the value required of an Elected Member:

3.2 Values - Public Trust: Members, in order to foster community confidence and trust in the council, will work together constructively in an accountable and transparent manner.

3.3 Ethical Behaviour: Members will act with honesty and integrity at all times and respect the impartiality and integrity of officials.

Section 5 deals with the importance of Council relationships:

5.1 Relationships between members - Given the importance of relationships to the effective performance of the council, members will conduct their dealings with each other in a manner that maintains public confidence.

5.2 Relationships with staff - Good governance involves the relationship between a council, its chief executive and staff and refers to the duty to be a good employer and to treat all employees with courtesy and respect.

Section 6 covers media and social media and while recognising that individual members are free to express a personal view the comments must not purposely misrepresent the views of the council as a whole.

Section 8 deals with Conflicts of Interest and Section 11 outlines good conduct for creating a supportive and inclusive environment.

Examples of Breaches:

1. Waitomo News Tuesday 3rd March 2020

The Mayor's column published in the Waitomo News on Tuesday 3rd March 2020 (Appendix 1) did not accurately describe Council decisions and was intended to undermine community confidence in Council and was destructive to the requirement that the Elected Members work together constructively as required in the Council's code of conduct (CoC).

The Mayor implies that other elected members have shown poor governance and poor financial management. He also states that the Council has significant financial challenges, this is not correct and serves to mislead the community. These actions are in direct conflict with the obligations set out in sections 3.2 and 5.1 of the code of conduct.

2. Waitomo News Tuesday 5th May 2020

The column published in the Waitomo News on Tuesday 5th May 2020 (Appendix 2) was mis-leading and promoted a personal view, the Mayor claimed that a reported part financial year operating surplus was due to the previous Council setting rates for that financial year higher than was needed.

The publication failed to acknowledge that there were valid reasons for the reported mid financial year surplus, and any six month surplus does not necessarily mean there will be a surplus at financial year end. The publication of mis-leading and incomplete information is reckless as it serves to undermine public confidence in the Council's financial management and could lead to some ratepayers choosing not to pay rates.

The column also published views attributed to other councillors, individual Councillors have shared a range of opinions in the course of an informal Council conversations. There has been no Council meeting, any conversations were informal in nature and not open to the public and there was no intention for the Council to make any decisions.

The publication of those individual views is a gross breach of trust and directly contravenes the Mayor's obligation to conduct himself in a way consistent with section 5.1 of the CoC. We consider this breach of trust to be so serious as to erode our confidence in him and could contribute to the governance of the Council becoming dysfunctional over time. There can be no confidence that the Council can explore issues and policy options in a private or workshop environment with the Mayor. This breach of trust strongly suggests that he will promote and or misreport the views of other elected members in public before any actual decisions are considered or made.

The Mayor also contravened section 5.2 of the CoC. The Mayor published a statement as fact that the "chief executive has agreed that he can run with this." This attribution does not accurately reflect the words used in the course of the conversation and the Chief Executive has not made any such recommendation in any advice considered by the Council at any meeting. Publishing and attributing misleading statements, does actual harm to the quality of the relationship between Council and staff and in particular with the Chief Executive.

These actions contravene section 3.3 of the CoC which deals with the obligation for "Ethical Behaviour". The Mayor's column published in the Waitomo News was not truthful, lacked balance and integrity and only served to mislead the reader.

3. WDC Mayoral Facebook Page

The Mayor has published editorial content to the Waitomo District Mayoral Facebook page to promote and encourage community support of his opinions and in doing so fails to acknowledge that his position on those matters is not supported by the Council. In the same way the Mayor has promoted new community projects which have not been discussed with Council and which he knows are not included in the annual workplan authorised by the Council. These are not the actions of a good “leader” and will not foster community confidence in the Council.

- In a Facebook post published on 9 May 2020 (appendix 3), the Mayor misleads the reader in presenting selected information on claimed financial surpluses and stating that the financial surplus was caused by elected members “over” budgeting. This action cannot, assist “public trust” and “foster community confidence” in the Council as required in section 3.2 of the CoC. In fact his actions could lead to a difficulty in collecting the rates set as the surplus claims could encourage ratepayers to not pay their rates on the basis that The Waitomo District Council doesn’t need the funds to deliver its services.
- In a second Facebook post published on 10 May 2020 (appendix 4) the Mayor makes statements as facts which are not actual facts but are his own opinion. For example, saying that a rates freeze will not result in any cuts to services, this is a clear breach of section 6 of the code of conduct. He does not fairly represent the issues he is addressing and is in contravention of section 3 of the CoC.

The publication of misinformation or incomplete information in this way is destructive to the Council’s reputation. Repeated publication in this way across social and print media claiming that the council has poor governance and financial management is not consistent with section 3.3 of the CoC, this pattern of behaviour will not promote a positive working and constructive relationship with other council members who have years of financial management and governance experience between them.

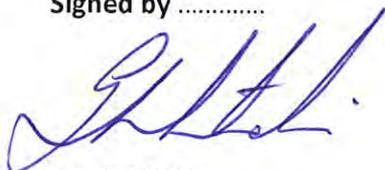
4. Conflicts of Interest

Section 8 of the CoC deals with conflicts of interest. The persistent publication by the Mayor of personal statements through the Waitomo News, Waikato Times and Facebook confirms a strongly predetermined personal position on the setting of rates.

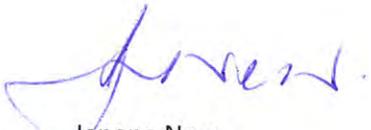
Council do not have confidence that the Mayor is able to bring an impartial mind to the necessary and important decision making processes for the setting of rates and he is not willing to give consideration to the actual evidence based advice and information provided by staff in a balanced and prudent manner. We believe that this behaviour amounts to a conflict of interest through predetermination.

We ask that this complaint be investigated and that you provide your report on that complaint at the meeting to be held on 26 May 2020.

Signed by



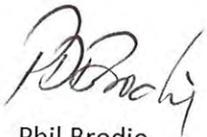
Guy Whitaker



Janene New



Lisa Marshall



Phil Brodie



Sue Smith



Allan Goddard

Waikato News Tuesday, March 3, 2020

OPINION

Four goals can be achieved

MOST of my working life has been spent governing organisations. I have learnt from this that good governance and prudent financial management are key to organisational success.

When I stood for mayor last year I laid out a clear agenda. I wanted to see our council improve governance, become more transparent and inclusive, address its financial challenges, and all four of these goals can be achieved.

On improving governance – I am in the minority around the council table on some of what I want to achieve governance wise.

For instance, last week I urged council not to appoint an elected member as a trustee of the Game on Trust due to conflict of interest and bias reasons. I was not supported.

I will continue to caution councillors against wearing two hats, as the grantor of ratepayer monies in one capacity and the recipient of ratepayer monies in another.

Others in our community are best taking up these roles. In doing so we widen the pool of community leaders and thus inclusiveness.

IN MY VIEW



By **John Robertson**
Waikato Mayor

Transparency and inclusiveness – This is very important in public organisations. Some progress has been made in this area. More needs to be achieved.

Financial challenges – Waikato's financial challenges are significant. If there is anything that keeps me awake at night, this is it. Latest forecasts confirm that council debt at June 30 this year will be just over \$40 million, climbing to \$42 million next year largely due to the grant approved by the last council to the Game on Trust of \$1.5 million (to be paid if this project progresses), and the need to fix Mokau's drinking water issues. A long term plan to address our financial challenges will be developed and consulted on early next year.

Rates – At the council meeting on March 31, councillors will decide the Annual Plan (budget) for the year beginning July 1. At this meeting spending and rate levels for next year will be decided. Capping the rate take to last year's levels is achievable but I need support from councillors to get there.

At the March 31 meeting this will be finally decided. You are welcome to attend this meeting to hear the advice of the officers and then observe the discussion and final decisions of the governance team – the mayor and councillors.

Your letters



Toddler abused

I SEE that Oranga Tamariki is being blamed for the bashing of a toddler in Floxmere. These are the same people who abused the same organisation for the removal of children from dangerous situations. These people wanted to take responsibility for their own tamariki but when things turn to mustard they blame

in an article devoid of any, was almost funny.

He correctly points out that carbon emissions from dairy farming vary by country, but in the next breath tries to distract with the methane emissions from rice cultivation and implying they are overlooked.

They are not overlooked, and IPCC reports make it clear that rice cultivation

dairy farming in about five years, and make industrial cattle farming obsolete by 2035.

While NZ farming representatives try to argue that we can't or shouldn't dramatically cut on-farm emissions, UK counterparts are striving to meet national goals and be net zero by 2030. For farming in NZ to carve out any sort of prominence with a net zero

OTC to his issue Areas. The have been bioeth what on pri What was w submi last yo reighl yet do) This for sil Policy Biodiv Subm WHICH OTC Lee say diffu polite upcom He w countri despit provid with w SNA. The's Departhe propo

D... ..

are you
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industry?
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OPINION

Freezing rates

SIX months ago [the people of the] Waitomo [district] elected me mayor.

I was voted to make changes, in particular to the financial governance and transparency of Council.

Change is not something easy to bring about. But it needs to come at our council. And this is even more important now with COVID-19. Business as usual is gone.

The most immediate issue before councillors this month is whether they should freeze or increase rates. In these times of growing distress you may be surprised that the question is even being asked.

Our council should not and need not increase rates. I expect council's costs next year to be lower than this year.

For those who like to do the sums, a 2% increase in rates in Waitomo is \$400,000. A 1% decline in council's interest rates is \$400,000.

Council's interest rates have declined more than 1%. We do not need to increase rates if interest is budgeted correctly and costs managed well. In addition to this council is generating operating surpluses well above those budgeted.

Today council's Audit Committee is meeting. Members will be told that for the first nine months of this financial year council's operating surplus is \$4.17 million. This is \$1.55 million above the

budget set by the last council.

Simply put, this means that last year's rates were set higher than was needed.

Every council in NZ is redoing its financial forecasts to lessen the economic impacts of COVID-19 on their communities.

They are finding ways to bring costs and rates down. Many are freezing their rates. Waitomo should do the same.

It is the role of the mayor to lead the development of the council's Annual Plan for consideration by councillors.

I have done this.

I have recommended that total rates for next year remain the same as this year - \$20.538 million. The chief executive has agreed that he can run with this.

Against my advice, a majority of councillors have advised that they plan to vote to increase Waitomo's rates at our council meeting on May 26.

I do not understand why.

COVID-19 is hitting our community hard. This alone should send councillors a message - topping Waitomo's already high rates is unreasonable.

Many businesses have their backs to the wall and many households are struggling to cope. They do not need further stress.

If you are concerned, please let councillors know. There is time for them to change their minds.

IN MY VIEW



By John Robertson Waitomo mayor



Your let

Te Kaiti Landfill

When is an 'Essential Service' not a 'Essential Service'?

Like so many residents of Te Kaiti, I also wonder why the Waitomo District Council has decided to keep the rubbish dump/landfill closed for so long.

Especially as there has been no provision available anywhere to dispose of recyclable items - hence the story in the Waitomo News on April 23 about rubbish being dumped around the town.

Surely it is essential to have something in place to stop rubbish from being illegally dumped and creating a public health hazard.

On a normal Friday kerbside rubbish collection, our 'green bin' would be full of a week's worth of plastic good cans, assorted glass/bottles, cardboard and paper. We are a family of two.

Presently our 'green bin' is full to the brim with glass products. We also have a cardboard box full of tin cans (all washed), another box which is full of paper/cardboard and a large garden fudge almost overflowing with milk bottles, meat trays and other assorted plastic products.

How much longer do we hang on to this before it is collected?

Grass clippings and vegetable scraps have been going in the compost bin, few days ago we found a dead rat in it.

It possibly could have met its demise from the neighbour's rat bait or our own. Nevertheless... food waste is possibly encouraging them.

One would have thought that the rubbish disposal of all household rubbish would be an essential service.

On a wonderful local supermarket is open and operating with a safe distancing policy for the hundreds of customers who shop daily.

Surely the council could do the same.

The entrance to the landfill could be manned with a 'one in, one out' policy over this period of time.

When they do eventually open the gates, it will be like the 'wacky races'. People will be queuing to dispose of trailer and car boots full of recycling.

NEWS

Is it a refi

THE Commerce Commission has guidance for consumers and business to assist them in understanding their rights and obligations are in

Stay Home Save Lives Alert Level 3. Remember the Two metres distancing outside of home. COVID-19 information: www.covid.govt.nz or 0800 358 5453. Community: Stay home in your own home. Gatherings: Use the 10p crowd threshold. For more information visit www.covid.govt.nz

Appendix 3

[Type text]

Facebook 9 May 2020

John Robertson - Mayor of Waitomo

1 hr

Ata marie, good morning.

Waitomo Council's operating surpluses are my focus today.

Council has been generating very high operating surpluses.

Last year Council decided to budget for an operating surplus of \$5.125 million for the financial year ending 30 June 2020. Elected members set rates high enough to generate this surplus.

In business, making surpluses or profits is good. Margins are made on goods sold. But when councils budget for surpluses, they are simply setting rates high enough to generate these surpluses.

Total rates budgeted for collection last year by our Council were \$20.538 million. This means that 25% of the rates invoiced were invoiced to generate this \$5.125 million surplus.

Looking back 2 years:

In the 2018 / 2019 financial year, Council budgeted for a surplus of \$3.240 million. The actual surplus was \$4.924 million.

In the 2017 /2018 financial year, Council budgeted for a surplus of \$1.418 million. The actual surplus was \$4.214 million.

These are large surpluses for a small Council. But that is history.

Waitomo District Council needs a plan to pay down debt. This is where the discussion on surpluses should be focussed. How fast should debt be paid down and what level of surplus should be rated for to achieve this?

Looking forward, my view is that we should budget for surpluses of between \$2 million to \$3 million per year. Such surpluses would be applied in the main to pay down debt.

My view is that Council should set a goal to get debt down from \$40 million today to \$25 million by 2030. This would require debt to be paid down by \$1.5 million per year. Surpluses are needed to cover such payments, but not at the level being rated for currently.

In summary, Council should:

1. Drop surpluses to between \$2 million-\$3 million annually.
2. Bring debt down by \$1.5 million per year.
3. Freeze rates.

This is all achievable, without increasing rates.

Facebook 10/5/20

Appendix 4

There are three "narratives" making the rounds in Waitomo District that should be knocked on the head once and for all:

1. The rates increase being considered will only cost \$1 a week.
2. If rates are frozen this year they will increase considerably next year.
3. Services will be cut if rates are frozen.

Here's my response:

On the dollar a week "cost" of a rate increase:

If rates increase by 1.54% as some Councillors have proposed (though not yet decided upon), it is true that some households will pay "only a dollar a week" more. It is also true that some will pay more than this, and some less, for the reasons I explained in the Mayor's column in the Waitomo News last Tuesday. If rates are frozen as is my recommendation, rates will be less for everyone than they would be if rates were increased by 1.54%.

But I must address the "only a dollar a week" as well. I have heard a similar remark that a rate increase of 1.54% is just the cost of a cup of coffee. There are many people in our community hurting. To them every dollar matters. And they are not those who buy lattes at the local cafes. I met them when I went door knocking in the election campaign. I remember them visibly, stressed out about the rate increase last year. Their anxieties left a lasting impression on me. Their rates were already at the limit of affordability. I don't want to see them paying one dollar more.

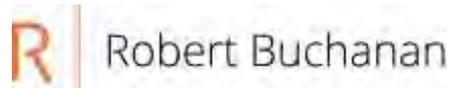
On the claim that if rates are frozen they will increase considerably next year:

This is complete nonsense. We can freeze rates this year and freeze them next year also. This does mean that we need to control costs tightly at Council, just the same as every household, farm or other business. We are heading into an economic recession. As leading NZ economist Cameron Bagrie has told the region's Mayors, this is not the time to put prices or rates up.

On the claim that a rates freeze means Council services will be cut.

This is simply not true. The pressure will be, and should always be, on Council to work smarter when it delivers its services. But under both options under consideration for rates, be it my rates freeze option or someone else's rates increase option, no services need be cut.

So let's knock those narratives on the head.



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Level 8, 23 Waring Taylor Street, Wellington 6011

Email: robert@buchananlaw.co.nz
DDI: +64 4 499 9469
Mobile: +64 27 229 1769

22 June 2020

Chris Ryan
Chief Executive
Waitomo District Council
PO Box 404
Te Kuiti 3941

Dear Mr Ryan

Code of Conduct Investigation

I have completed my investigation of the Code of Conduct complaint made by all the Councillors about the Mayor's use of the "In My View" column in the *Waitomo News* and his Facebook page (through which he speaks as the Mayor), to communicate about Council business and decisions in a manner which the Councillors considered contrary to a number of provisions of the Code of Conduct.

You appointed me to investigate the complaint under Appendix C of the Code. The process requires me to first assess whether there has been a breach of the code. If there has been, I must consider whether the complaint is "material" in the sense that it would bring the Council into disrepute or, if not addressed, adversely affect the reputation of a member. If that threshold is not reached, and the complaint is not trivial or frivolous, then I am to report to you and recommend a course of action appropriate to the breach. If the complaint is "material", I am to report to you on the seriousness of the breach.

This letter reports on my key findings and the Mayor's and elected members' responses to them. I then set out a series of recommendations for appropriate action. In the context of the complaint, I think this approach is more appropriate than giving you a comprehensive and itemised report on the complaint. I would be prepared to provide more detailed findings should you wish.

My findings

I have determined that:

1. The Mayor's statement in his *Waitomo News* column on 5 May 2020 about elected members' voting intentions in respect of the forthcoming rates decisions breached section 5.1 of the Code. Section 5.1 refers (relevantly) to maintaining public confidence, in the context of the importance of good relationships between elected members. In his response to the complaint, the Mayor said that he considered his statement a "fair reflection of the position" and that he "did not disclose specifics". However, the complainants had said that the information came from an informal Council conversation of a type which is commonly understood to be private. They said the disclosure represented "a gross breach of trust" which undermined the confidence elected members need in order to explore issues and policy options together in a private workshop environment. At least some members made it clear to me they had not yet made up their minds at the time of the discussion, yet the publication of their intentions had a significant impact for them personally.

2. This aspect of the complaint underlines an essential element of local government practice. As in any governance situation, all elected members need to be held to the same standard in respecting common understandings about what “stays in the room”, and what doesn’t, when they discuss and explore issues informally in advance of formal meeting settings.
3. While not trivial or frivolous, the breach does not however reach the threshold of being “material”. In reaching that view, I have noted that the Mayor did not name any members personally in the column, although I have also noted the disclosure’s significant impact on some members’ personal interactions with members of the public.
4. This and the other mayoral communications referred to in the complaint, including those involving his Facebook page, raised a significant concern for me about clarity of roles. Principle 5 of the social media guidelines (in Appendix A of the Code) warns of the risks for elected members in participating in social media. It notes that the public may find it difficult to separate “personal and Council personas”. The Mayor considered that all of his communications were appropriate matters for him, as Mayor, to be discussing with the public. The Mayor’s colleagues saw the nature and tone of some of the communications as in some cases misleading and not reflecting Council policy or decisions, and generally as divisive and not conducive to a “supportive and inclusive environment” around the Council table (referring to section 11 of the Code). I discussed these matters extensively with the Councillors and then with the Mayor. It was unclear to me whether some of the communications referred to by the complaint were “official” mayoral views or personal opinions. But with the exception already dealt with above, I have concluded that the communications complained about should not be treated as breaches of the Code of Conduct. They do, however, raise important issues about clarity of roles which Council and the elected members together need to address as they move forward.

Responses to my findings

In responding to these findings, the Mayor has said that:

- He expects elected members will be able to agree on how information is to be treated that is discussed in workshops. He noted that some information is confidential, some is already in the public domain, some member reflection takes place that stays in-house, and some opinions and options developed in workshops may be usefully discussed and debated in the community. He would like Council to move to a more “liberal” model of disclosure over time, but accepts this is a change that needs acceptance around the Council table.
- He agrees that there is a need for Council to clarify its communications strategy and policies, including the status of his and the elected members’ Facebook pages and their relationship to Council’s own website and Facebook page.

I also met again with the majority of the Councillors to report on my findings. They agreed that it is important to clarify these matters, including the status of the mayoral and elected member Facebook pages and their relationship with Council’s own communications platform, strategy and guidelines. They stressed the importance of all elected members reaching a common understanding about the confidentiality of informal discussions, and then taking collective responsibility for Council decisions once they have been formally made.

Discussion and recommendations for an appropriate course of action

Having reached this position, the remainder of this report contains my recommendations to you about a course of action appropriate to the matter.

One Councillor in particular described the complaint as a response to identified risks to the Council as a business. I think this is a useful point of focus going forward, and consider there to be three broad areas of risk management:

- *Community confidence*: the elected members (including the Mayor) need to work together to develop a supportive and inclusive working environment, which in turn can foster community confidence and trust in their Council. There is a context of change arising from the election of a new

Mayor in the 2019 elections, which everyone needs to embrace. The very fact of the complaint indicates there is work to do.

- *Transparency in roles:* there is a need for greater clarity in the elected members' communication facilities (in particular the nomenclature and status of the Facebook pages), and a stronger understanding about the risks inherent in the use of social media – whether in an “official” capacity or as an elected member in the more personal sense. As already noted, I found myself concerned about the lack of clarity in the status of both the mayoral and elected members' Facebook pages, and the absence of any guidance from Council on the skills required, and the risks involved, in using them – especially using content that could become polarising or divisive.
- *Keeping confidences:* as noted earlier, there is a need for a shared acknowledgment that good public decision-making and governance can be enhanced by opportunities for private deliberation and exchanges of views, and for clearly understood protocols in relation to the privacy of such exchanges.

My primary recommendation is that you take action to clarify the status of the respective Facebook pages in relation to the business of Council. I would see merit in bringing both pages under the Council's umbrella and into the scope of the existing staff guidelines on the use of social media. Alternatively, the elected members might collectively, with your support and that of the new Communications Officer, consider and agree on a separate but similar policy to apply to their external communications – whether as elected members mandated to speak for Council or in any other “non-official” capacity where personal opinions might have more place. This could usefully be workshopped, perhaps with the aid of expert advice and/or training, with a view to developing shared expectations on how members manage their external communications with their constituencies while at the same time working together in a supportive and inclusive environment under the leadership of the Mayor. This might also result in some enhanced advice and guidance (in addition to the guidelines in Appendix A of the Code of Conduct) about the risks of using social media for public debate.

Both the Mayor and the Councillors have indicated their general support for this approach.

I would also recommend that this work consider the benefit of having mechanisms for elected members to raise concerns internally about questions of accuracy, completeness, etc in anyone's social media posts. This would avoid the need for members to resort to public exchanges about their disagreements, or to more extreme measures such as Code complaints.

The Mayor and the Councillors also acknowledge that the focus needs to shift to the process for developing the 2021 Long Term Plan. In that respect, the Mayor raised with me the importance of recognising, and if necessary clarifying, his role under section 41A(2) of the Local Government Act to “lead the development of” the Plan and other key planning documents. I recommend that you seek legal and good practice advice on this, so that a shared understanding of the responsibility can be developed and then put into practice over coming months.

A number of other forward-looking measures were discussed during my investigation, and I record these with a recommendation that they be considered:

- Some of the statements objected to by the Councillors involved mayoral criticism of the quality of governance at the Council. The Mayor discussed at length with me his concern to foster improvements in governance, including the better use of Council committees and the need to be transparent and accountable about declaring and managing conflicts of interest (which are widely recognised as inevitable in a small community). Councillors, on the other hand, felt that the Mayor's comments about poor governance reflected on them personally and were unwarranted. It seems to me that there is room to resolve these differences by adopting a programme of governance enhancements, recognising that governance is a matter of practice and continuous learning. This might for example result in a Council “report card” on governance changes agreed to by Council, which all elected members could use to report back to their constituencies.
- Some of the public social media exchanges between elected members have involved financial information, and different interpretations of the reported mid-financial year surplus. To support

informed public debate on such matters, it may be helpful to consider enhancing the financial information made available to Council and the public throughout the year, for example through “at a glance” reports which elected members could then comment on publicly as they see fit.

- The Mayor suggested that the Office of the Auditor-General be invited to present to Council on matters of this nature. I agree that this would be a useful initiative, which should be considered with guidance from the independent chair of the Audit Committee.

I hope these recommendations will provide a useful framework for you and your managers to work with the elected members, and the independent Audit Committee chair, to move forward from the matters raised by this complaint.

Please let me know if I can be of further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Buchanan', written in a cursive style.

Robert Buchanan

Appendix C: Process where a complaint is referred to an independent investigator

The following process is a guide only and Councils are encouraged to adapt this to their own specific circumstances.

Step 1: Chief Executive receives complaint

On receipt of a complaint under the Code, whether from a member (because the complaint involves the Mayor/Chair) or from the Mayor/Chair after an initial assessment, the Chief Executive will refer the complaint to an investigator selected from a list agreed at the start of the triennium. The Chief Executive will also:

- Inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that a complaint has been made against them, the name of the investigator and remind them of the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. The complaint is trivial or frivolous and should be dismissed;
2. The complaint is outside the scope of the Code and should be re-directed to another agency or institutional process;
3. The complaint is minor or non-material; or
4. The complaint is material and a full assessment is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine their recommendations, including interviewing relevant parties, which are then forwarded to the Council's Chief Executive. On receiving the investigator's preliminary assessment the Chief Executive will:

1. Where an investigator determines that a complaint is trivial or frivolous, inform the complainant, respondent and other members (if there are no grounds for confidentiality) of the investigator's decision.
2. In cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform the Chief Executive who will then inform the complainant, the respondent and members.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material, but more than trivial or frivolous, the investigator will inform the chief executive and, if they choose, recommend a course of action appropriate to the breach, such as:

- That the respondent is referred to the Mayor/Chair for guidance; and/or
- That the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters resulting in the complaint.

The Chief Executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material, the investigator will inform the Chief Executive, who will inform the complainant and respondent. The investigator will then prepare a report for the Council on the seriousness of the breach. In preparing that report, the investigator may:

- Consult with the complainant, respondent and any directly affected parties; and/or
- Undertake a hearing with relevant parties; and/or
- Refer to any relevant documents or information.

On receipt of the investigator's report, the Chief Executive will prepare a report for the relevant Council body charged with assessing and ruling on material complaints, which will meet to consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The Chief Executive's report will include the investigator's full report.

Step 5: Process for considering the investigator's report

The investigator's report will be considered by the Council or adjudicative body established for considering reports on Code of Conduct complaints, or any other body that the Council may resolve, noting that the process will meet the principles set out in section 12.1 of the Code.

The Council, or adjudicative body, will consider the Chief Executive's report in open meeting, except where the alleged breach concerns matters that justify, in accordance with LGOIMA, the exclusion of the public. Before making any decision on a specific complaint, the relevant body will give the respondent an opportunity to appear and speak in their own defense. Members with an interest in the proceedings, including the complainant and the respondent, should not take part in these proceedings in a decision-making capacity.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in clause 13.1 of the Code.

The report, including recommendations from the adjudicative body, should that body have no formal delegations, will be heard and accepted by the Council in open session, unless grounds for excluding the public exist, without debate.

ADocument No: A477705

Report To: Council



Meeting Date: 28 July 2020

Subject: **Adoption of Statement of Intent 2020/2021 for Waikato Local Authority Shared Services Limited and Inframax Construction Limited**

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to present and adopt the Statement of Intent (SoI) for the Waikato Local Authority Shared Services Limited (WLASS) and Inframax Construction Limited (ICL).

Background

- 2.1 Section 64 of Local Government Act 2002 (LGA 2002) requires the board of all council-controlled organisations (CCO) deliver a draft SoI on or before the 1 March in the preceding the financial year to which the draft statement of intent relates.
- 2.2 Council received draft SoI's from WLASS and ICL within the statutory deadline of the 1st of March. The draft SoI's were presented to Council on the 26 May 2020.
- 2.3 Council resolved the draft SoI's be received and that no changes are suggested to the draft Statement of Intent for the year ending 30 June 2021 for either Waikato Local Authority Shared Services Limited or Inframax Construction Limited.
- 2.4 Section 64 of LGA 2002 also requires board of all CCO's to deliver a completed SoI to the shareholders before the commencement of the financial year to which it relates.
- 2.5 Changes to the Local Government Act 2002 that came into effect on the 22 October 2019 requires Council to:

"Each shareholding local authority must publish the adopted statement of intent on an Internet site maintained by or on behalf of the local authority within 1 month of adopting it, and must maintain the statement on that site for a period of no less than 7 years."

Commentary

- 3.1 WLASS and ICL have delivered completed SoI's for the 2020/2021 financial prior to the commencement of the 2020/2021 Financial Year.

3.2 WAIKATO LOCAL AUTHORITY SHARED SERVICES LIMITED

- 3.3 WLASS Board adopted and delivered a SoI that is consistent with the draft SoI presented to Council on the 26 May 2020. The priority and performance measures are unchanged, operational budgets have changed to reflect the focus and planned projects for the 2020/2021 financial year.

3.4 The total income has reduced by \$301,208 and total operating expenditure has also reduced by \$2667,872 resulting an increased to the projected deficit of \$33,336, the projected deficit of \$182,688 is to be funded from reserves.

3.5 INFRAMAX CONSTRUCTION LIMITED

3.6 ICL Board have adopted and delivered a SoI that is consistent with the draft SoI presented to Council on the 26 May 2020.

3.7 The performance measures and targets have been updated to reflect the changed economic climate. The financial performance target of Closing Bank Loan balance has been removed as it provided little value when assessing the performance of the ICL.

3.8 The Equity Ratio has increased from a target of 54% to 55%, Earnings before Interest, Tax, Depreciation and Amortisation has been reduced from \$2.8m to \$1.6m and the Revenue forecast has been reduced from \$41m to \$29m.

3.9 The non-financial performance targets are unchanged.

Considerations

4.1 CONSISTENCY WITH EXISTING PLANS AND POLICIES

4.2 The decision to adopt the SoI's 2021 as presented will be consistent with Council's understanding of the future plans of WLASS and ICL and its objectives for the CCO's.

4.3 SIGNIFICANCE AND COMMUNITY VIEWS

4.4 The SoI's 2021 are aligned to WLASS and ICL's constitution and their plans and forecasts discussed with the Council previously and is generally aligned with the expectations of Council from its shareholding. Therefore the decision is not considered to require public engagement as per Council's Significance and Engagement Policy.

Suggested Resolutions

1 The business paper on Adoption of Statement of Intent 2020/2021 for Waikato Local Authority Shared Services Limited and Inframax Construction Limited be received.

2 Council adopt the Statement of Intent for Waikato Local Authority Shared Services Limited.

3 Council adopt the Statement of Intent for Inframax Construction Limited.



ALISTER DUNCAN

GENERAL MANAGER BUSINESS SUPPORT

Attachment(s):	1	Statement of Intent – Waikato Local Authority Shared Services Limited (A477706)
	2	Statement of Intent – Inframax Construction Limited (A477708)



Statement of intent

For the year ended 30 June 2021

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This SOI is a public declaration of the activities and intentions of the Council Controlled Organisation, Waikato Authority Shared Services Ltd (WLASS). It outlines the nature and scope of the work it will undertake, the Directors' accountabilities to the shareholders for corporate performance and financial forecasts, as required by Schedule 8 of the Local Government Act 2002. This information is provided in relation to the financial years ended 30 June 2021 to 30 June 2023.

Executive summary

The past 12 months has seen the completion of the structural changes necessary to transform the company into a service delivery agent and strategic partner to the councils. The company has a small core team of employees and a smaller, more agile, board with an independent chair to help challenge status quo.

These changes have helped facilitate several new initiatives which collectively will deliver value to councils and their communities through:

- Improving water asset management practices;
- More efficient spend and improved procurement practices around infrastructure;
- Reducing energy costs and improving energy and carbon management;
- Improving community and council staff experiences in relation to geospatial datasets by saving time and increasing accessibility;
- Better decision-making around resource consenting, climate change planning and natural hazards through a region-wide LiDAR data set;
- Savings (time and cost) to councils through the establishment of an expanded professional services panel with standardised terms and rates.

This SOI sets out a new performance framework for the company. To date the measures of performance used have been extensive and heavily process orientated. While that may have been appropriate historically, it no longer is. The new framework directly links the company's roles, and the performance measures used to assess our success in fulfilling those roles, to the ultimate outcomes we are seeking.

In the second half of 2019 WLASS Management and the Board collated the suite of current opportunities (from what we are seeing and hearing with councils), and from that, gave priority to five opportunities for further development. A workplan is in place to develop those opportunities commencing in the current financial year and the next, and this SOI seeks a pool of funding to do so.

While WLASS now has a small core team it remains reliant on council resource to advance opportunities. This is the company's single biggest challenge. The extent to which councils are willing to commit resource (time and money), will determine the pace of change we can achieve. The ability to opt out of a project's implementation and service offering can be made. However, councils need to commit to and engage in resourcing the development of opportunities. Councils must also take on the challenge of changing the way things are done when there is a sound case for doing so, if WLASS is to maximise the value it can bring to its shareholders.

The company has been working through where it believes it is not adding value for its shareholders, or where it is involved in activity it neither controls nor has an ability to influence. As a result, WLASS has been working with stakeholders to see a smooth transition of its functions related to Waikato Plan and Future Proof by July 2020. These 'workstreams' are therefore not reflected in the financial information in this SOI.

These are unprecedented economic times. They are impacting all of us in a way we could not have imagined at the beginning of 2020. WLASS is fortunate that Covid-19 has not had a significant, direct impact. However, the company is acutely aware of the financial pressure many of our shareholding councils are facing. Now, more than ever, it makes sense for councils to collaborate, to reduce costs, take the best of what each is doing to lift the game, and be better together. WLASS is a critical part of this.

Funding into WLASS for the 2021 financial year (to 30 June 2021), is \$4.8m, \$700k greater than what was forecast in last year's SOI. This increase is principally due to initiatives approved by shareholding

councils since the last SOI or, in the case of LiDAR, a change in when the forecast expenditure is being incurred. Equally, some of this expenditure may reflect a transfer of amounts budgeted elsewhere in council to WLASS (as a collaborative initiative), rather than an increase in council costs per se.

The following table summarises the changes.

Member charges for 2021 financial year (FY21)	FY21 projection (per prior year's SOI) \$000	FY21 Budget (per current SOI) \$000	Variance ¹: increase / (decrease) \$000
Core operating costs	510	566	56
Working parties Projects	696	1,146	450
LiDAR	475	980	505
RATA business unit	697	855	158
Waikato Regional Transport Model	309	377	68
RATA – water collaboration	0	440	440
Future Proof	610	0	(610)
Waikato Plan	252	0	(252)
Other	547	416	(131)
Total	4,096	4,747	684

¹ Commentary on the variances is included in the body of the document.

Following an assessment of the cash surplus / (deficit) in each workstream we have made the decision to reduce the member charges for the coming year in some areas and instead utilise brought forward surpluses. As a result, member charges will be reduced by ~\$185k (from that forecast in last year's SOI) across Procurement, the Waikato Data Portal project, the Energy and Carbon Management Programme and SVDS. The amounts shown in the above table are net of this \$185k.

A flow on effect of this action is that we are budgeting a net deficit for the 2021 financial year of ~\$183k.

Introduction

WLASS is owned in equal portion by the 12 Waikato local authorities:

- Hamilton City
- Hauraki District
- Matamata-Piako District
- Otorohanga District
- Rotorua Lakes
- South Waikato District
- Taupō District
- Thames-Coromandel District
- Waikato District
- Waikato Regional
- Waipa District
- Waitomo District

It was established in 2005 as a vehicle through which these councils could collaborate and identify opportunities for undertaking activity on a shared basis. Prior to 2019, it operated solely using a part-time contracted resource.

The WLASS transformation – 12 months in

In the 2019 SOI WLASS asked shareholding councils to commit to transforming the company into a service delivery agent to allow it to better serve those councils. That transformation had three key elements:

- Establishing in-house resources: WLASS has since employed a small core team (a Chief Executive, Business Analyst and Executive Assistant);
- Changing the WLASS governance structure: The Board has reduced to six members - an independent Chair and five Council Representative Directors; and
- Thought leadership: By providing these structural changes it will better enable the company to explore ways in which councils can operate better for the benefit of their communities.

The structural transition is complete

With these changes, the structural transition is complete (but will continue to evolve as the company's areas of activity expand).

We have already started seeing the results of these changes. The last 12 months has seen the company provide thought leadership in several areas culminating in the following significant developments:

- Expanding the RATA service offering (historically focused on roading), into 'waters' assets;
- Developing and delivering the opportunity to coordinate infrastructure procurement between councils (to be reflected in councils' 2021 long-term plans);
- Introducing a new Energy and Carbon Management programme;
- Developing the 'Waikato OneView' opportunity, with the implementation project commencing mid-2020;
- Commencing the project to capture region-wide LiDAR; and
- Establishing a new, significantly expanded, panel of professional services providers.

New initiatives are being delivered

In addition, at the end of last year, following consultation with councils, the Board agreed those opportunities that the company will focus on over the coming months (discussed further below). Other ideas have been included on a 'long list' of potential opportunities that will be considered in the future.

Priority opportunities are identified

The various functional cross-council working parties have (and will continue to), help identify and develop opportunities. Within each of these groups WLASS last year facilitated ideation sessions to foster new ideas. It will continue to use these groups to feed the ideas pipeline and to foster collaboration between the councils.

The outcomes we are looking for – performance reporting

We want to ensure that Waikato councils are working together the best way possible, for the collective benefit of them and their communities. We want to do this because we believe it is the right thing to do for Waikato. If we achieve this, it will mean a relatively lesser burden on ratepayers, happier communities and council staff and more impactful councils.

Transforming the company into a service delivery agent and a true strategic partner to councils, means the company has two fundamental roles:

- 1) It is a laboratory for developing opportunities that create value to councils, either by improving the experience of their communities or by making the councils themselves, collectively, more efficient and effective; and
- 2) It is a provider of services to councils where a business case to do so has been established (recognising that it may make sense for some services to be provided by someone other than WLASS).

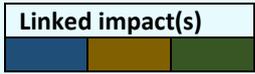
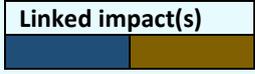
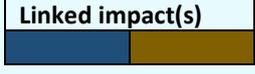
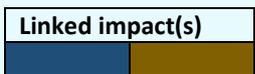
Given the evolution of the company, WLASS has revisited the way that it measures its success to reflect these roles. A performance framework has been established (see diagram 1).

Our vision	Waikato councils are working together in the best way possible, for the collective benefit of them and their communities - which means less burden on ratepayers, happier communities and council staff and more effective councils.					
Outcomes we are seeking	Council costs are reduced / performance is improved, without increase cost		The experiences of councils' communities are improved		Central government investment into and engagement with Waikato is increased	
Our specific objectives	<ul style="list-style-type: none"> ➤ Achieve effectiveness and efficiency gains ➤ Reduce duplication of effort and eliminate waste through repetition ➤ Helping the councils achieve an appropriate balance in risk and return 		<ul style="list-style-type: none"> ➤ Promote and contribute to the development of best practice ➤ Make it easier for communities to engage with councils in the Waikato region on a consistent basis ➤ Promote business transformation to improve communities' experiences 		<ul style="list-style-type: none"> ➤ Enable the Waikato councils to collectively be more effective as a region on the national stage ➤ Contribute to building central government's confidence in the Waikato region, and to encourage central government investment 	
Priorities: How we will achieve our outcomes	Investigate the right opportunities	Develop opportunities on time and within budget	Ensure opportunity benefits are realised	Provide services that meet the needs of councils	Foster cross-council collaboration	
What we must manage well	Our relationships	Our services	Our projects	Our people	Our resources	Our reputation

Diagram 1

Priorities and performance measures

We will track how well we are delivering on our strategic priorities using the following performance measures:

Priority	Performance measure	Target
<p>Prioritise and develop opportunities that add value to councils by achieving one or more of our objectives</p> <p>Linked impact(s)</p> 	<ul style="list-style-type: none"> ➤ Business cases will include measurable benefits linked to one or more of the outcomes sought ➤ Opportunity assessments are supported by councils (evidenced by Board minutes) 	<p>Projected savings to councils of \$300k+</p> <p>75% of councils</p>
<p>Develop opportunities and deliver projects within agreed budgets and timelines¹</p> <p>Linked impact(s)</p> 	<ul style="list-style-type: none"> ➤ Opportunities / projects are developed / delivered within agreed timelines ➤ Opportunities / projects are developed / delivered, within approved budget 	<p>80%</p> <p>90%</p>
<p>Ensure projects realise their expected benefits</p> <p>Linked impact(s)</p> 	<ul style="list-style-type: none"> ➤ Measurable benefits are actively monitored and reported against ➤ Audit & Risk Committee undertake an assessment of projects following implementation (which will include an assessment of whether projected benefits have been realised) 	<p>Six-monthly</p> <p>\$200k+ Projects</p> <p>Within 15 months</p> <p>90% of projected quantifiable benefits are realised</p>
<p>Ensure existing services are meeting the needs of councils</p> <p>Linked impact(s)</p> 	<ul style="list-style-type: none"> ➤ The services we provide (below) are considered by councils who use that service to meet or exceed their expectations (evidenced by an annual survey): <ul style="list-style-type: none"> ○ RATA – roading & waters ○ Waikato Building Cluster ○ Regional Infrastructure Technical Specifications ○ Energy & Carbon Management ○ Professional Services Panel ○ Health & Safety pre-qualification 	<p>80% of councils</p>
<p>Foster and promote cross-council collaboration and networking to share ideas on improving efficiencies and best practice</p> <p>Linked impact(s)</p> 	<ul style="list-style-type: none"> ➤ Across these groups, ideas for future consideration and/or initiatives are identified each year 	<p>Six per annum</p>

¹ Budgets and timelines for opportunity development will be those established following discovery and/or opportunity assessment. A business case will refine these parameters with respect to project delivery.

The targets noted above are for the three-year forecast period. They will form the baseline from which we will seek to continually improve going forward.

Transparency and reporting to councils

The company will deliver the following information to shareholders:

- Within two months of the end of the first half of the financial year, a half-yearly report, including Statements of Financial Performance, Financial Position, and Cashflows and commentary on service performance including an assessment of progress against performance measures; and
- Within three months of the end of the financial year, an audited Statement of Financial Performance, Statement of Changes in Equity, Statement of Financial Position, Statement of Cashflows and commentary on service performance.

WLASS recognises that it must be able to clearly show the value that it is providing to shareholding councils. We want to be completely transparent about that and ensure that we continue to focus on the right services. Therefore, we will be communicating with councils more on the value they are receiving from their investment in the company.

The WLASS Transformation – the next 12 months

The initial priority projects

In December, the Board approved five priority projects to investigate opportunities that will deliver value to councils.

Waters Shared Services integration

Currently, Hamilton City, Waikato District and Waipa District Councils are party to an agreement under which Hamilton City host a business unit delivering trade waste management, water sampling and analysis and “Smart Waters” services to these councils. With Waikato District’s departure from this arrangement (given its new relationship with Watercare Ltd), it is timely to consider the future of this shared service.

This project is to explore the extent to which there is interest from other councils in the region to utilise this service offering and whether it makes sense to have that service “delivered” through WLASS. The work commenced in May 2020.

Regulatory support services

Councils operate in an ever-changing regulatory environment. This project will consider how WLASS could track changes in legislation and regulation and push that information out to councils. This service would eliminate the need for each council to expend time and effort keeping up to date with changes on their own. It will also consider to what extent other agencies (e.g. SOLGM) provide such a service already.

Building consent shared services

The issue and monitoring of building consents is a critical function of councils. It is important that this function is delivered with the community in mind and in the most efficient way. Councils are also facing a shortage in capability in this area. This project is to consider how the delivery of this function across Waikato could be improved. Following initial discovery work, in May 2020 the Board approved progressing the development of this opportunity. The project is currently being mobilised to commence on 1 July 2020.

Collaborative L&D programme

Waikato councils have the same functional responsibility and therefore the same capability needs (noting that Waikato Regional Council have some different requirements). This project will consider how the learning and development programmes and supporting material can be aligned and shared to lessen the burden on council staff having to each do their own thing. It will also consider to what extent material and services of other agencies (e.g. SOLGM¹) can be leveraged. The initial focus area is building consenting units (as part of the broader project referred to above).

Human Resources shared services

This project will explore which human resource functions in councils are common (likely procedural in nature) and could therefore be delivered by WLASS to each of the councils. Taking these processes out of the councils themselves would free up council resource to focus on people and capability services that provide greater value to the council. A 'central' human resource function could also support smaller councils who have limited resource and are therefore susceptible to disruption where staff leave or are unable to work for a period.

Future projects

The company is committed to progressing ideas as fast as possible. This means that once we have established whether or not to pursue the priority projects, and put in place to teams to develop those that are to progress, we will move on to other areas where we think we can add value. We already have a long list and a further five ideas that were tagged to be considered next. However, we want to continue to sense check where our focus should be with councils. This is particularly important given that Covid-19 has fundamentally shifted the landscape since the long list was established last year. In May 2020, the company started consulting with councils on those 'next ideas'.

Concluding comment

We expect each of these projects will add value to councils and they have been prioritized accordingly. However, if, as an opportunity is explored and developed, it becomes apparent that it will not achieve this aim, it will not be pursued. The initial 'discovery' of the opportunity will be undertaken by WLASS. Councils will be consulted prior to funds being invested (if required), to develop opportunities if the board agrees they should be pursued. However, once the decision is made to proceed with developing an opportunity, councils need to commit to supporting the decision to do so. Once business cases have established that an opportunity makes sense, councils will be able to choose whether to receive the service on offer.

These ideas will challenge the way things are currently done and therefore be disruptive – this is necessary if we are to meet the expectations of our shareholders and have the impact we are looking for. Similarly, while a council will always have the ability to 'opt out' of an offering, if we are going to make a difference, it is critical that this be by exception and that councils are willing to commit to change where the business case says it is the right thing to do.

Councils need to be bold and willing to commit to change

Resetting the focus

The company has considered each of the service offerings it provides to councils to determine whether those offerings should remain:

- Do they contribute to the outcomes we are seeking?
- Are they the best use of company resource?
- Does the company control, or is able to influence, the offering?

¹ Society of Local Government Managers

As a result of this review the Board has approved to transition away from the Waikato Plan and Future Proof initiatives. Both initiatives have their own governing body. WLASS's role is limited to finance administrative support and importantly, is the contracting party. Being the contracting party, when it is not involved in the decision-making process on those contracts, carries risk. It also adds additional and unnecessary steps in the process, creating inefficiencies. WLASS is working with relevant stakeholders to ensure an orderly transition of its functions.

Resourcing

While WLASS now has a small core team that allows it to develop opportunities, change at pace, which is what our shareholders are seeking, requires council resource. **This is the company's single biggest challenge.**

The company has considered how projects could be resourced.

The company could progress opportunities using its existing capability. That will still necessitate support from councils to provide information and act as a sounding board for WLASS to ensure opportunities are meeting a need. This approach is largely status quo.

Greater support from councils can be provided through making staff available (either as part of a project team or on a seconded basis to lead projects), or funding, to allow the company to procure external services. The extent of that support will determine the speed at which opportunities can be developed and the number of opportunities under consideration at any point.

In February the Board considered the resourcing options for each of the initial priority projects. From that meeting the decision has been made to develop opportunities as fast as possible. We will therefore be seeking council resource (as noted above), to allow us to consider opportunities quickly and either discount or implement them. As previously noted, a pipeline of ideas is already established to allow us to progress further opportunities as soon as we are able.

Our commitment to each other

WLASS can make a real difference to councils and their communities. We are committed to delivering against our performance measures and in doing so, having a positive impact on council operations. We will regularly update councils on their investment into the company (either as member charges or fees for services), and the value they are receiving from that investment.

Shareholders have committed to the transformation of WLASS and an increased investment to bring about change at pace. However, for WLASS to succeed councils must also commit to:

Change at pace can only happen with council support

- Making staff available for projects and ensuring that information is provided, and decisions made, in a timely manner; and
- Accepting the challenge of changing the way things are done where there is a sound case for doing so.

If councils do this, WLASS will be successful in maximising the value it can bring to shareholding councils.

Activities for which the Board seeks compensation

The **overall** funding via member charges that is being sought, and the comparable amount set out in the prior SOI is:

Member charges for 2021 financial year (FY21)	Note	FY21 projection (per prior year's SOI) \$000	FY21 Budget (per current SOI) \$000	Variance: increase / (decrease) \$000
Core operating costs	1	510	566	56
Working parties Projects	2	696	1,146	450
LiDAR	3	475	980	505
RATA business unit	4	697	855	158
Waikato Regional Transport Model	5	309	377	68
RATA – water collaboration	6	0	440	440
Future Proof	7	610	0	(610)
Waikato Plan	7	252	0	(252)
Other	8	1,409	1,278	(131)
Total		4,958	5,642	684

Notes:

- 1) **Core operating costs:** The increase in the overall shareholder contribution principally relates to an increase in governance costs and increasing the Executive Assistant/Company Administrator role from part- to full-time.
- 2) **Working parties | Projects:** This reflects the following:
 - the appointment of a part-time Contract Administrator which is needed to effectively manage the Professional Services Panel (and other) contracts WLASS has entered on behalf of councils. Previously, PSP contracts had been managed by one of the councils on behalf of all participating councils. However, this proved ineffectual and councils are asking that the function be performed by WLASS under the new panel arrangement [\$48k];
 - WLASS priority projects (Building Consent Shared Services and Waters Shared Services Integration) which are underway [\$112k];
 - working party funding [\$50k]: WLASS has reviewed how it allocates costs related to the administration of its various workstreams to ensure that those costs fall where they should. As a result, it is now charging a small (\$5k) fee for the facilitation and administration of each of the working parties (note this doesn't increase the overall cost to councils – it correspondingly reduces the member charges for core operating costs noted above). In addition, to improve the efficiency of these working parties a \$5k collaboration fund has been included for each group to allow it to undertake a small amount of spend, if and when necessary, to advance initiatives throughout the year, without the need to revert to shareholding councils;
 - opportunity development pool [\$100k]: As noted above, the Board has approved the development of five priority opportunities. WLASS is asking for funding to support the development of these opportunities. While it is not possible to accurately assess at this time how much it will cost to develop these opportunities, the pool will assist in allowing the company to provide value by being agile and making change at the pace councils are seeking. As assessment of cost for an opportunity will be made at the end of the discovery phase (which is undertaken by WLASS staff). Councils will be consulted prior to the Board approving (or otherwise) progressing the opportunity beyond this stage and the pool will not be accessed unless the Board approves the opportunity;
- 3) **LiDAR:** The overall cost of the project is less than the budget approved by councils in 2019. However, having now gone to market, project delivery is occurring over a shorter period than anticipated. This means that costs anticipated for the 2022 financial year are now expected to be incurred in 2020-2021. Conversely, none of the amounts budgeted to be invoiced in 2019-2020, in last year's SOI (\$465k), have been, and will instead flow through into 2020-2021;
- 4) **RATA business unit:** This reflects an additional role to manage the overall business unit with the expansion into waters. This was approved as part of the waters collaboration business case;
- 5) **Waikato Regional Transport Model:** This reflects the latest estimate of the cost to update the model and associated peer review;

- 6) **RATA – water collaboration:** In the second half of 2019 councils approved the expansion of the RATA business unit into waters. This is the first SOI to reflect that service offering;
- 7) **Future Proof | Waikato Plan:** These charges are excluded from WLASS from 2020-21 with the decision to transition the support services away from the company;
- 8) **Reductions in member contributions:** The company has made the decision to utilise funds on hand in some areas and therefore has reduced member charges for the coming year. Those areas, and the reduction in member charges are:

Workstream	Reduction in member charges \$000
Procurement	20
Waikato Data Portal	54
Energy & Carbon Management Programme	55
SVDS	55
Total	184

Governance arrangements

WLASS conducts itself in accordance with its constitution, its annual Statement of Intent as agreed with shareholders, the provisions of the Local Government Act 2002 and WLASS policies.

In conjunction with council consultation on the 2019 SOI, WLASS sought a shareholder resolution to change the constitution of the company relating to the Board’s composition. As a result, effective 1 July 2019, the Board changed to five council representative directors and an independent chair.

From 1 September 2019, Peter Stubbs was appointed as independent Chair of the Board.

The current Directors of WLASS are:

Director	Representing
Peter Stubbs	Independent Chair
David Bryant	Hamilton City Council
Gareth Green	Otorohanga, Rotorua, Taupo, South Waikato and Waitomo District Councils
Gavin Ion	Waikato and Waipa District Councils
Vaughan Payne	Waikato Regional Council
Rob Williams	Hauraki, Matamata-Piako and Thames-Coromandel District

Under the amended constitution Gareth Green must resign his position on 30 June 2020, but may be reappointed by the councils he represents for a further 3-year term.

The independent Chair of WLASS receives director fees and reimbursed expenses. Directors representing the Councils will not receive any fees or reimbursed expenses for work undertaken on behalf of the company.

Financials

Statement of Financial Performance

Waikato Local Authority Shared Services Company Summary for the forecast financial years ended 30 June 2021-2023				
	2019 SOI	2020 SOI		
	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23
Income				
Company Administration	576,730	1,102,910	1,119,605	1,147,308
Working parties projects	379,500	1,145,858	464,155	496,297
RITS	n/a	31,616	32,321	33,041
Information Technology	553,483	1,007,000	82,691	84,510
Energy Management	119,175	70,000	70,000	129,222
Shared Valuation Data Service (SVDS)	736,566	379,761	388,115	452,357
Road Asset Technical Accord (RATA)	1,815,766	1,300,557	1,330,613	1,360,016
Waikato Regional Transport Model (WRTM)	218,760	389,456	349,823	357,519
Waikato Building Consent Group	275,942	333,250	341,764	348,563
Future Proof	609,991	-	-	-
Waikato Plan	382,000	-	-	-
Waikato Mayoral Forum	5,000	5,000	5,000	5,000
Water Collaboration	0	440,000	540,000	540,000
Total Income	5,672,913	6,205,408	4,724,088	4,953,833
Operating Expenditure				
Company Administration	573,858	1,087,487	1,108,217	1,135,922
Working parties projects	379,500	1,165,858	484,655	496,297
RITS	n/a	31,616	32,321	33,041
Information Technology	553,483	1,108,531	82,696	84,543
Energy Management	119,175	124,900	124,900	129,222
Shared Valuation Data Service (SVDS)	1,060,456	384,993	393,550	402,357
Road Asset Technical Accord (RATA)	1,815,766	1,300,557	1,330,613	1,360,016
Waikato Regional Transport Model (WRTM)	218,762	389,456	349,823	357,519
Waikato Building Consent Group	275,942	333,250	340,615	348,142
Future Proof	609,991	-	-	-
Waikato Plan	382,000	-	-	-
Waikato Mayoral Forum	5,000	5,000	5,000	5,000
Water Collaboration	0	440,000	540,000	540,000
Total operating expenditure	5,993,933	6,371,648	4,792,390	4,892,059
Earnings before interest, tax and depreciation/ amortisation (EBITDA)	(321,020)	(166,240)	(68,301)	61,774
Depreciation / amortisation				
Company admin	3,712	1,864	1,071	-
WRTM	0	14,583	14,583	14,583
Total Depreciation / amortisation	3,712	16,447	15,655	14,583
Net Surplus (Deficit) before tax	(324,732)	(182,688)	(83,956)	47,191

Key risk

The single biggest risk to achieving the forecasted financial results is WLASS's continuing ability to sell valuation data (forecast to generate ~\$380k of revenue in the coming year). The central government's drive toward open data may see the development of a nation-wide sales portal. It will be critical that any change in this area does not see WLASS/the councils lose ownership of the sales data and with it, the ability to sell that data. WLASS are engaging with Land Information New Zealand on this issue.

Statement of Financial Position

Waikato Local Authority Shared Services Financial Position for the forecast financial years ended 30 June 2021-2023					
	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	
CAPITAL					
Shares - SVDS	1,607,001	1,607,001	1,607,001	1,607,001	
Shares - WRTM	1,350,000	1,350,000	1,350,000	1,350,000	
Retained Earnings	(2,542,062)	(2,021,997)	(2,204,684)	(2,288,640)	
Plus Current Year Operating Surplus/(Deficit)	(324,730)	(182,688)	(83,956)	47,191	
TOTAL CAPITAL FUNDS	90,209	752,317	668,361	715,552	
ASSETS					
CURRENT ASSETS					
Prepayments	153,145	253,342	259,489	265,785	
Accounts Receivable	397,104	248,216	188,964	198,153	
RWT On Interest	0	0	0	0	
Local Authority Shared Services 00	0	0	0	0	
Bank	96,216	647,330	600,516	655,153	
GST Receivable / (Payable)	4,013	29,628	30,281	31,034	
TOTAL CURRENT ASSETS	650,477	1,178,516	1,079,249	1,150,125	
NON-CURRENT ASSETS					
SVDS - Intangible Asset	3,085,700	3,065,316	3,065,316	3,065,316	
WRTM - Intangible Asset	2,296,855	2,296,855	2,296,855	2,296,855	
MoneyWorks Software	1,195	1,195	1,195	1,195	
Accumulated Depreciation	(5,383,750)	(5,334,200)	(5,348,783)	(5,363,366)	
IT Equipment	6,307	5,592	5,592	5,592	
Accumulated Depreciation - IT equipment	(5,568)	(4,521)	(5,592)	(5,592)	
TOTAL NON-CURRENT ASSETS	739	30,237	14,583	(0)	
TOTAL ASSETS	651,216	1,208,754	1,093,832	1,150,124	
LESS CURRENT LIABILITIES					
Accounts Payable	535,097	367,565	334,377	341,202	
Accounts Payable Accrual	25,910	35,000	35,875	36,772	
Employee Benefits	0	53,872	55,219	56,599	
TOTAL CURRENT LIABILITIES	561,007	456,437	425,471	434,573	
NET ASSETS	90,209	752,317	668,361	715,552	

Statement of Cashflows

Waikato Local Authority Shared Services Statement of Cashflows for the forecast financial years ended 30 June 2021-2023					
	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	
Cashflows from Operating Activities					
Interest Received	14,308	2,000	2,050	2,101	
Receipts from Other Revenue	6,559,978	6,503,169	4,781,291	4,942,542	
Payments to Suppliers	(6,800,489)	(6,484,401)	(4,829,502)	(4,889,253)	
Taxes Paid	0	0	0	0	
Goods & Services tax (net)	56,103	36,794	(652)	(754)	
Net cash from operating activities	(170,101)	57,561	(46,813)	54,637	
Cashflows from Investing Activities					
Capital enhancements	0	0	0	0	
Purchase of PPE	0	0	0	0	
Purchase of investments	0	0	0	0	
Net cash from investing activities	0	0	0	0	
Net increase in cash, cash equivalents and bank accounts	(170,101)	57,561	(46,813)	54,637	
Opening cash and cash equivalents and bank overdrafts	266,317	589,770	647,330	600,516	
Closing cash, cash equivalents and bank accounts	96,216	647,330	600,516	655,153	
Summary of Bank Accounts					
BNZ - Call a/c	96,216	647,330	600,516	655,153	
Closing Balance of Bank	96,216	647,330	600,516	655,153	

Appendix I: What we do - current activities

The principal initiatives operating under the WLASS umbrella are:

- Shared Valuation Data Service
- Regional Asset Technical Accord
- Waikato Regional Transportation Model
- Waikato Building Consent Group
- Future Proof
- Historic aerial photos
- Waikato Regional Aerial Photography Service
- Regional Infrastructure Technical Specifications
- Energy management
- Contractor health & safety pre-qualification
- Aligned resource consent planning
- Joint procurement initiatives

Shared Valuation Data Service (SVDS)

This service provides timely and accurate valuation data to the participating councils. The SVDS has become the accepted valuation database for the region. Data sales significantly reduce the net cost to the participating councils. Councils are currently transitioning to a new software-as-a-service arrangement with a new provider which will further reduce cost.

Regional Asset Technical Accord (RATA)

RATA was initially established as a centre of excellence for road asset planning in 2014 as a work stream under the Waikato Mayoral Forum. The activity transferred to WLASS on 1 July 2016.

The original aim of RATA was to achieve best practice in road asset management by improving capability, capacity and outcomes through effective collaboration. This aim remains but in 2019 the business unit received approval to expand its activity into waters assets. By leading asset management best practice, RATA delivers better decision-making through the effective collection and use of good quality data, and the implementation of good practice processes and systems for data collection, analysis and management.

Waipa District Council employs RATA staff who are then contracted to provide services to WLASS.

Waikato Regional Transportation Model (WRTM)

The WRTM became fully operational in February 2010. It provides accurate information to councils and to external users (for a charge) for their transport modelling requirements. The WRTM is the only recognised strategic transport modelling resource in the Waikato Region and is jointly funded by the NZTA.

WRTM is making a significant contribution to strategic planning surrounding land use and infrastructure within the region and has been involved in regionally and nationally significant investigations including the Waikato Expressway Network Plan, the Waikato Regional Land Transport Strategy and Regional Policy Statement and transport impact assessments in relation to the development of Ruakura.

Waikato Building Consent Group (WBCG)

The WBCG was initially set up by five Waikato local authorities in 2004 to foster co-operation, collaboration and consistency in building functions, legislative interpretation and process documentation across the partnering councils. The activity transferred to WLASS on 1 July 2016 and now comprises eight councils.

The WBCG has developed a common quality assurance system with associated supporting documentation that meet the legislative requirements of the Building Act 2004 and the Building

(Accreditation of Building Consent Authorities) Regulations 2006. These regulations cover all aspects of the operational management and compliance of a Building Consent Authority (BCA).

Future proof

Future Proof is a collaborative partnership between Hamilton City, Waikato and Waipa Districts, Waikato Regional Council and Tāngata whenua, with assistance from the NZTA. The partners have jointly developed the Future Proof Growth Strategy and Implementation Plan – a 50-year vision and implementation plan specific to the Hamilton, Waipa and Waikato sub-region, which was adopted by the partners in June 2009.

The accommodation, overhead and employment arrangements of the Future Proof Administrator are managed by Hamilton City Council. The activity is fully funded by the participating councils and operates as a separate cost centre. The company's role supporting Future Proof ceases 1 July 2020.

Regional Infrastructure Technical Specifications (RITS)

The RITS document sets out how to design and construct transportation, water supply, wastewater, stormwater and landscaping infrastructure. Prior to developing RITS, each Council had its own technical specifications for infrastructure resulting in different standards having to be met across the Waikato region. RITS provides a single regional guide, making business easier.

The RITS is published on the WLASS website (<http://www.waikatolass.co.nz/>), and ongoing maintenance of the document is the responsibility of a Project Co-ordinator, managed by WLASS.

Energy management

WLASS entered into a three-year Collaboration Agreement with the Energy Efficiency Conservation Authority (EECA) in February 2016. Across the programme EECA provided funding of \$210,000. Implemented projects have delivered 3.62m kWh in energy reduction annually (as against a target of 2.5m kWh), saved \$446,000 per annum.

From 1 July 2019 a new energy and carbon management programme was entered into between WLASS and participating councils.

Contractor health & safety pre-qualification scheme

WLASS contracts with SHE Software to manage the Local Government Health & Safety Contractor Pre-qualification Scheme on behalf of councils. Twenty councils and one CCO are now using the scheme with approximately 1,600 contractors registered, which enables them to be pre-qualified to work for any of the participating councils.

Further detail on these activities and the councils involved in each can be found on the WLASS website at <http://www.waikatolass.co.nz/>.

Historic aerial photos

In May 2015, WLASS entered into a Memorandum of Understanding with LINZ to scan the Waikato Historic Aerial Photos archive. The LINZ Crown archive contains over 500,000 historic aerial photo negatives captured by surveys flown over New Zealand between 1936 and 2005. All shareholding councils are participating in this 4-year project, which includes a subsidy of \$56,000 from LINZ. Scanning is now complete.

Waikato Regional Aerial Photography Service (WRAPS)

WRAPS was set up in the 1990s for the supply of colour, digital, ortho-rectified, aerial photography for the Waikato Region. So far, there have been five WRAPS contracts, the most recent in 2016.

Aligned resource consent planning

This toolkit provides regional consistency and best practice processes in the administration of resource consenting. It is used by nine councils (Taupo and Otorohanga are not currently participating, and Waikato Regional Council processes different types of resource consents from the territorial local authorities). WLASS controls the documentation on the WLASS website, and the Waikato Resource Consent forum manages the process for making updates and amendments to the templates and documents in the toolkit.

Joint procurement initiatives

WLASS is a party to numerous joint procurement contracts between the company, shareholding councils and suppliers. Councils choose whether to be a party to a particular contract. Wherever possible we negotiate a syndicated contract with the supplier to allow additional councils to join later.

In 2019 standard regional procurement policies, templates and procedures were developed for use by councils and procurement training provided to council staff.

Appendix II: Policy Statements

Statement of accounting policies

Reporting entity

Waikato Local Authority Shared Services Limited (“the Company”) is a Company incorporated in New Zealand under the Companies Act 1993 and is domiciled in New Zealand. The company is a Council Controlled Organisation as defined under section 6 of the Local Government Act 2002 (LGA), by virtue of the shareholding councils’ right to appoint the Board of Directors.

The primary objectives of the Company are to:

- Develop opportunities that benefit the Waikato region's local authorities; and
- Act as a vehicle to deliver value-added services to those local authorities.

The Company has designated itself as a public benefit entity (PBE) for financial reporting purposes.

Summary of significant accounting policies

Basis of preparation

Financial statements are prepared on the going concern basis, and the accounting policies are applied consistently throughout the period.

Statement of Compliance

Financial statements are prepared in accordance with the requirements of the LGA, which include the requirement to comply with generally accepted accounting practice in New Zealand (NZ GAAP).

Financial statements are prepared in accordance with and comply with Tier 2 PBE Standards reduced disclosure regime (RDR). WLASS is eligible to report under the RDR as it:

- is not publicly accountable; and
- has expenses more than \$2 million, but less than \$30 million.

The accounting policies set out below are consistent with the prior year, other than the inclusion of policy:

- on operating leases, related to the lease of commercial premises;
- employees; and
- property, plant and equipment.

Measurement base

The financial statements are prepared on a historical cost basis.

Presentation currency and rounding

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar unless otherwise stated. The functional currency of the Company is New Zealand dollars.

Goods and services tax

All items in the financial statements are stated exclusive of goods and services tax (GST), except for receivables and payables, which are presented on a GST-inclusive basis. Where GST is not recoverable as input tax, it is recognised as part of the related asset or expense.

The net amount of GST recoverable from, or payable to, the Inland Revenue (IR) is included as part of receivables or payables in the statement of financial position.

The net GST paid to, or received from the IRD, including the GST relating to investing and financing activities, is classified as an operating cash flow in the cash flow statement.

Commitments and contingencies are disclosed exclusive of GST.

Critical accounting estimates and assumptions

In preparing the financial statements the Company makes estimates and assumptions concerning the future. These estimates and assumptions may differ from the subsequent actual results. Estimates and assumptions are continually evaluated and are based on historical experience and other factors, including expectations of future events that are believed to be reasonable under the circumstances. There are no areas requiring estimate or assumptions made that are considered to carry a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Intangible assets

Useful lives and residual values

At each balance date the Company reviews the useful lives and residual values of its intangible assets. Assessing the appropriateness of useful life and residual value estimates of intangible assets requires the Company to consider a number of factors such as the expected period of use of the asset by the Company and expected disposal proceeds from the future sale of the future sale of the asset.

An incorrect estimate of the useful life of residual value will impact the amortisation expense recognised in the income statement and carrying amount of the asset in the balance sheet. The Company minimises the risk of this estimation uncertainty by reviewing that the asset technology is still relevant and there is no alternative options to recreate the asset at a lower price.

Impairment of intangible assets

Intangible assets measure at cost that have a finite useful life are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable.

An impairment loss is recognised for the amount by which the assets carrying amount exceeds its recoverable amount. The recoverable amount is higher of an assets fair value less costs to sell and value in use.

If an asset's carrying amount exceeds its recoverable amount, the asset is regarded as impaired and the carrying amount is written-down to the recoverable amount. The total impairment loss is recognised in the surplus or deficit. The reversal of an impairment loss is recognised in the surplus deficit.

Change of accounting estimate

Revision of useful lives of intangible assets

At year end the estimated total useful lives to Waikato LASS of the SVDS and WRTM intangible assets were revised. The net effect of the changes in the current financial year was decrease in amortisation expense of \$97,071.

Revised estimated useful lives are: SVDS – March 2020, WRTM – June 2023. The effect of amortisation for future years are as follows:

Year ending 30 June	\$
2020	53,321
2021	14,583
2022	14,583
2023	14,583

Revenue

Revenue

Revenue comprises the fair value of the considerations received or receivable for the sale of goods and services, excluding GST, rebates and discounts and after eliminating sales within the Company. No provisions have been recorded as all revenue and trade receivables are expected to be received.

Other Revenue

Member charges for all activities are recognised when invoiced to the user (i.e. councils). The recorded revenue is the net amount of the member charges payable for the transaction.

Contributions received for projects that were not completed in a financial year are recognised when the Company provides, or is able to provide, the service for which the contribution was charged. Until such time, contributions are recognised as liabilities.

Operating expenses

An operating lease is a lease that does not transfer substantially all the risks and rewards incidental to ownership of an asset to the lessee. Lease payments under an operating lease are recognised as an expense on a straight-line basis over the lease term.

Personnel costs

Defined contribution schemes

Employer contributions to KiwiSaver, the Government Superannuation Fund, and other defined contribution superannuation schemes are accounted for as defined contribution schemes and are recognised as an expense in the surplus or deficit when incurred.

Receivables

Short-term receivables are recorded at the amount due, less any provision for amounts not considered collectable.

Receivables are initially measured at nominal or face value. Receivables are subsequently adjusted for penalties and interest as they are charged and impairment losses. Non-current receivables are measured at the present value of the expected future cash inflows.

Debtors are amounts due from customers. If collection is expected in one year or less, they are classified as current assets. If not, they are presented as non-current assets.

Cash and cash equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, with original maturities of three months or less, and bank overdrafts.

Income tax

Income tax expense includes components relating to both current tax and deferred tax.

Current tax is the amount of income tax payable based on the taxable surplus for the current year, plus any adjustments to income tax payable in respect of prior years. Current tax is calculated using tax rates (and tax laws) that have been enacted or substantively enacted at balance date.

Deferred tax is the amount of income tax payable or recoverable in future periods in respect of temporary differences and unused tax losses. Temporary differences are differences between the

carrying amount of assets and liabilities in the statement of financial position and the corresponding tax bases used in the computation of taxable profit.

Deferred tax is measured at the tax rates that are expected to apply when the asset is realised or the liability is settled, based on tax rates (and tax laws) that have been enacted or substantively enacted at balance date. The measurement of deferred tax reflects the tax consequences that would follow from the manner in which the entity expects to recover or settle the carrying amount of its assets and liabilities.

Deferred tax liabilities are generally recognised for all taxable temporary differences. Deferred tax assets are recognised to the extent that it is probable that taxable surpluses will be available against which the deductible temporary differences or tax losses can be utilised.

Deferred tax is not recognised if the temporary difference arises from the initial recognition of goodwill or from the initial recognition of an asset or liability in a transaction that is not a business combination, and at the time of the transaction, affects neither accounting profit nor taxable profit.

Current and deferred tax is recognised against the surplus or deficit for the period, except to the extent that it relates to a business combination, or to transactions recognised in other comprehensive income or directly in equity.

Intangible assets Other financial assets

Investments in bank deposits are measured at fair value plus transaction costs.

At each balance date the Company assesses whether there is any objective evidence that an investment is impaired. Any impairment losses are recognised in the income statement.

Payables and deferred revenue

Short-term creditors and other payables are recorded at their face value

Trade and other payables are non-interest bearing and are normally settled on 30-day terms, therefore the carrying value of trade and other payable approximates their fair value.

Contributions received for projects that were not completed in a financial year are recognised as deferred revenue until the Company provides, or is able to provide, the service for which the contribution was charged.

Employee benefits liabilities

Short-term employee entitlements

Employee benefits expected to be settled within 12 months after the end of the period in which the employee renders the related service are measured based on accrued entitlements at current rates of pay.

These includes salaries and wages accrued up to balance date, annual leave earned to, but not yet taken at balance date, and sick leave.

A liability for sick leave is recognised to the extent that absences in the coming year are expected to be greater than the sick leave entitlements earned in the coming year. The amount is calculated based on the unused sick leave entitlement that can be carried forward at balance date, to the extent it will be used by staff to cover those future absences.

A liability and an expense are recognised for bonuses where there is a contractual obligation or where there is a past practice that has created a constructive obligation.

A liability and an expense are recognised for bonuses where there is a contractual obligation or where there is a past practice that has created a constructive obligation.

Presentation of employee entitlements

Sick leave, annual leave, vested long service leave, and non-vested long service leave and retirement gratuities expected to be settled within 12 months of balance date, are classified as a current liability. All other employee entitlements are classified as a non-current liability.

Reconciliation of equity

Equity is the shareholders interest in WLASS and is measured as the difference between total assets and total liabilities. Equity is disaggregated and classified into the following components:

Contributed equity

Contributed equity is the net asset and liability position at the time the company was formed. The allocation of capital amongst shareholders is explained in this note.

Retained earnings

Retained earnings is the company's accumulated surplus or deficit since formation.

Inframax Construction Limited

STATEMENT OF INTENT

FOR THE YEAR ENDING 30 JUNE 2021

1.0 INTRODUCTION

1.1 Inframax Construction Limited is –

- a limited liability company pursuant to the Companies Act 1993.
- a Council Controlled Organisation pursuant to Section 6 subject to the Local Government Act 2002.

1.2 This Statement of Intent is prepared to meet the requirements of Section 64 and Schedule 8 of the Local Government Act 2002.

1.3 It outlines the activities and intentions of Inframax Construction Limited and the objectives to which those activities will contribute. Performance targets and measures are specified, along with the Company's policies relating to governance and other matters.

1.4 The Statement of Intent is reviewed annually by the Company following consultation with Waitomo District Council.

2.0 NATURE AND SCOPE OF ACTIVITIES

2.1 The core business of the Company will be roading maintenance and construction, quarrying and crushing of aggregates and maintenance and construction of utilities and infrastructure assets.

2.2 The Company will compete for infrastructure contracts in the central western North Island Districts and in other areas where it is identified that such contracts will yield an appropriate rate of return or where the Company believes that there are sound commercial reasons for doing so.

2.3 The Company may expand into other ventures and/or activities that are consistent with the Company's objectives and the provisions of the Local Government Act 2002.

3.0 OBJECTIVES

The principle objective of Inframax Construction Limited is to operate as a successful business and to contribute to the well-being of the communities in which it operates.

In pursuing the principle objective the Company and Directors shall:

- Maximise the long term viability and profitability consistent with the Shareholder's objectives for ownership and value creation.
- Seek and develop profitable business opportunities that make best use of the people, technical and financial resources of the Company.
- Continue to review the available options for the share ownership of the Company, so as to be able to provide informed advice to the Shareholder, as to the most efficient arrangements to enhance both profitability and or Shareholder value.

- Ensure assets and liabilities are prudently managed consistent with the nature of a contracting business.
- Ensure transparent and informed relationships are maintained with the shareholder within the spirit of 'no surprises'.
- Act as a good employer by:
 - Providing a work environment that recruits, fosters and maintains safe, competent, motivated, committed and productive employees
 - Recognising and rewarding excellent performance of any staff.
- Act in an environmentally and socially responsible manner and implement sustainable business practices.

4.0 CORPORATE GOVERNANCE

Pursuant to Section 57 Local Government Act 2002 the Board of Directors is appointed by the shareholder to govern and direct the activities of the Company.

All Directors are required to comply with a formal Code of Conduct, which is based on the New Zealand Institute of Directors' Code of Proper Practice for Directors.

(a) **Role of the Board of Directors**

The Directors' role is defined in Section 58 of the Local Government Act 2002. This section states that all decisions relating to the operation of the CCO shall be made pursuant to the authority of the directorate of the Organisation and its Statement of Intent. The Board consults with the Company's shareholder in preparing and reviewing the Statement of Intent.

The Board meets on a regular basis and is responsible for the proper direction and control of the Company's activities. This responsibility includes such areas of stewardship as the identification and control of the Company's business risks, the integrity of management information systems and reporting to the shareholder.

The Board accepts that it is responsible for the overall control system operating within the Company, but recognises that no cost-effective internal control system will permanently preclude all errors or irregularities. The control systems reflect the specific risks associated with the business of the Company.

To achieve this governance the Board will:

- Conduct regular briefings with the designated shareholder representatives to discuss emerging risk and opportunities of the business, the general forecast performance expectations and to learn of relevant changes in council policies, expectations and risk appetite.
- Act on a fully informed basis, in good faith, with due diligence and care, and in the best interests of the company.
- Act in accordance with the Constitution and Statement of Intent.
- Ensure compliance with applicable legislation, regulation, codes and accounting standards.
- Structure itself to utilise the expertise of Directors to add value.
- Monitor the effectiveness of overall governance and make changes as needed.

- Monitor and manage potential conflicts of interest of management, board members and shareholder.
- Appoint and monitor the performance and remuneration of the Chief Executive Officer and oversee succession planning.
- Ensure the Company's financial management is consistent with good business practice.
- Decide on necessary actions to protect the Company's financial position and the ability to meet its debts and other obligations when they fall due, and ensure such actions are taken.
- Ensure the Company's goals are clearly established, and that strategies are in place for achieving them (such strategies being expected to originate, in the first instance, from management).
- In the spirit of 'no surprises', keep the shareholder informed on significant events and issues, including those sensitive to publicity that may arise from Council being a political organisation.
- Promote a culture which requires all employees to adhere to high levels of ethical behaviour.
- Ensure the Company has appropriate risk management/regulatory compliance policies in place and that these are monitored on a regular basis.

(b) The Role of the Shareholder

The Board aims to ensure that the shareholder is informed in a timely manner of all major developments affecting the Group's state of affairs. The shareholder is consulted with on the review of the Company's Statement of Intent and is responsible for the appointment of Directors. Information is communicated to the shareholder in the Annual Report, the Half-Annual Report and special meetings where required.

The shareholder is expected to:

- Deal with issues raised by the Company in a prompt and expedient fashion.
- Maintain a high level of communication with the Company on relevant matters.
- Ensure transparent and collaborative relationships are maintained with the Company.

5.0 PERFORMANCE INDICATORS

In its half-year and annual report the Company will record its performance relating to its goals and objectives.

6.0 PERFORMANCE MEASURES AND TARGETS

The Company will endeavour to exceed the targets of the Projected Business Plan.

6.1 Ratio of Shareholder's Funds to Total Assets

The Ratio of Shareholder's Funds to Total Assets shall not be less than that set out in this Statement of Intent.

6.2 Current Ratio

The Current Ratio measures solvency. The Company will maintain a positive Current Ratio.

6.3 EBITDA

Earnings before interest, tax, depreciation and amortisation gives an indication on the underlying operational profitability of the business.

6.4 Revenue

Measuring revenue growth gives a good indication of the rate at which the company has expanded the business.

6.5 Bank Covenants

The Company will meet all bank covenants

	30 June 21	30 June 22	30 June 23
6.1 Equity Ratio Shareholders funds expressed as % of Total Assets	55%	59%	62%
6.2 Current Ratio Current assets expressed as a % of current liabilities	Positive	Positive	Positive
6.3 EBITDA Earnings Before Interest, Tax, Depreciation and Amortisation	\$1.6m	\$2.2m	\$2.3m
6.4 Revenue Revenue Targets	\$29m	\$31m	\$32m
6.6 Bank Covenants As agreed with bank from time to time	Unconditionally met	Unconditionally met	Unconditionally met

7.0 NON FINANCIAL PERFORMANCE MEASURES

7.1 Lost Time Injury Frequency Rate

The lost time injury frequency rate will measure the number of lost time injuries for year ending 30th June 2021 relative to the number of hours worked in the same period.

$$\frac{\text{Total lost time injuries in 2021}}{\text{Total hours worked in 2021}} \times 1,000,000$$

Lost time injuries are occurrences that result in a fatality, permanent disability or time lost from work of one day/shift or more.

7.2 ACC Weekly Compensation Days

ACC weekly compensation days measures and gives an indication of workplace safety. It is also a measure of wellness in the workplace and indicates how a company cares for and rehabilitates employees injured at work.

7.3 ISO 9001 Accreditation

ISO 9001 is a quality accreditation standard verifying that the company has systems and processes in place to operate to industry best practices. It confirms that issues within the company are identified, recorded and information used to generate continual business improvement.

7.4 Environmental Consent Compliance

There are 3 measures of environment consent compliance- full, partial and non-compliance. Full compliance of consents held by the company indicates that all conditions of consents are met in full and the organisation is acting in an environmentally responsible manner.

7.5 Number of local events supported in operating area

Number of local events supported by the company indicates that the company is acting in a socially responsible manner, supporting and adding value to local communities in its operating area.

	30 June 21	30 June 22	30 June 23
7.1 LTI Frequency rate	Zero	Zero	Zero
7.2 ACC Weekly Compensation Days	200	150	150
7.3 ISO 2015 Accreditation	Standard Achieved	Standard Achieved	Standard Achieved
7.4 Environmental Consent Compliance	Full Compliance	Full Compliance	Full Compliance
7.5 Number of Local Events Supported	12	15	15

8.0 DIVIDEND POLICY

- 8.1** Subject to the Directors being satisfied as to the solvency of the company, the meeting of its bank covenants and the integrity of its asset replacement and investment programme, the company is committed to the provision of annual distributions to the Shareholder.
- 8.2** A dividend payment is not anticipated in the 2020/2021 Financial year.
- 8.3** Should a distribution to the Shareholder occur, it will be made, after consultation with the Shareholder, by subvention payment, or other mutually agreed methods after taking account of all tax considerations.
- 8.4** The Company may declare dividends as approved by the Directors.
- 8.5** The Directors may from time to time pay interim dividends.

9.0 ACCOUNTING POLICIES

- 9.1** The Company will maintain accounting records in accordance with the Companies Act 1993 and the Financial Reporting Act 2013.

Significant accounting policies adopted by the Company in its Annual Report are –

Compliance with New Zealand generally accepted accounting practice (NZ GAAP).

Preparation on a historical cost basis, apart from Land and Buildings and Heavy Quarry Equipment which are stated at their fair value.

Preparation on a going concern basis.

Financial assets, other than those at fair value, are assessed for impairment at each balance date.

Revenue and profit are primarily recognised based on value earned.

Trade and other receivables are stated at their expected realisable value, after providing for impairment.

Aggregate stocks are valued using standard costs based on the estimated average cost of production.

Property, plant and equipment, other than land and buildings and Heavy Quarry Equipment (which are measured at fair value), are carried at cost, less accumulated depreciation and impairment losses.

Trade and Other Payable are recognised when the company becomes obliged to make future payments.

10.0 INFORMATION TO BE PROVIDED TO SHAREHOLDERS

- 10.1** Annual Report and half-yearly operational report will be submitted in accordance with the Local Government Act 2002.
- 10.2** The half-yearly report will include details as are necessary to enable an informed assessment of the Company's performance during the reported period. This report will be accompanied by a Chairman's review of the period. The half-yearly report will be made available to the Shareholder no later than 1 March in every year.
- 10.3** The Annual Report will include all items required by the Companies Act 1993, the Financial Reporting Act 2013 and such other information as the Directors' deem necessary for the Shareholder to measure performance of the Company against performance targets agreed to in the Statement of Corporate Intent.

11.0 SIGNIFICANT ACQUISITIONS

- 11.1** Procedure to be followed as per Schedule 8, Clause 9(1)(i) of the Local Government Act 2002 regarding share transactions will be at the discretion of the Directors unless the acquisition qualifies as a major transaction as defined in 10.3.
- 11.2** The Board will consult with the Shareholder before making any significant acquisition including investment in another entity.
- 11.3** Acquisitions involving more than 10% of the total assets of the company will constitute a "major transaction" under Section 129 of the Companies Act 1993 and will require a special resolution of the Shareholder.

12.0 ESTIMATED COMMERCIAL VALUE OF SHAREHOLDER'S INVESTMENT

- 12.1** An independent valuation of the shares in the company dated 13 September 2019 concluded that the fair value of 100% of the shares in the company at 30 June 2019 was \$11.43m
- 12.2** The Directors believe that value of the shares will continue to grow.
- 12.3** Net Assets in the Annual Report as at 30 June 2019 stood at \$10.27m

13.0 CAPITAL SUBSCRIPTION

- 13.1** No capital will be required from the shareholder
- 13.2** No capital injections from the shareholder are expected in the current period.

Document No: A477018

Report To: Council



Meeting Date: 28 July 2020

Subject: **Civic Financial Services Limited –
Special General Meeting**

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to inform the Council that a Special General Meeting (SGM) of the Civic Financial Services Limited is scheduled for Thursday 13th August 2020 for which Council needs to either appoint a WDC representative to attend or appoint a Proxy.

Background

- 2.1 Civic Financial Services Limited (CFSL) administers superannuation services for local government and local government staff via Supereasy and Supereasy Kiwisaver Superannuation Schemes.
- 2.2 CFSL also provides administration, accounting and a range of other services to LAPP Disaster Fund, Riskpool, Civic Liability Pool (CLP) and Civic Property Pool.
- 2.3 WDC holds 16,940 shares in CFSL.
- 2.4 **2020 CIVIC FINANCIAL SERVICES LIMITED ANNUAL GENERAL MEETING**
- 2.5 At the Audit, Risk and Finance Committee meeting on 5 May 2020, the Chief Executive raised matter of the upcoming Annual General Meeting (AGM) and suggested for efficiency and cost reasons, that the Committee may wish to consider appointing a Proxy for Waitomo District Council.
- 2.6 The Committee resolved to delegate to the Chief Executive the appointment of Basil Morrison, or such other appropriate person, as Proxy for the Waitomo District Council at the 2020 Civic Financial Services Ltd Annual General Meeting, noting that Waitomo District Council had no matters it wished to be raised at the meeting.
- 2.7 At the Council meeting on 26 May 2020, following official notification that the AGM was scheduled to be held via a Zoom meeting, Council was informed that as Mr Basil Morrison was retiring by rotation and re-standing for election, there would be a conflict of interest should Council appoint him as Proxy, as Mr Morrison would be voting for himself in the election of Directors based on the instructions indicated in the Proxy Form.
- 2.8 Council resolved for the Chief Executive to appoint an appropriate person as Proxy for the Waitomo District Council at the 2020 Civic Financial Services Ltd Annual General Meeting, noting that Waitomo District Council has no matters it wishes to be raised at the meeting.

- 2.9 The Chief Executive appointed Mr Tony Marryatt, Board Chairman, as Proxy for Waitomo District Council.
- 2.10 The Proxy Form submitted by Waitomo District Council for the Annual General Meeting, including how to vote on each agenda item, forms part of this business paper and is attached for information. (Attachment 1)

Commentary

- 3.1 Christchurch City Council, as a shareholder, requested three resolutions be voted in at the 2020 Annual General Meeting on the 19 June 2020, these resolutions were voted on and carried. Refer agenda item 6 on the attached AGM Proxy Form. (Attachment 1)
- 3.2 Auckland Council has subsequently advised CFSL that it had intended to vote against the resolutions but had submitted the Council's proxy vote in favour of the resolution by mistake.
- 3.3 CFSL has considered Auckland Council's voting allocation, the material influence that that voting allocation has on decisions, and the extremely small margin that carried Christchurch City Council's proposal.
- 3.4 CFSL's Board have concluded that there is justification to revisit the vote and have scheduled a Special General Meeting (SGM).
- 3.5 The SGM is scheduled for 3:00pm on Thursday, 13 August 2020 Zoom.
- 3.6 The item of business for this meeting is to hold another vote on the resolutions that were requested by Christchurch City Council, in its capacity as a shareholder that were submitted and carried at the CFSL AGM held on the 19 June 2020.
- 3.7 A copy of the Notice of Meeting for the SGM is attached to and forms part of this business paper. (Attachment 2)
- 3.8 Council has the option to appoint an elected member as an appointed representative to attend the Special General Meeting via Zoom **or** to appoint an appropriate person as proxy.
- 3.9 As the meeting is to take place via Zoom conference the following procedure will be followed:
- 1) Voting on resolutions will take place by way of proxy appointment and accordingly:
 - a. Each shareholder must submit its proxy appointment form specifying the votes it intends to make at the SGM, no later than one business day before the SGM.
 - b. At the SGM, when the time comes to vote on resolutions each validly appointed proxy will be asked by the returning officer to confirm their vote in accordance with their proxy appointment from submitted in advance of the meeting.
 - c. Votes confirmed at the SGM will be valid for the purpose of determining the outcome of the vote.

- d. Votes on resolutions will only be valid if a proxy appointment form is submitted to the Returning Officer in advance of the SGM. No votes on resolutions by representatives during the SGM will be valid.
- 2) Details regarding participation in the meeting, including the link to join, will only be provided to properly appointed representatives and proxies.
- 3.10 A copy of the Proxy Form, setting out the directive for voting at the SGM is also attached to and forms part of this business paper. (Attachment 3)
- 3.11 Information from Christchurch City Council and the Board of CFSL setting out pros and cons for the proposed resolutions is attached to and forms part of this business paper. (Attachments 4 and 5)
- 3.12 A completed proxy form must be emailed to Dominika.mitchell@dentons.com by 3:00pm 12 August 2020.

Analysis of Options

- 4.1 There are two options;
 - 1 Nominate an Elected Member to attend via Zoom and vote as instructed, or
 - 2 Nominate a proxy to vote on Council's behalf as instructed.
- 4.2 Council has the meeting held via Zoom, this presents an opportunity for an Elected Member to attend the SGM without the usual travel costs associated with attending a SGM.

Considerations

- 5.1 **RISK**
- 5.2 The risk of either nominating an Elected Member or a Proxy are similar in the possibility that nominee is unable to attend the meeting.
- 5.3 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**
- 5.4 The decision being asked is consistent with Council's plans and policies.
- 5.5 **SIGNIFICANCE AND COMMUNITY VIEWS**
- 5.6 Consideration has been given to the significance and community views, under the Significance and Engagement Policy 2014 this matter is of low significance and that we already know what people's preferences are because the subject matter was included in our LTP, Annual Plan, Resident Satisfaction Survey or some other consultation already undertaken or the decision is not likely to affect people in the community or will have minimal impact.

Recommendation

- 6.1 Council maintain the position held at the Annual General Meeting and vote in favour of the first resolution and against resolutions two and three.

Suggested Resolutions

- 1 The business paper on Civic Financial Services Limited – Notice of Special General Meeting be received.
- 2 Council authorise the Chief Executive to appoint an appropriate person, as Proxy for the Waitomo District Council Proxy at the Civic Financial Services Ltd Special General Meeting.
- 3 Council instruct the representative/proxy to vote in favour of the first resolution and against resolutions two and three.



ALISTER DUNCAN

GENERAL MANAGER BUSINESS SUPPORT

10 July 2020

Attachment(s):	1	Waitomo District Council Proxy form for Civic Financial Services Limited Annual General Meeting (A473237)
	2	Notice of Meeting for Civic Financial Services Limited Special General Meeting (A477025)
	3	Civic Financial Services Limited - Proxy Form (A477026)
	4	Resolutions proposed by Christchurch City Council (A477027)
	5	Background to CFSL Board's decision (A477029)



Civic Financial Services Limited Proxy Form

Waitomo District Council of _____
(Shareholder Name)

Te Kuiti being a shareholder of Civic Financial Services Limited, hereby appoints _____
(Location)

Tony Marryatt of Board Chairman, Civic Financial Services contact email _____
(Name) (Employer)
tonymarryatt@hotmail.com

[insert]or, failing him/her

_____ of _____ contact email _____
(Name) (Employer)

[insert] as its proxy to vote for and on its behalf at the Annual General Meeting of Shareholders of Civic Financial Services Limited, to be held via Zoom conference on 19th June 2020 and at any adjournment of that meeting.

The proxy will vote as directed below:

Agenda Item	In Favour (✓)	Against (✓)
1. Receive apologies.		
2. Approve the Minutes of the AGM held 21 June 2019.	(✓)	
3. To receive the Annual Report To receive the Annual Report which includes the financial statements for the year ended 31 December 2019 and the report of the auditor therein.	(✓)	
4. To elect two Directors <i>Please only vote for a maximum of two candidates. Should votes be cast in favour of more than two directors all of the shareholder's votes in this section will be invalidated</i> Basil Morrison who retires in terms of the Constitution and being eligible and having been nominated by the Board, offers himself for re-election.	(✓)	
Tony Gray who retires in terms of the Constitution and being eligible and having been nominated by the Board, offers himself for re-election.	(✓)	
Jen Crawford who has been nominated by Christchurch City Council and offers herself for election.		
Louise Edwards who has been nominated by Christchurch City Council and offers herself for election.		
5. Appointment and Remuneration of Auditor To record the appointment of the Auditor-General as auditor (pursuant to Section 207 of the Companies Act 1993 and Section 15 of the Public Audit Act 2001) to hold office until the conclusion of the next Annual General Meeting and to authorise the Directors to determine the remuneration for the auditor for the year.	(✓)	

NOTICE OF MEETING

Notice is hereby given pursuant to clause 13.6.1 of Civic Financial Services Limited's ("Civic") Constitution that a Special General Meeting of Shareholders will be held via Zoom conference on Thursday 13 August 2020 commencing at 3.00pm for the purpose of transacting the following business:

ORDINARY BUSINESS**1. Special Business**

To hold another vote on the resolutions that were requested by Christchurch City Council, in its capacity as a shareholder of Civic, that were submitted and carried at the Civic AGM held on 19 June 2020.

This vote has been called in response to feedback from Auckland Council advising that there was an error made when they cast their vote at the Civic 2020 AGM.

2. Text of Special Resolutions

1. *It is noted that the Board, effective from 1 April 2020, has made the decision to reduce the management fee charged to the members of the SuperEasy and SuperEasy KiwiSaver Superannuation Schemes from 0.50% to 0.44% per annum. This has the effect of reducing the extent of funds that might otherwise be available for distribution to shareholders in favour of benefiting the superannuation scheme members.*
2. *That effective from 1 April 2021 the Board returns the management fee charged to the members of the SuperEasy and SuperEasy KiwiSaver Superannuation Schemes back to 0.50%.*
3. *That the Board tables options on changing superannuation fee structures to shareholders detailing the effect, if any, on the payment of future dividends.*

Attached for ease of reference are the background papers to the Christchurch City Council resolutions which were included in the notice of AGM:

- Statement from Christchurch City Council giving the background to its resolutions.
- Statement from Civic's Board providing background as to why it **does not** support the resolutions proposed by Christchurch City Council.

ATTENDANCE VIA ZOOM: PROXIES/APPOINTED REPRESENTATIVES AND VOTING

A shareholder entitled to attend and vote at the SGM can only vote by appointing a proxy for this meeting. A shareholder may appoint a representative to attend the meeting instead, however, a representative will only be able to vote if they have also been appointed as a proxy (i.e. you can appoint your representative as a proxy).

As the meeting is to take place via Zoom conference:

- 1) Voting on resolutions will take place by way of proxy appointment and accordingly:
 - a. Each shareholder must submit its proxy appointment form specifying the votes it intends to make at the SGM, no later than one business day before the SGM.
 - b. At the SGM, when the time comes to vote on resolutions each validly appointed proxy will be asked by the Returning Officer to confirm their vote in accordance with their proxy appointment form submitted in advance of the meeting.
 - c. Votes confirmed at the SGM will be valid for the purpose of determining the outcome of the vote.
 - d. Votes on resolutions will only be valid if a proxy appointment form is submitted to the Returning Officer in advance of the SGM. No votes on resolutions by representatives during the SGM will be valid.
- 2) Details regarding participation in the meeting, including the link to join, will only be provided to properly appointed representatives and proxies.

A completed proxy form/notice in writing of appointment of a representative signed by the shareholder must be provided to the Returning Officer (by email) by 3.00pm one business day before the start of the meeting i.e. 12th August 2020.

By Order of the Board
Glenn Watkin
Chief Financial Officer
7 July 2020

Returning Officer:
Diako Ishmael
Solicitor, Dentons Kensington Swan
diako.ishmael@dentons.com

Reasons to support the resolutions proposed by Christchurch City Council

Background

In December 2019, the Board, after informal consultation proposed and implemented a reduction in the management fee charged to members of the SuperEasy and SuperEasy KiwiSaver Superannuation Schemes.

The Christchurch City Council has questioned management of Civic to determine whether the process for making such a decision, favouring members over shareholders was in the best interest shareholders.

Given the limited ownership structure of Civic, the Christchurch City Council contends that all shareholders should have been given a formal opportunity to review all options and to provide feedback on a decision that would likely affect future dividend streams.

The Christchurch City Council appreciates that SuperEasy and SuperEasy KiwiSaver Superannuation Schemes have some of the lowest management fees in the industry, which already reduces the potential for future dividend streams to shareholders.

Civic has provided Christchurch City Council the following fee-related information (as at September 2019):

Management Fees	New %	Old %	Other restricted schemes (average) %	Default schemes (average) %
Conservative Funds	0.44	0.50	0.95	0.65
Balanced Funds	0.44	0.50	1.02	0.88
Growth Funds	0.44	0.50	1.03	0.93

A snapshot from Civic's 2019 Annual Report on the schemes shows the following:

- the SuperEasy schemes are described as featuring low member charges;
- 94% (69 from 73) councils have appointed Civic as preferred provider of KiwiSaver (for those employees not nominating other KiwiSaver schemes);
- Funds under management are \$420 million, up 50% since 2016;
- There are 10,734 members of Civic's superannuation funds which is around 40% of all local government employees. Member numbers have increased 6.7% since 2016.

Christchurch City Council's assessment of the information provided by Civic shows that the rationale for a reduction in member fees is not immediately apparent.

Conclusion

The Christchurch City Council proposes that the above resolutions be put to the 2019/20 annual general meeting in order to formally recognise the actions by the Board to reduce the management fees and requests that the management fee be reinstated to 0.50% and that the Board, tables options including the effect, if any, on the payment of future dividends.

The Board of Civic Financial Services Ltd DOES NOT support the resolutions proposed by Christchurch City Council

Background to the Board's decision to reduce the management fee charged to members of its superannuation schemes from 0.50% pa to 0.44% pa are;

1. The Board's view is that Civic Financial Services and the companies that preceded it have always been in operation for the benefit of local government.
 2. When providing insurance, the Board's view was that the majority of shareholders felt that the company's primary role was to keep the insurance market honest; paying a dividend was seen as secondary to that primary role.
 3. The Board now sees its major role as being the "holding company" providing superannuation schemes for those employed in local government.
 4. Having not paid a dividend since 2009 apart from the special dividend on the sale of Civic Assurance House paid in August 2019, the company's financial projections for the 2020 year showed that funds were available to pay a dividend to shareholders.
 5. Civic's primary source of income is from the management fees it receives from the members of the company's superannuation schemes. The Board felt that reducing the Schemes' management fee would secure and enhance Civic's income in the future.
 6. The Board resolved to use the funds that could have been used to pay a dividend to shareholders to reduce the management fee charged to members of the company's superannuation schemes. The Board made the decision to reduce fees, to not only give benefit to existing members but also to help attract new members which enhances the income of the company.
- When considering whether to pay a dividend or reduce the management fees to members of the company's superannuation schemes, the Board considered the materiality on any dividend payable to its shareholders. The total dividend to be distributed amongst all of the 73 shareholders could have been \$186,316.

Document No: A476847

Report To: Council



Meeting Date: 28 July 2020

Subject: Annual Report on Waitomo District Council Dog Control Policy and Practices

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is for Council to consider and adopt the Waitomo District Council Dog Control Policy and Practices Report 2019/2020 ("the Report").

Background

- 2.1 Section 10A of the Dog Control Act 1996 ("The Act") requires councils to report annually on the administration of its Dog Control Policy and Practices. This has been a requirement since the Act was amended in 2003.

Commentary

- 3.1 Section 10A of the Act specifies the information that Council must include in its report in respect of each financial year as follows:
- (a) *the number of registered dogs in the territorial authority district:*
 - (b) *the number of probationary owners and disqualified owners in the territorial authority district:*
 - (c) *the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:*
 - (d) *the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:*
 - (e) *the number of infringement notices issued by the territorial authority:*
 - (f) *the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:*
 - (g) *the number of prosecutions taken by the territorial authority under this Act."*
- 3.2 The Report (attached as Appendix 1) addresses all the matters required by the Act.
- 3.3 Section 10A also specifies that Council must publically notify the Report within one month of adopting the report, publish the report online, and send a copy of it to the Secretary for Local Government.

Considerations

4.1 **Risk**

4.2 There is no risk to Council in adopting this report.

4.3 **Significance and Community Views**

4.4 This is not a significant decision (in accordance with Council's Significance and Engagement Policy) and there is no requirement for Council to consider any affected persons. Providing the report to the Secretary of Local Government is an operational matter.

Recommendation

5.1 It is recommended that Council resolves to adopt the Report and give public notice of the report as required by the Act.

Suggested Resolutions

- 1 The business paper on Annual Report on Waitomo District Council Dog Control Policy and Practices' be received.
- 2 Council adopt the Report on Waitomo District Council Dog Control Policy and Practices 2019/2020 (Reference A475800).



TERRENA KELLY

GENERAL MANAGER STRATEGY AND ENVIRONMENT

14 July 2020

Attachment: Report on Waitomo District Council Dog Control Policy and Practices 2019/2020 (Doc A475800)



**REPORT ON
WAITOMO DISTRICT COUNCIL DOG CONTROL POLICY AND PRACTICES
2019/2020**

TO: The Secretary for Local Government
FROM: General Manager Strategy and Environment
SUBJECT: Report on Waitomo District Council Dog Control Policy and Practices - 2019/2020
DATE: 28 July 2020

1 INTRODUCTION

This is Waitomo District Council's (WDC) annual report on Dog Control Policy and Practices for the period 1 July 2019 to 30 June 2020, as required by section 10A of the Dog Control Act 1996.

2 DOG CONTROL POLICY AND PRACTICES

2.1 Dog Control in the District

The total number of active dogs on WDC's Register at the end of the 2019/20 registration year was 3,461, an increase of 60 dogs from 2018/19.

WDC provides a twenty-four hour Animal Control Service, with Animal Control Officers ("ACO") covering this function during normal business hours. Any urgent animal control service requests received after-hours (including weekends and public holidays) are responded to by an after-hour's Contractor. Training is provided to Contractors, with both providers working closely together on animal control matters.

WDC also maintains good working relationships with the local Police, veterinarians and the Waikato SPCA.

WDC employs one full time ACO and a Compliance Administrator.

The ACO works predominantly in the field, whilst the Compliance Administrator oversees the administration of the WDC Database, the National Dog Database (NDD), and the registration process.

WDC operates a Dog Pound in William Street, Te Kuiti. The Pound equipment is updated on an as needed basis.

This year, there was a decrease in the number of dogs impounded from the previous year. 125 dogs were impounded (compared to 153 in 2018/19), with 62 dogs returned to their owner, 23 dogs euthanized, and 40 re-homed.

The owners of impounded dogs are required to pay an impounding fee, as well as registration fees if the dog is unregistered, plus micro-chipping fees if applicable. In addition, sustenance fees are charged for each day the dog is in the pound.

Microchipping continues to be a key focus. It is noted that the Act requires dogs being registered for the first time to be chipped within two months of registration (with herding dogs exempt from the requirement) and classified dangerous and menacing dogs are also required to be microchipped.

Microchipping is carried out by the ACO who has the appropriate training to perform the task. Owners are charged a nominal fee of \$25 to cover costs.

The WDC Dog Control Policy and Bylaw was formally adopted in 2015.

2.2 Dog Control Enforcement Practices

For this period, WDC received 284 dog control related complaints (349 in 2018/19) that required action.

WDC takes a pragmatic approach to enforcement, and generally attempts to educate dog owners in the first instance. For example, if a registered dog is picked up for a first wandering offence, the dog might be returned to the owner with a verbal warning, rather than impounding.

Complaints relating to wandering dogs numbered 157 this year, a reduction from the 2018/19 period (194). In addition, 44 complaints were received in relation to barking dogs (59 in 2018/19), and 25 complaints were received for rushing/aggression. WDC works with complainants to identify and capture wandering dogs, sometimes using WDC owned cage traps if required.

In respect of barking complaints, most are resolved quickly once the owner is advised of the issue and has been provided advice on methods to resolve the issue. Where the issue is not resolved within a timely manner, an Abatement Notice is issued (as provided by the Act) and this has proven to be a useful tool in these circumstances. WDC has issued no barking Abatement Notices in this period.

WDC received 52 complaints related to attacks, rushing and/or aggressive dog incidents. Each incident is investigated, and a report completed (including an attack rating assessment). Upon completion of the investigation and reporting, a decision is made (and recorded) as to what action is appropriate as per the requirements of the Act. Each incident is assessed on its merits on a case by case basis.

For this period, 19 (48 in 2018/19) Infringement Notices have been issued and have since either been paid by the Dog Owner or sent to the Court.

The Infringement Notices were issued as follows:

- Two for breach of section 33EC(1) (failure to comply with effects of classification of dog as menacing dog);
- One for breach of Section 42 (failure to register dog);
- Six for breach of Section 52A (failure to keep dog controlled or confined);
- 10 for breach of Section 53(1) (failure to keep dog under control); and

There has been a significant decrease in infringements being issued, due to the COVID-19 lockdown period. In 2018/19, along with usual infringements for dogs at large etc, infringements were issued to dog owners for non-registration. Due to the COVID-19 lockdown of March/April 2020, WDC was unable to issue any infringements or follow up on non-registration, as these dog control related activities were not considered essential services.

2.3 Dogs Prohibited, Leash Only and Dog Exercise Areas

WDC's Policy requires all dogs to be on a leash in public places.

The Policy also identifies dog prohibited areas (i.e. sports grounds, children's playgrounds and schools), and dog exercise areas. Signs are installed as appropriate to advise the public.

2.4 Dog Registration and Other Fees

There were no changes to the Dog Registration fees for 2019/20.

Where dog owners have not registered their dogs within the required timeframe, these are followed up. The process involves an initial reminder letter and phone call / visit to the Owner. If dog owners continue to fail to register their dogs, the dog(s) are then seized and impounded. Dogs are only released from the pound once they are registered. If this approach is unsuccessful, dogs are seized and held until registered.

2.5 Education

WDC proactively engages in education for dog owners on a monthly basis by a range of mediums including the local newspaper, Waitomo Way (a council newsletter) and WDC's two Facebook pages (one dedicated to Animal Control).

2.6 Disqualified and Probationary Dog Owners

Waitomo District has one disqualified Dog Owner, and two probationary owners.

2.7 Menacing and Dangerous Dogs

For this period, there are two dangerous dogs and 24 menacing dogs classified in the District out of a population of 3,461 dogs. Any new dog of a menacing breed/type is identified following registration, classified and referred for a compliance check.

In April 2017, WDC received funding from the Department of Internal Affairs (DIA) to run a Menacing Dog Campaign for the neutering of menacing dogs. As at 30 June 2020, 23 dogs have been neutered under this campaign (since the commencement in May 2017). The Campaign is ongoing while funding is available.

2.8 Other Information

Council requires owners of more than two dogs on any urban property to apply for a permit from Council. Upon application, the Dog Owner's property is inspected in accordance with the requirements of the Dog Control Bylaw. If the requirements are met, the permit is issued subject to any necessary conditions. A permit may be reviewed by WDC at any time, and may be modified or revoked if any non-compliances with the permit are detected.

3 STATISTICAL INFORMATION

Category	For period 1 July 2016 – 30 June 2017	For period 1 July 2017 – 30 June 2018	For period 1 July 2018 – 30 June 2019	For period 1 July 2019 – 30 June 2020
Total number of Registered Dogs	3,590	3,468	3,401	3,461
Total number of Probationary Owners	0	0	0	2
Total number of Disqualified Owners	0	1	1	1
Total number of Dangerous Dogs	1	0	0	2
▪ Dangerous by Owner Conviction Under s31(1)(a)	0	0	0	0
▪ Dangerous by Sworn Evidence s31(1)(b)	1	0	0	0
▪ Dangerous by Owner Admittance in Writing s31(1)(c)	0	0	0	2
Total number of Menacing Dogs	26	28	28	24
▪ Menacing under s33A(1)(b)(i) - i.e. by Behaviour	3	3	8	5
▪ Menacing under s33A(1)(b)(ii)- by Breed Characteristics	6	7	5	5
▪ Menacing under s33C(1) by Schedule 4 Breed	17	18	15	14
Total number of Infringement Notices (excluding cancelled)	74	51	48	19
Total number of prosecutions	0	1	0	1
Complaints received:				
▪ Aggressive	2	8	21	19
▪ Bins/Signs	0	0	0	0
▪ Bite/attack	33	37	39	27
▪ Barking	93	40	59	44
▪ Breach of Council Bylaw or permits	4	3	2	2
▪ Lost Dog/other	1	26	18	15
▪ Rushing in public place	17	14	2	6
▪ Unregistered	0	4	5	2
▪ Wandering	314	277	194	157
▪ Worrying animals	19	1	1	3
▪ No water, shelter, food or exercise	35	16	8	9
Total Complaints Received	518	426	349	284

Note: Variations in reporting numbers on aggressive, bite/attacks and rushing between years can occur as a result of how service requests are coded.

Document No: A458819

Report To: Council



Meeting Date: 28 July 2020

Subject: Review of Council's Gambling Venues Policy

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to seek a decision from Council to confirm that Council has reviewed the 2017 Policy on Gambling Venues ('the Policy'), and that the Policy does not require amendment.

Background

- 2.1 The Gambling Act 2003 ('Gambling Act') requires Council to develop a gaming venue policy to control the growth, and to minimise the harm, caused by Class 4 Gambling Venues (Non-casino gaming machines, or pokies).
- 2.2 Under s101(4) of the Gambling Act, in determining the Class 4 Policy, Council may have regard to any relevant matters, including:
 - The characteristics of the district and parts of the district;
 - The location of kindergartens, early childhood centers, schools, places of workshop, and other community facilities;
 - The number of gaming machines that should be permitted to operate at any venue or class of venue;
 - The cumulative effects of additional opportunities for gambling in the district;
 - How close any venue should be permitted to be to any other venue;
 - What the primary activity at any venue should be.
- 2.3 For venues operated by clubs, a Class 4 Policy must also include statements on:
 - Whether to allow existing club venues to increase the number of machines, upto a maximum of 18 machines; and
 - How many machines will be allowed (up to a maximum of 30), when two club venues merge into one.
- 2.4 In both cases, Council is required to give consent before the club may seek permission from the Minister of Internal Affairs, who makes a final decision.
- 2.5 The Racing Act 2003 ('Racing Act') requires Council to develop and adopt a Policy on Racing Board Venues. The Racing Act requires Council to have regard to the social impact of problem gambling within its district when adopting its Policy on Racing Board Venues.
- 2.6 On 26 August 2014, Council chose to adopt one singular Policy to restrict the location of Class 4 Gambling and Racing Board Venues. This is the current Policy on Gambling Venues.

- 2.7 Under section 102(5) of the Gambling Act, and section 65E (5) of the Racing Act, Council is required to undertake a review of the Policy on Gambling Venues every three (3) years. The last review of the Policy was completed in August 2017.
- 2.8 When Council last reviewed the Policy, elected members chose to retain the existing policy with no changes.
- 2.9 Prior to that review the following amendments were made:
- Council capped the total number of gaming machines to 77 in the District.
 - Council limited the number of gaming venues to 5 in the Te Kuiti Urban Area.
 - Council agreed to an increase in the number of gaming machines from 5 to 9 for Class 4 Gaming Venues.
 - The first time Council commenced a review of the Policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 ('Amendment Act'), Council was required to consider whether to include a relocation policy for class four gambling machines. Section 101(5) of the Gambling Act defines a relocation policy as:

...a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is intended to replace an existing venue (within the district) to which a class 4 venue licence applies
 - Council ultimately decided to include a relocation policy, but stated that the relocation Policy be based on "existing use rights" i.e. current Licensees should be able to relocate the total number of their existing gaming machines to a new venue subject to remaining within the overall cap of 77 machines.

Commentary

- 3.1 As set out in Council's Road Map Work Programme, the Policy is due for review this calendar year (2020).
- 3.2 Council's current policy acknowledges that gambling can be harmful to some members of the community. It is for this reason that Council has sought to restrict the number of gambling venues, the number of machines at those venues and the areas where those venues may be located.
- 3.3 Council's Policy does, however, strike a balance by acknowledging that responsible gambling is a lawful form of recreation enjoyed by many members within the community.
- 3.4 It should be noted that since March 2015, one venue has closed in the District and the number of gaming machines have decreased by 7, bringing the total number of current venues to 5 and the number of machines to 60.
- 3.5 The review of the policy was workshopped with Council on 14 July 2020. Council provided direction that no amendments were required to the policy.

Considerations

4.1 **RISK**

- 4.2 Neither section 102(5) of the Gambling Act, or section 65E(5) of the Racing Act state what Council is required to undertake in order to "review" its Policy.
- 4.3 There is minimal legal risk to Council by choosing to conduct a review and adopt a policy with no changes.
- 4.4 In reviewing section 102(2) of the Gambling Act, and 65E(2) of the Racing Act, these provisions state that Special Consultative Procedure is only required when amending or replacing the policy.

4.5 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 4.6 The Policy is consistent with Councils existing plans and policies.

4.7 **SIGNIFICANCE AND COMMUNITY VIEWS**

- 4.8 No amendments are being proposed to the policy, therefore there is no requirement to consult. Under Council's Significance and Engagement Policy, this matter is of low significance and therefore requires no consultation.

Recommendation

- 5.1 Council determine that a review of the Policy has established that no amendments are required to the Policy, and that the Policy can be rolled over, noting that amendments will be made to the format and policy date only.

Suggested Resolutions

- 1 The business paper on 'Review of Council's Gambling Venues Policy' be received.
- 2 Council resolves that a review of Council's Gambling Venues Policy (2017) has been undertaken, and no amendment to the Gambling Venues Policy is required.
- 3 Council resolve to adopt the reviewed Gambling Venues Policy 2020.



IHSANA AGEEL

MANAGER STRATEGY AND POLICY

14 July 2020

Attachment	1	Waitomo District Gambling Venues Policy (A467225)
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Attachment 1

Waitomo District Council Policy on Gambling Venues

Contents

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First adopted	27 November 2012
Last Reviewed	1 August 2017
Review Date	Prior to 1 August 2020
Associated documents	N/A
Responsibility	Compliance Group



1.0 Introduction

- 1.1 Waitomo District Council (WDC) is required to adopt a policy on Class 4 venues (Gambling Venue Policy) for its district under the Gambling Act 2003 (the Act).
- 1.2 Section 101(3) of the Act requires that the class 4 venues policy:
 - i. must specify whether or not class 4 venues may be established in the territorial authority district and if so, where they may be located; and
 - ii. may specify any restrictions on the maximum number of gaming machines that may operate at class 4 venues.
- 1.3 WDC must also have a policy on Board Venues as required by the Racing Act 2003. A board venue policy must specify whether new board venues may be established in the District and if so where they may be located.
- 1.4 WDC recognises the harm that gambling can bring to the community and aims to help minimise this harm by having policy in place to control it. Gaming machine operators are regulated by the Department of Internal affairs and therefore this policy is not aimed at ensuring compliance by gaming machine operators.
- 1.5 WDC also recognises that one of the benefits of gaming machines within the District is increased availability of community funding or grants for the community.

2.0 Policy Objective

- 2.1 The objectives of this policy are:
 - a) To support the intent of the Gambling Act 2003 as follows:
 - (i) control the growth of gambling; and
 - (ii) prevent and minimise the harm caused by gambling, including problem gambling; and
 - (iii) authorise some gambling and prohibit the rest; and
 - (iv) facilitate responsible gambling; and
 - (v) ensure the integrity and fairness of games; and
 - (vi) limit opportunities for crime or dishonesty associated with gambling; and
 - (vii) ensure that money from gambling benefits the community; and
 - (viii) facilitate community involvement in decisions about the provision of gambling.
 - b) To support the intent of the Racing Act 2003 as follows:
 - (i) to provide effective governance arrangements for the racing industry; and
 - (ii) to facilitate betting on galloping, harness, and greyhound races, and other sporting events; and
 - (iii) to promote the long-term viability of New Zealand racing.
- 2.2 WDC supports the intent of both the Gambling Act 2003 and the Racing Act 2003 however WDC has no direct role in monitoring and enforcing the intentions of the respective Acts and in particular those intentions listed in clauses 2.1(a)(v), 2.1(a)(vi) and 2.1(b)(iii) of this policy.

3.0 Definitions

The Act	shall mean the Gambling Act 2003.
Council	shall mean the elected members that form the governing body (Council) of the District Council
Waitomo District Council (WDC)	shall mean the organisation established to administer Council affairs, conduct operations and bring effect to Council policy and strategies.
Plans	shall mean Council's Long Term Plan, Annual Plan, District Plan or other Strategic Plans.
Primary Activity	means the activity primarily associated with and promoted by the venue.
Class 4 Gambling	shall have the meaning contained in Section 30 of the Act.
Club	means a private club licensed to serve alcohol to members.
New venue	means a venue granted a Class 4 licence not held as at 31 March 2014.
Class 4 Venue	shall mean a place used to conduct Class 4 gambling as outlined in the Gambling Act 2003.
Gaming Machine	shall mean a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling.
Harm	means harm or distress of any kind arising from, or caused or exacerbated by, a persons gambling.
Venue Consent	shall mean approval from the WDC to establish a Class 4 gaming venue within the District.
Venue Licence	means a Class 4 venue licence issued by the Department of Internal Affairs.
District	shall mean the Waitomo District as constituted under Schedule 2 of the Local Government Act 2003.
Board Venue	means premises that are owned or leased by the New Zealand Racing Board and where the main business carried out on the premises is providing racing betting or sports betting services.
Te Kuiti Urban Area	shall be a 5km radius from the Te Kuiti Post Office (deemed to be the centre of town)

4.0 **Policy Statements**

4.1 **Establishment of Class 4 or Board Venues**

4.2 Class 4 venues and Board venues may be established within the Waitomo District subject to:

- i. the number of gaming machines proposed for the venue being able to be met within the overall district cap (maximum) on gaming machines as detailed in 4.7.
- ii. not being a venue at which any activity at the venue is associated primarily with family or children's activities, or a venue that promotes their premises predominately for family dining or family activities.
- iii. a venue which operates as a brothel will not be granted a Class 4 venue or Board venue consent.

4.3 **Location of Class 4 or Board Venues**

4.4 Class 4 gambling venues or Board venues cannot be established adjacent to or directly opposite any kindergarten, early childhood centre, school or place of public worship.

4.5 **Primary Activity of Class 4 or Board Venues**

4.6 The primary activity of any Class 4 gambling venue or Board venue shall be:

- i. For the sale of alcohol or, the sale of alcohol and food where the venue is subject to a alcohol licence (not being an off licence or a bring-your-own licence) for a hotel, tavern, bar, chartered club or club licence; or
- ii. Where the alcohol licence for the venue is an on-licence or club licence for the sale of alcohol; or
- iii. The conducting of race and sports betting in stand alone New Zealand Racing Board Venues under the Racing Act 2003.

4.7 **Maximum number of allowable gaming machines and Class 4 venues**

4.8 The maximum number of gaming machines allowed within the Waitomo District (District cap) shall not exceed 77.

In deciding on the District cap, Council has drawn a balance between reducing the social harm of gambling and benefits arising from generation of community funding. Consideration was also given to the policy objective of controlling the growth of gambling in the District. The status quo, being one of the options was in a flux - the

total number of machines in the District as at 1 April 2014 were 82 but during the review the number reduced to 68. The District cap arrived at is a balance between these two.

4.9 New Class 4 gaming venues will be allowed a maximum of 9 gaming machines subject to the total number of gaming machines in the District cap not being breached.

4.10 The number of Class 4 gaming venues in the Te Kuiti urban area will be limited to 5.

As at 1 April 2014, the number of people per gaming machine in Te Kuiti was 61 which is substantially more than the District average of 109 people per gaming machine. The cap on the number of Class 4 gaming venues in Te Kuiti has been introduced to discourage any further concentration of venues within Te Kuiti urban area in consideration of the potential harm of gambling. In deciding upon this number Council considered the status quo as at 1 April 2014 to be a prudent cap.

4.11 Increase in number of Gaming machines

4.12 Consent will not be granted to any Class 4 gaming venue for increasing the number of gaming machines it is currently operating.

4.13 Signage for Class 4 Gaming venues

4.14 Gaming machines and or signage relating to or promoting gambling must not be visible from any public place outside the venue.

4.15 Clubs with existing Class 4 venue licenses merging

4.16 In the event of two or more clubs with existing Class 4 gambling venue licenses merging, new venue consent shall be required. Notwithstanding other Council requirements for venue consent, Council will give consideration to the maximum number of machines at the merged venue being up to the lesser of:

- i. the total of the machine numbers in the merging venues prior to the merger;
or
- ii. 18 machines.

4.17 Relocation of Class 4 Venues

4.18 Notwithstanding other conditions in this policy, where a legally established venue applies for consent to relocate to a new site, WDC will consider such application on the same basis as a new venue application, with the exception that such venue may relocate and retain the pre-existing number of gaming machines to such new site. That exception will be subject to the requirement that the total number of machines in the District remains within the overall district cap of 77 machines.

5.0 Procedures

- 5.1 Applications for a venue consent must be made on the approved form and must be accompanied by the information required by WDC to enable it to consider the application in detail including:
- i. name and contact details for the application
 - ii. street address of premises proposed for the Class 4 licence
 - iii. the names of management staff
 - iv. evidence of police approval for owners and managers of the venue
 - v. a copy of the approved gambling harm and minimisation policy, the staff training programme and the applicants host responsibility programme
 - vi. evidence of the distance to the nearest residential zone, educational or religious establishment and other Class 4 gambling venues
- 5.2 In order to monitor the benefits versus harm of gaming venues WDC will request operators identify local recipients of charitable funding.
- 5.3 The application and processing fees will be as listed in Council's Fees and Charges.

6.0 Review

- 6.1 This policy will be reviewed at least every three years.
- 6.2 The maximum number of machines allowed within the District as well as the cap on venues in Te Kuiti urban area may be reassessed in future reviews in consideration of the benefits versus harm of gambling.

Document No: A476894

Report To: Council



Meeting Date: 28 July 2020

Subject: **Te Arawhiti – Crown and Maniapoto Treaty Settlement**

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to seek a decision from Council on:
 - a) The proposal from Te Arawhiti (the Office for Māori Crown Relations) ("the Crown") for Waitomo District Council to agree to commit to working with the MMTB (or PSGE) to develop a Joint Management Agreement (JMA) for the Crown's Ngā Wai o Maniapoto natural resources redress; and
 - b) The proposed draft Deed of Settlement ("DOS") commentary related to Brook Park / Motakiora.
- 1.2 Both proposals relate to the Crown and Maniapoto's Treaty Settlement process.

Background

- 2.1 **Treaty Settlement**
- 2.2 The Ngati Maniapoto Treaty Settlement process has been ongoing since late 2016.
- 2.3 Council was provided a full background to the treaty settlement process at its meeting on 1 August 2017 (document reference A356988) and was provided a copy of the Agreement in Principle between the Crown (Office of Treaty Settlement (now known as Te Arawhiti) and Maniapoto Maori Trust Board ("MMTB") on 28 November 2017 (document reference A375006).
- 2.4 At its meeting on 27 November 2018 (document reference A413344), Council resolved its agreement for the Crown to provide Statutory Acknowledgements in favour of the Maniapoto Post Settlement Governance Entity ("PSGE") through the Maniapoto Treaty settlement over the following properties:
 - a) Te Kuiti Aerodrome – Lot 2 DP 7392; Part Lot 1 DP 8140; Part Lot 2, DP 8140 and Part Te Kumi 7C Block;
 - b) Rukuhia Domain Recreation Reserve – Section 5, Block III Totoro Survey District, computer freehold register 574807; and
 - c) Te Nau Nau property, Mokau – Section 22, Block I, Awakino Survey District.

- 2.5 On 28 May 2019 (document reference A430936), Council was briefed on the proposed development of a Joint Management Agreement ("JMA") – Natural Resources within the MMTB Rohe. Council also considered a specific proposal by the Crown to consider vesting an area of Brook Park in the PSGE. Council resolved as follows:

"That it declines to vest any part of Brook Park in the Maniapoto Post Settlement Governance Entity (PSGE) through the Maniapoto Treaty Settlement; however, will consider a co-governance or co-management arrangement with the Maniapoto Maori Trust Board independently of the Treaty Settlement Process, subject to further consideration and formal Council endorsement and Resolution of the form and content of any co-management or co-governance arrangement."

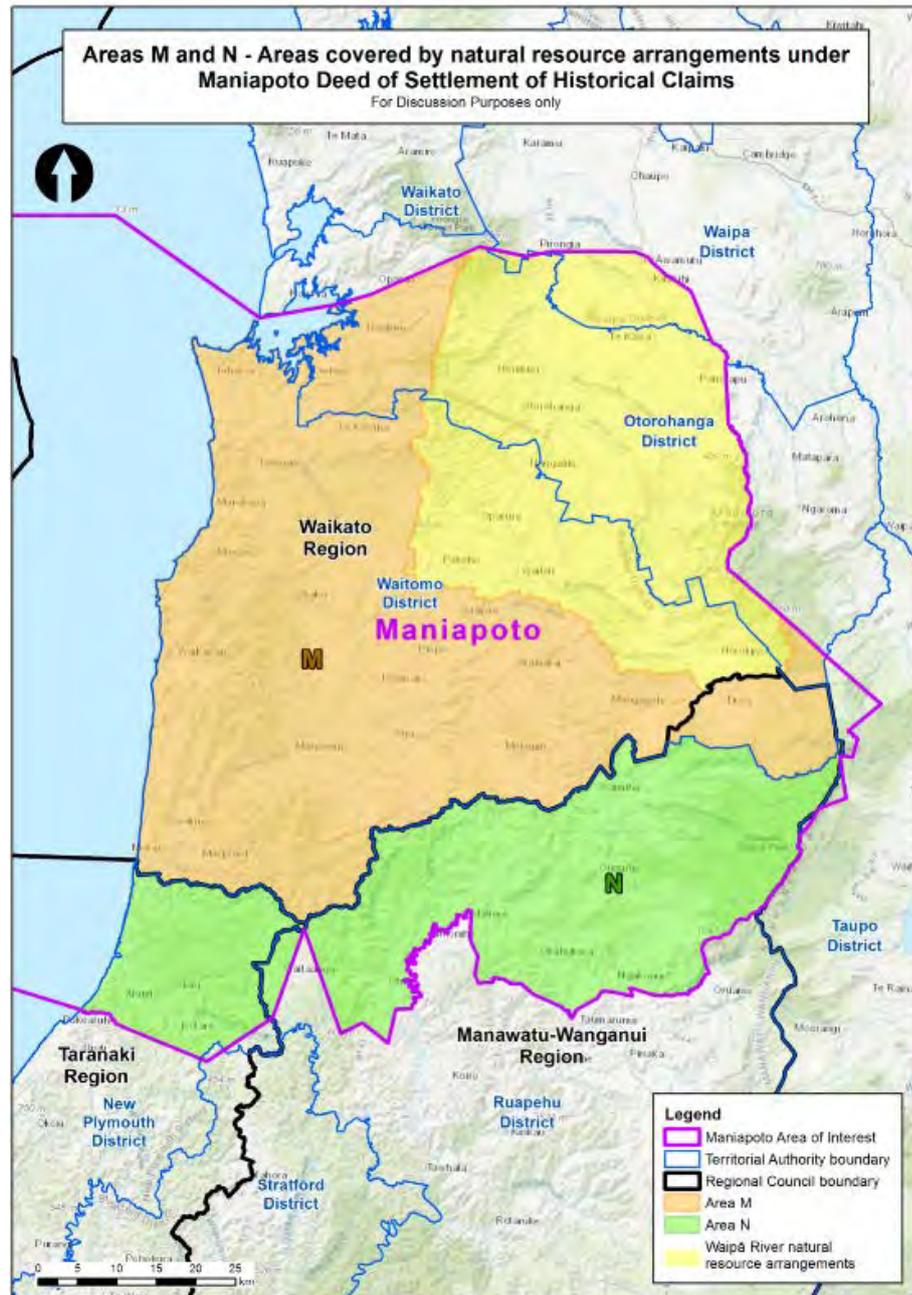
2.6 Existing Joint Management Agreement

- 2.7 It is noted that Waitomo District Council has a current JMA with MMTB in respect of the Waipa River (document reference A304942). This JMA was signed on 3 April 2013, and the parties to this agreement are Waitomo District Council, Otorohanga District Council, Waipa District Council, Waikato Regional Council and the MMTB. The JMA provides for co-governance and co-management of the Waipa River in accordance with the Nga Wai o Maniapoto (Waipa River) Act 2012.

Commentary

3.1 Ngā Wai O Maniapoto – Natural Resource Redress

- 3.2 The Crown has sought formal agreement from Council to commit to working with the MMTB (or PSGE) to develop a JMA.
- 3.3 Once the Crown receives confirmation of Council's commitment to develop a JMA (if Council agrees to this), then the requirement to enter into a JMA will be incorporated into the DOS, and the subsequent treaty settlement legislation, with a timeframe (usually 12-18 months) for the parties to implement the JMA.
- 3.4 The content and form of the JMA will be worked through with Council in due course, with the final JMA presented to Council for consideration and endorsement.
- 3.5 The area that the proposed Nga Wai o Maniapoto natural resource redress (JMA) will apply to in relation to the Waitomo District is marked 'M' on the map below.



3.6 It is noted that the proposed JMA will (subject to Council’s final agreement) essentially duplicate many of the requirements that Council has already agreed to as part of the Waipā River JMA, which requires:

- MMTB and the councils to work together (meet biannually) to discuss and agree priorities, methods and opportunities for monitoring and enforcement relating to MMTB and activities within its catchments affecting MMTB;
- That MMTB and Council will convene a joint working party prior to the commencement of a review/change to a planning document (i.e. District Plan) to enable MMTB to make a recommendation on whether to commence a review/change or make amendments to the planning document;
- That MMTB are given an opportunity to participate in the District Plan Review / Plan Change process;

- That MMTB are provided information and the opportunity to provide feedback on any resource consent application for the use of or activities on the surface of the water within the JMA area.

3.7 The proposed JMA therefore effectively only extends the requirement for MMTB to be consulted on for activities on the surface of water over the entire district (rather than the current area related to the Waipa river and its tributaries shown in yellow on the map above).

3.8 **BROOK PARK / MŌTAKIORA PROPOSAL FOR CULTURAL REDRESS**

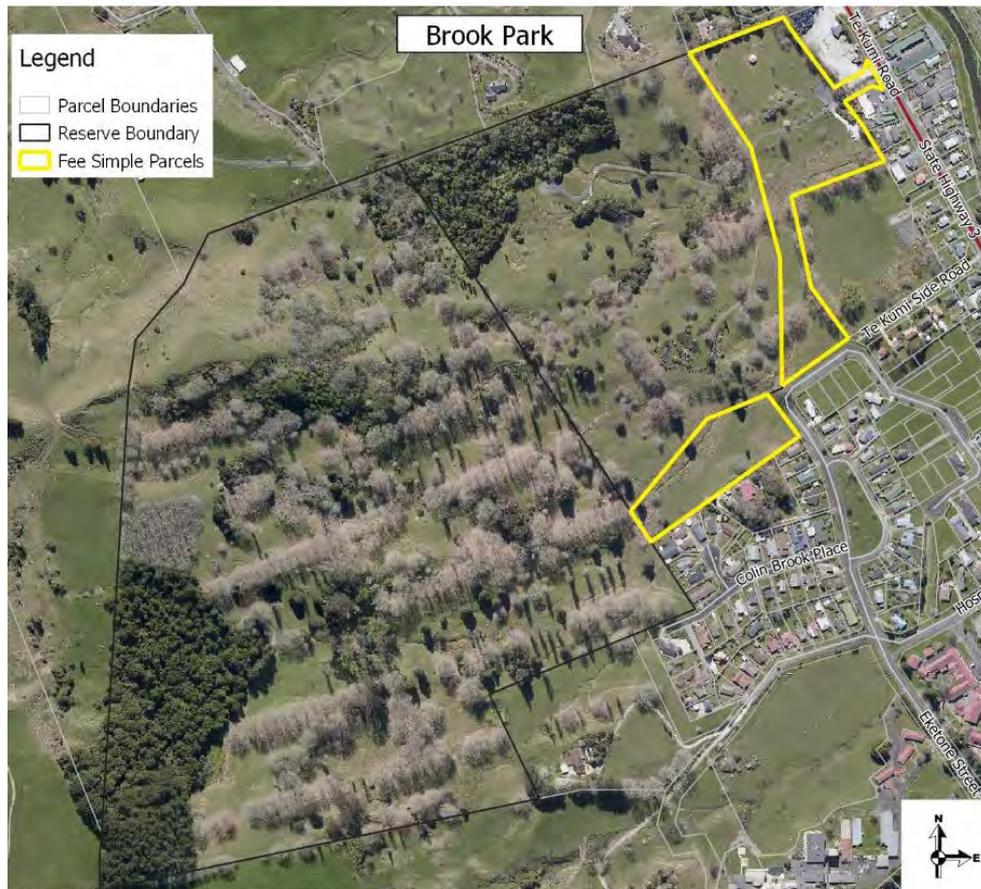
3.9 MMTB, through the settlement process, seeks cultural redress at Brook Park / Motakiora. Brook Park / Motakiora was first identified as a potential redress property in 2017. The spiritual significance of MMTB's association with Brook Park is clear. The Pa site is a wahi tapu, and the hill is a significant marker for Ngati Rora and Ngati Maniapoto.

3.10 In response to the Council resolution on 28 May 2019 to decline to vest an area of Brook Park / Motakiora in the PSGE, MMTB have provided preliminary wording specific to Brook Park / Motakiora for the Draft DOS (to be entered into between the Crown and MMTB). The proposed wording is set out below:

"WAITOMO DISTRICT COUNCIL

1. *[Maniapoto and Waitomo District Council acknowledge that Mōtakiora, or Brook Park Recreation Reserve, is a wāhi tapu of high cultural and historical significance for Maniapoto and, in particular, for the Ngāti Rōrā hapū. Their eponymous ancestor, Rōrā was the child of Maniapoto and Paparauwhare. Mōtakiora is Ngāti Rōrā's maunga tapu. Mōtakiora pā on the hill was the home of Rōrā and his wife, Kuramonehu. It is part of the Te Pukenui Block replete in Ngāti Maniapoto history. Mōtakiora pā was also the scene of the killing of Rōrā and a subsequent fight to avenge his death, and then an eventual peace-making.]*
2. *[Separate to the deed of settlement, Maniapoto and Waitomo District Council will work on developing an agreed approach to the co-management of Mōtakiora or Brook Park Recreation Reserve.]*
3. *[Maniapoto aspirations for the future management of Mōtakiora or Brook Park Recreation Reserve is to work in partnership with the council in the governance and management of the reserve, including the development and implementation of any reserve management plans.]*
4. *[The Crown bears no responsibility for the outcome of discussions between Maniapoto and Waitomo District Council on this matter.]"*

3.12 It should be noted that this wording would only apply to the area that is recreation reserve, and this excludes the fee simple parcels shown in yellow below:



Considerations

4.1 RISK

4.2 Financial

4.3 All costs in relation to the DOS process will be borne by the Crown, except for internal WDC staff time required to liaise with the Crown / MMTB.

4.4 Council has sought a funding contribution from the Crown in relation to the implementation of the proposed JMA. The Crown has advised that Cabinet's decision on the level of funding contribution will be provided in early August 2020.

4.5 Risk

4.6 There are no risks in taking the recommended decisions. The final form and content of the JMA will be formally considered by Council in due course, once the final draft JMA has been worked through by staff and officials. In addition, the Brook Park DOS wording simply documents formally a decision that Council has already taken to work with MMTB on the co-management or co-governance of Brook Park / Motakiora.

4.7 However, there are potentially relationship risks should Council decide to not consent to the Nga Wai o Maniapoto natural resource redress and the Deed of Settlement wording specific to Brook Park / Motakiora.

4.8 Consistency with Existing Plans and Policies

4.9 The proposal is not inconsistent with Council's plans and policies.

4.10 Significance and Community Views

- 4.11 This decision is not considered to be a significant decision pursuant to WDC's Significance and Engagement Policy.

Recommendation

- 5.1 It is recommended that Council agree to commit to working with the MMTB (or PSGE) to develop a JMA.
- 5.2 It is recommended that Council agrees to the proposed DOS wording for Brook Park / Motakiora, excluding Council's adjoining fee simple land, which does not comprise part of the Recreation Reserve.

Suggested Resolutions

- 1 The business paper on 'Te Arawhiti – Crown and Maniapoto Treaty Settlement' be received.
- 2 Council resolves to agree to commit to working with the Maniapoto Maori Trust Board (or the Post Settlement Governance Entity) to develop a Joint Management Agreement (JMA) for the Crown's Ngā Wai o Maniapoto natural resources redress.
- 3 Council resolves to endorse the proposed Deed of Settlement wording for the Brook Park / Motakiora Recreation Reserve (excluding Council's fee simple land adjoining the Recreation Land) as follows:
 1. *[Maniapoto and Waitomo District Council acknowledge that Mōtakiora, or Brook Park Recreation Reserve, is a wāhi tapu of high cultural and historical significance for Maniapoto and, in particular, for the Ngāti Rōrā hapū. Their eponymous ancestor, Rōrā was the child of Maniapoto and Paparauwhare. Mōtakiora is Ngāti Rōrā's maunga tapu. Mōtakiora pā on the hill was the home of Rōrā and his wife, Kuramonehu. It is part of the Te Pukenui Block replete in Ngāti Maniapoto history. Mōtakiora pā was also the scene of the killing of Rōrā and a subsequent fight to avenge his death, and then an eventual peace-making.]*
 2. *[Separate to the deed of settlement, Maniapoto and Waitomo District Council will work on developing an agreed approach to the co-management of Mōtakiora / Brook Park Recreation Reserve.]*
 3. *[Maniapoto aspirations for the future management of Mōtakiora / Brook Park Recreation Reserve is to work in partnership with the council in the governance and management of the reserve, including the development and implementation of any reserve management plans.]*
 4. *[The Crown bears no responsibility for the outcome of discussions between Maniapoto and Waitomo District Council on this matter.]"*



TERRENA KELLY

GENERAL MANAGER – STRATEGY AND ENVIRONMENT

Document No: A46890

Report To: Council



Meeting Date: 28 July 2020

Subject: Progress Report - Strategic Framework for the 2021-31 10 Year Plan

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to outline the process and progress on the review of Council's Strategic Framework for the 2021-31 10 Year Plan (10YP).

Background

- 2.1 Council set its strategic direction in 2017 to prepare for the 2018-28 10YP. Since then the purpose of the Local Government Act 2002 (LGA) has been amended to provide for councils to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities. Collectively, these well-beings are referred to as the "four well-beings".
- 2.2 In order to review the strategic framework for the 10YP, Council needs to understand what well-being means to the community, how Council intends to contribute to community well-being, and the means through which Council will deliver on it. It is this understanding that is the grounding of the strategic direction.
- 2.3 **A STRATEGIC FRAMEWORK TO DELIVER ON THE PURPOSE OF THE 10YP**
- 2.4 The LGA section 93(6) states that the purpose of a 10YP is to:
- a) *describe the activities of the local authority; and*
 - b) *describe the community outcomes of the local authority's district or region; and*
 - c) *provide integrated decision-making and co-ordination of the resources of the local authority; and*
 - d) *provide a long-term focus for the decisions and activities of the local authority; and*
 - e) *provide a basis for accountability of the local authority to the community."*
- 2.5 In delivering on these requirements, it is important to have a strategic framework underpinning and linking the long-term focus through to the community outcomes so any strategy can directly inform and influence Council's activities.
- 2.6 Council's strategic framework should provide a line-of-sight for the community, other stakeholders, elected members and staff to where the Council plans to lead the community and how it will get there.
- 2.7 A clearly articulated long term focus will affirm and underpin proposals in the 10YP. For example, if opportunities or challenges arise in Council's business

environment (i.e. a new funding source, or a new need is identified) and good alignment with the strategic framework can be demonstrated, it makes it easier for the community, staff and elected members to take advantage of this opportunity, or resolve the challenge, and link it in to existing work.

- 2.8 Council’s strategic framework was last reviewed during the development of the 2018-28 10YP.
- 2.9 In preparation for the development of the 2021-31 10 Year Plan (10YP), at its workshop on 19 May 2020, information was provided to Council on the overarching global and national trends to be taken into consideration in reviewing the Strategic Framework, which will have a significant impact on the development of Council’s 2021-31 Ten Year Plan (10YP).
- 2.10 Council discussed and provided feedback and direction on the vision, community outcomes and the priorities contained in the 2018-28 Ten Year Plan, to establish whether these remained relevant for the development of the 2021-31 10YP.
- 2.11 The uncertainties of the impacts of COVID-19 were also discussed.
- 2.12 Council discussed the vision, community outcomes and priorities at two subsequent workshops on 9 June and 14 July 2020.
- 2.13 The following section outlines Council’s Strategic Framework and the Strategic Direction following direction received at the workshops.

Commentary

3.1 **PROPOSED 10YP STRATEGIC DIRECTION**

3.2 The components of the Strategic Direction are council’s vision, community outcomes and priorities captured within the Strategic Framework. Refer to diagram below:



3.3 Council provided direction at its workshops, that the focus for the review of the strategic direction for the 10YP was to retain the principles behind the current

vision, community outcomes and priorities as it was considered that the current direction set out in the 2018-28 10YP r remained appropriate.

3.4 However, Council considered that there should be refinements to:

- Simplify the language to be clearer and more precise; and
- Better align the framework with the services Council delivers and reports on.

3.5 **VISION**

3.6 Stating the vision of Council/community is a critical element of strategic thinking, as a clear image of what the future should look like provides clarity of purpose. It is noted that the vision should encapsulate a realistic future desired state in a succinct declaration.

3.7 Currently, Council's vision is: *"Creating a better future with vibrant communities and thriving business."*

3.8 As discussed above, Council's direction was to retain the principle behind the current vision, however streamline it to make it more concise.

3.9 Council's proposed vision is therefore: **"Waitomo – a vibrant District"**.

3.10 **Community Outcomes**

3.11 Council is legally required to give due consideration to the four well-beings of the Local Government Act 2002, prior to making any decision.

3.12 The change in legislation and the upcoming 2021-31 10YP (10YP) provides Council with the opportunity review its community outcomes in line with the four well-beings.

3.13 As discussed above, the community outcomes in the 2018-28 10YP are appropriate, however require refinement for clarity. The proposed community outcomes are as outlined below:

A PROSPEROUS DISTRICT: we will continue to enable a sustainable thriving economy based upon the district's unique characteristics.

A DISTRICT FOR PEOPLE: Our district welcomes all. It is accessible, affordable, inclusive, safe and engaging. It promotes health and wellbeing, participation and social justice.

A DISTRICT THAT CARES FOR ITS ENVIRONMENT: we plan for the wise use and management of all land and resources for the continued benefit of our district.

A DISTRICT THAT WORKS WITH YOU: we will work with you to collectively focus on the right things at the right time for the greater benefit of the district.

3.14 **Priorities**

3.15 Council confirmed at the 19 May 2020 workshop that the existing three priorities in the 2018-28 10YP remain relevant and should be retained. However, considered that the wording should be refined for clarity. The refreshed proposed priorities for the 10YP are as follows:

1. Provide value for money: Residents and ratepayers get best value for money because we find efficient and effective ways to deliver fit for purpose infrastructure, assets and services that meets legislative requirements.
2. Support our communities: We will continue to enhance a safe vibrant community where people want to live and feel safe.
3. Enable a thriving economy: We will continue to enable the growth of our local economy by effectively promoting our district as well as supporting local businesses and projects.



3.16 **NEXT STEPS**

- 3.17 The Strategic Direction will be outlined in the proposed draft 10YP, and therefore will be consulted on with the community as part of the usual 10YP consultation process.

Recommendation

- 4.1 It is recommended that Council receive this paper for information.

Suggested Resolutions

- 1 The business paper on 'Review of Council's Strategic Framework for the 2021-31 10 Year Plan' be received.

IHSANA AGEEL

MANAGER STRATEGY AND POLICY

15 July 2020

Document No: A478341

Report To: Council



Meeting Date: 28 July 2020

Subject: **Mayor's Taskforce for Jobs – Community Recovery Programme**

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to brief Council on an application to seek partnership funding from the Ministry of Social Development and Mayor's Taskforce for Jobs.

Background

- 2.1 The Mayor's Taskforce for Jobs (MTFJ) holds a Memorandum of Understanding with the Government, which outlines the joint intention to achieve better employment outcomes for young New Zealanders and the recognition that barriers to employment are best addressed at a local level.
- 2.2 A Pilot Programme was recently launched by the MTFJ in an effort to link vulnerable youth with employment opportunities in their regions.
- 2.3 The programme was developed in response to the COVID-19 pandemic crisis providing for collaboration between the MTFJ, the Ministry of Social Development (MSD) and four identified rural Councils.
- 2.4 The intent was for the Councils, via the programme, to assist local businesses with recruitment, training, guidance and in some cases subsidies. This in turn would assist small businesses to take on young workers. The four Councils were Central Hawkes Bay District Council, Opotiki District Council, South Wairarapa District Council and Rangitikei District Council.
- 2.5 The pilot programme had a specific focus on getting rural NEETs (young people not in employment, education or training) into meaningful employment.
- 2.6 It was noted at the time that the pilot programme would lead the way for expanding the reach to include up to 23 rural Councils with a population of 20,000 or less.
- 2.7 On 6 July 2020 it was announced that the pilot programme would be rolled out to an additional 23 Councils, providing up to \$500,000 per rural Council to create a minimum of 50 sustainable employment positions.

Commentary

- 3.1 The MTFJ Community Recovery Programme has a focus on NEET's and/or those people displaced from their employment under COVID-19, to 30 June 2021.

- 3.2 Successful grant applications will be paid to Councils via two allocations; \$250,000 upon acceptance of the application proposal with the remaining \$250,000 targeted as demand is needed. This is to ensure the funding opportunity is maximised across the programme.
- 3.3 Preparation of an application from Waitomo District Council (WDC) is underway, seeking funding of \$500,000 to support young workers in the Waitomo District with sustainable employment opportunities.
- 3.4 A local contract delivery agency providing support to those classified as NEETS has supported WDC staff to determine the level of care that will need to be wrapped around these young people over the coming year to meet the placement requirements.
- 3.5 It will require a substantial programme of innovative strategies that focus on holistic wellbeing to be able to engage these young people into sustained employment.
- 3.6 Vibrant Safe Waitomo**
- 3.7 Council has confirmed its support of a temporary change of focus to include recovery from COVID-19 into the Vibrant Safe Waitomo (VSW) workstream. This temporary change of focus has been endorsed by the Regional Coalition.
- 3.8 A successful application to MTFJ Community Recovery Programme will support the inclusion of measurable actions to enable a recovery response for these sectors. This work will sit within the Mahi/Workplaces theme of the Vibrant Safe Waitomo Action Plan 2020/2021.

Suggested Resolution

The business paper on Mayor's Taskforce for Jobs – Community Recovery Programme be received.



HELEN BEEVER
GENERAL MANAGER – COMMUNITY SERVICES

July 2020

Document No: A478083

Report To: Council



Meeting Date: 28 July 2020

Subject: **Feasibility Study - Lawrence Street, Te Kuiti**

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to brief Council on an opportunity for a Feasibility Study to investigate options for potential future uses of the Waitomo District Council properties located at Lawrence Street, Te Kuiti.

Background

- 2.1 There are three properties owned and/or administered by Waitomo District Council (WDC) at Lawrence Street, Te Kuiti. A plan outlining these properties is enclosed as **Attachment 1**.
- 2.2 The Council owned land is held in two (2) Records of Title (the Records of Title are enclosed as **Attachment 2**) and a Local Purpose Reserve (Road) pursuant to section 239a of the Resource Management Act 1991 and vested in Council. The details of the Records of Title and Local Purpose Reserve are set out below:
 - a) 412404 – owned by WDC in fee simple land tenure;
 - b) SA36C/845 - WDC is the owner of these fee simple titles; and
 - c) Property ID 4332625 – Local Purpose Reserve (Road)
- 2.3 Information available indicates that the Records of Title 412404 and SA36C/845 were purchased from the Crown in 2008 and 1986 respectively, where SA36C/845 was the site of a former Ministry of Works depot. There is no available historical information available at this time in relation to Property ID 4332625.
- 2.4 The records show that the WDC land at Lawrence Street has, in the past, been used for grazing, and in 1998 a Licence to Occupy was entered into with Te Kuiti Kohanga Reo Whanau Trust Incorporated to enable the Licensee to use the land to physically access the educational facility located at 24A Lawrence Street, Te Kuiti, via Record of Title 412404 and Property ID 4332625. This Licence ended in approximately 2001. However, the educational facility continues to use the land to access its property. Record of Title SA36C/845 is not currently being utilised.
- 2.5 There are seven properties (owned by 6) adjoining/neighbouring the WDC land. Those properties are landlocked from legal road access. A plan outlining the location of these properties is enclosed as **Attachment 3**.
- 2.6 One of the properties immediately adjoining WDC land was classified as a Roadway by the Maori Land Court in 2013 (Record of Title 467515). The Record of Title for this property is enclosed as **Attachment 4**.

- 2.7 The matter relating to how WDC could assist in formalising practical access to the landlocked properties has been raised and should be considered by Council.
- 2.8 In accordance with WDC's current Rates Remission Policy the owners of the properties can apply for a rates remission as the properties are Maori freehold land, unoccupied, unproductive and landlocked. For the 2020/2021 financial year WDC has received and approved one application for rates remission from one of the property owners.

Commentary

- 3.1 A hui was held on 23 June 2020 at Railway Building 3, Te Kuiti. In attendance were the owners and/or representatives of the landlocked properties, Mayor Robinson, Councillor Marshall and a WDC representative.
- 3.2 The intention of the hui was for landowners/representatives to come together and meet with Council elected members to discuss aspirations for future use of the land.
- 3.3 A discussion took place regarding historical knowledge of the land which amongst other topics, confirmed the decision of the Maori Land Court in 2013 to classify Record of Title 467515 as a Roadway. A copy of the Maori Land Court Order is enclosed as **Attachment 5**.
- 3.4 Conversation took place regarding the WDC owned/administered land, and how this came into public ownership.
- 3.5 Discussions also took place in regard to the intentions for the use of land, from all parties, and a consensus was arrived at where, in principle, landowners were in favour of progressing to utilise their retrospective sections for the development of housing (an urban papakainga concept or social housing).
- 3.6 WDC as an interested party needs to assess its interest and the options available to it to participate in any development of the block. It is suggested that WDC undertake a Feasibility Study of possible options to guide future use/development of the WDC land and the wider area.
- 3.7 A Feasibility Study would provide the means to better understand historical and future ownership, access, usage/development, land classification, external funding options, private betterment interests and social and community benefits.

Considerations

4.1 RISK

- 4.2 There is minimal risk to Council investigating ways and means of undertaking a Feasibility Study.

4.3 CONSISTENCY WITH EXISTING PLANS AND POLICIES

- 4.4 A decision by Council to undertake a Feasibility Study will not be inconsistent with any of Council's plans or policies.

4.5 **SIGNIFICANCE AND COMMUNITY VIEWS**

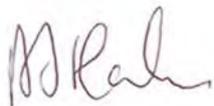
- 4.6 This decision is not a significant decision in terms of the Council's Significance and Engagement Policy.

Recommendation

- 5.1 It is recommended that Council authorise the Chief Executive to secure funding so as to undertake a Feasibility Study of the development options in relation to Council owned land located at Lawrence Street, Te Kuiti.

Suggested Resolutions

- 1 The business paper on Feasibility Study - Lawrence Street, Te Kuiti be received.
- 2 Council notes the interest of the Owners in developing the land adjoining the Council owned land at Lawrence Street, Te Kuiti.
- 3 Council authorise/not authorise the Chief Executive to secure funding so as to undertake a Feasibility Study of the development options in relation to Council owned land located at Lawrence Street, Te Kuiti.



TONY HALE

GENERAL MANAGER – INFRASTRUCTURE SERVICES



HELEN BEEVER

GENERAL MANAGER – COMMUNITY SERVICES

July 2020

Attachment(s):	1	Aerial Plan of the properties owned and administered by WDC
	2	A copy of the Records of Title owned by WDC
	3	Aerial Plan of the landlocked properties that require legal access over WDC land
	4	Record of Title for the Maori Roadway
	5	Maori Land Court Order vesting Record of Title 467515 as a roadway

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Print Time: 1:13 PM



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Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000
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Digital map data sourced from Land Information New Zealand. CROWN COPYRIGHT RESERVED.
The information displayed in the GIS has been taken from Waitomo District Council's databases and maps.
It is made available in good faith but its accuracy or completeness is not guaranteed.
If the information is relied on in support of a resource consent it should be verified independently.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R W Muir
Registrar-General
of Land

Identifier 412404
Land Registration District South Auckland
Date Issued 18 March 2008

Prior References

S170871 SA32A/164

Estate Fee Simple
Area 2010 square metres more or less
Legal Description Te Kuiti 2B1C3E Block

Registered Owners

Waitomo District Council

Interests

LAWRENCE ST.
(20.12)

20.16

TE KUITI
2BIC3E BLK
2010 m²

14.41

108.55

3.54

30.18

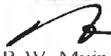
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**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

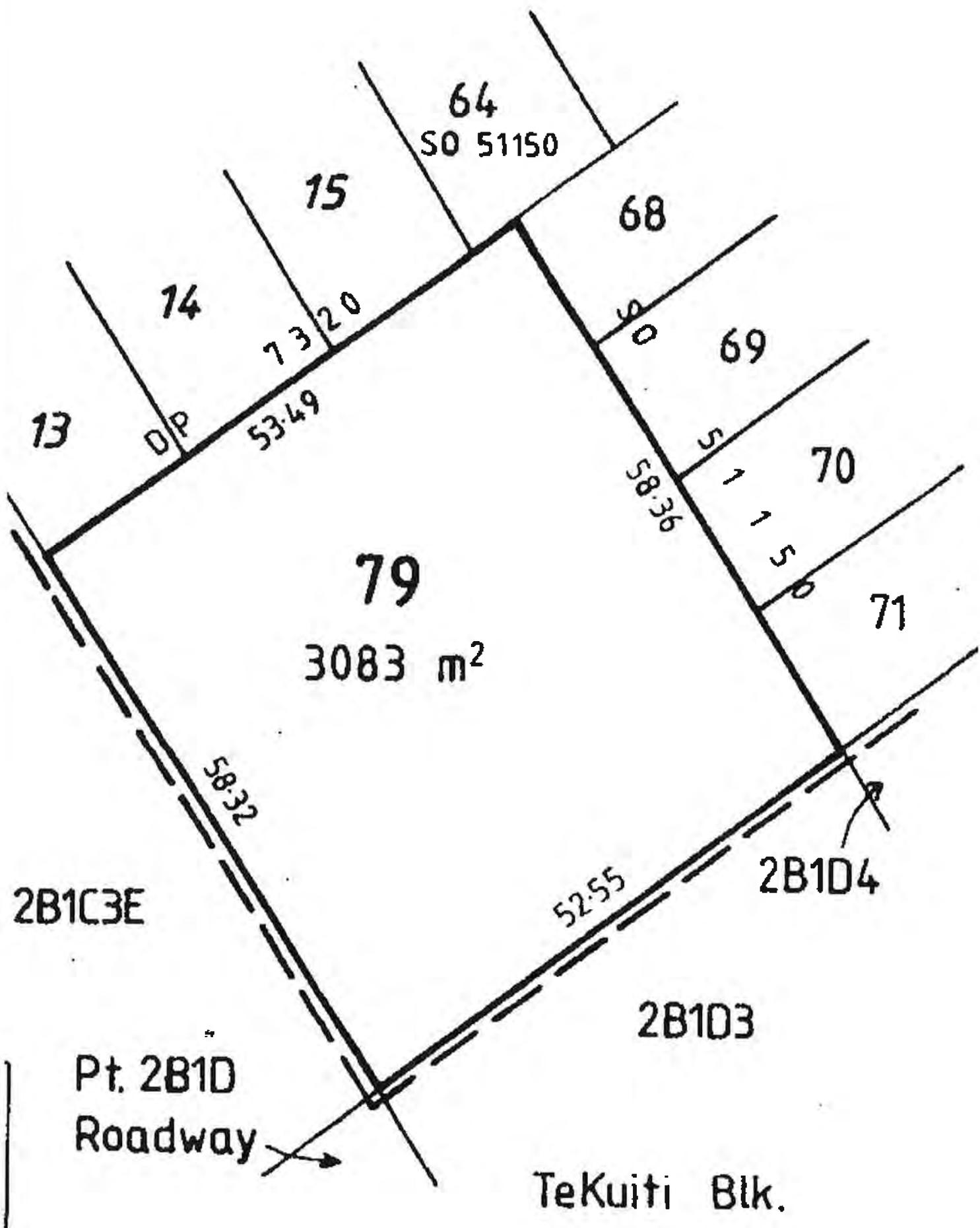
Identifier SA36C/845
Land Registration District South Auckland
Date Issued 15 July 1986

Estate Fee Simple
Area 3083 square metres more or less
Legal Description Section 79 Block IV Otanake Survey
District

Registered Owners
Waitomo District Council

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979



Print Date: 21/07/2020
Print Time: 1:21 PM



Scale: 1:1005

Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000
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**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R W Muir
Registrar-General
of Land

Identifier 467515
Land Registration District South Auckland
Date Issued 26 February 2009

Prior References
SAPR50/1

Estate	Fee Simple
Area	984 square metres more or less
Legal Description	Part Te Kuiti No 2B No 1D (Roadway) Block

Registered Owners
Puni Bell as trustee

Interests

8084824.2 Status Order determining the status of the within land to be Maori Freehold Land - 26.2.2009 at 9:00 am
9516138.1 Roadway Order laying out a roadway over Part Te Kuiti 2B1D (CT 467515) providing access to Te Kuiti 2B1D2 (SA2B/6), Te Kuiti 2B1D3 (SA2B/7), Te Kuiti 2B1D6 (SA10B/276), Te Kuiti 2B1D7 (SA10C/421), Te Kuiti 2B1D10 (SA10B/1484) & Te Kuiti 2B1D11 (SA1461/27) - 17.9.2013 at 7:00 am



Report on Maori Land details for the following Record(s) of Title

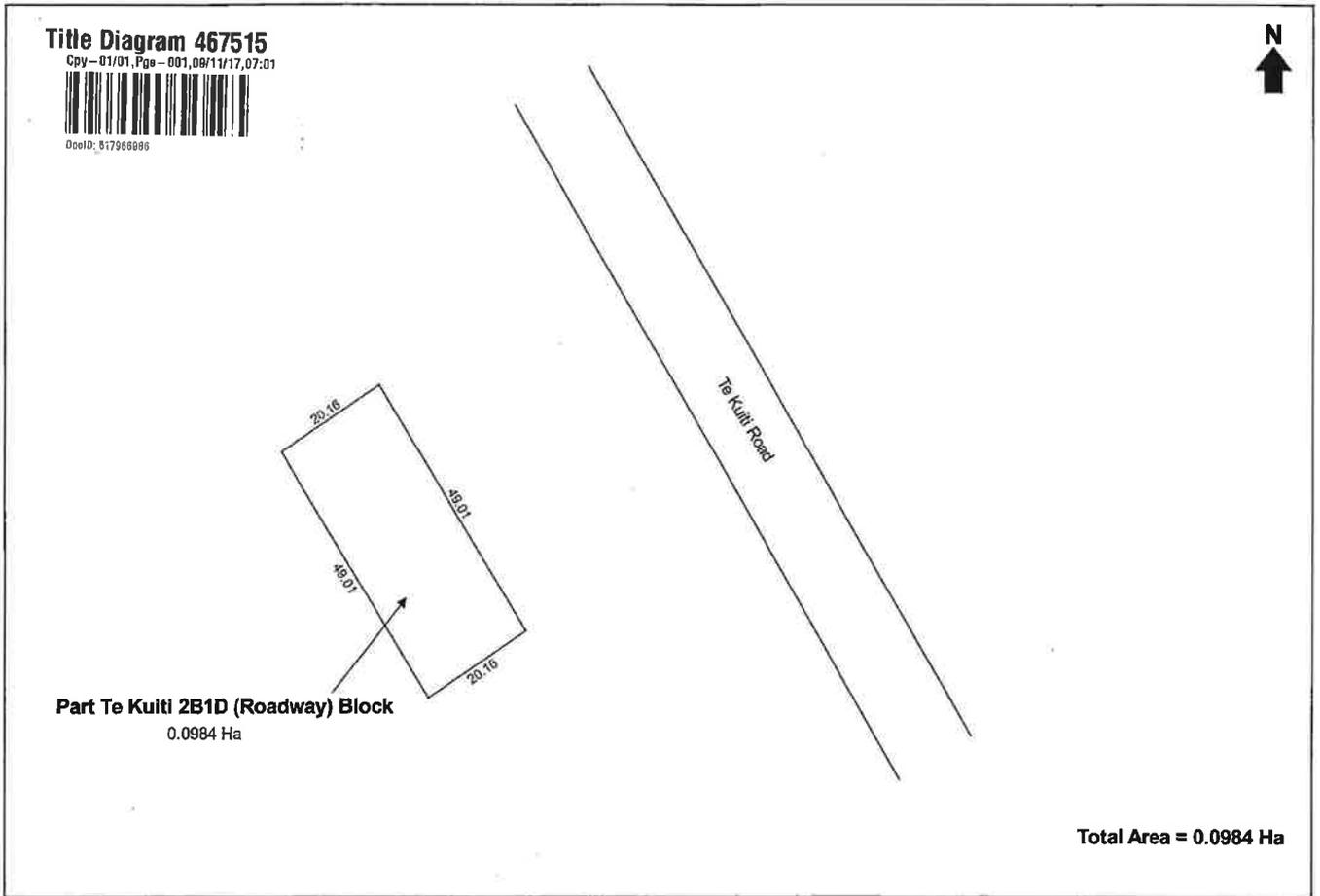


Record(s) of Title

467515

Identified as potentially Maori Freehold Land

***** End of Report *****



Te Kooti Whenua Māori



Our Ref: A20130001497
Your Ref: As above

3 September 2013

Karutahi & Ariana Tangihaere Whanau Trust
C/- McCaw Lewis
DX: GP 20020
Hamilton

RECEIVED
15 SEP 2013
Māori Land Court

Attn: John Neverman & Rachel Hall

Tena koe

Subject: Te Kuiti 2B1D11 Block - Judicial conference
Section: 67 of Te Ture Whenua Māori Act 1993

Please find enclosed a copy of the order from the Court hearing at Te Kuiti Minute Book 56 Waikato Maniapoto 217-225 dated 19 April 2013 in respect of the above.

Nāku noa nā

Lindsay Wilson
Court Services – Team Member
Direct Dial: 07) 957 7887
Email: Lindsay.wilson@justice.govt.nz
(encl.)

Waikato District Court
RETURN TO FILE
Date: 15 SEP 2013
Doc #: 374203.
File #: 037/011A.

Te Rohe o Waikato Maniapoto
Tari Rehita, Papa Tuarua, BNZ Centre
354- 358 Victoria Street, DX Box GX10101
Kirikiriroa 3240



Waikato Maniapoto District
Registry Office, Level 2, BNZ Centre
354- 358 Victoria Street, DX Box GX10101
Hamilton 3240

56 Waikato Maniapoto MB 217-225

ROADWAY ORDER

Te Ture Whenua Māori Act 1993
Sections 37(3), 316, 318 and 326B

In the Māori Land Court
of New Zealand
Waikato Maniapoto District

IN THE MATTER of the land known as Part Te Kuiti
2B1D (Roadway) CFR 467515

AT a sitting of the Court held at Te Kuiti on the 19th day of April 2013 before Stephanie Te Aomarama Milroy, Judge.

WHEREAS application was filed by the Karutahi and Ariana Tangihaere Whānau Trust for a Judicial Conference.

AND WHEREAS during the course of proceedings the Court deemed it necessary pursuant to Section 37(3) of Te Ture Whenua Māori Act 1993 to invoke Sections 316, 318 and 326B of the said Act.

AND WHEREAS the Court upon reading and hearing all the evidence determined that when partitioned, it was intended that a roadway be laid off over Part Te Kuiti 2B1D (Roadway) Block in favour of Te Kuiti 2B1D2, Te Kuiti 2B1D3, Te Kuiti 2B1D6, Te Kuiti 2B1D7, Te Kuiti 2B1D10 and Te Kuiti 2B1D11.

AND WHEREAS the Court in order to give access to Te Kuiti 2B1D2, Te Kuiti 2B1D3, Te Kuiti 2B1D6, Te Kuiti 2B1D7, Te Kuiti 2B1D10 and Te Kuiti 2B1D11 has deemed it necessary and expedient to lay off a roadway.

NOW THEREFORE the Court upon reading and hearing all evidence adduced in support thereof and being satisfied on all matters upon which it is required to be so satisfied.

HEREBY ORDERS AND DECLARES pursuant to Sections 316 and 326B of Te Ture Whenua Māori Act 1993 that a roadway is laid out over Part Te Kuiti 2B1D (Roadway) (CFR 467515) and named by the Court as **Part Te Kuiti 2B1D Roadway** in favour of Te Kuiti 2B1D2 (CFR SA2B/6), Te Kuiti 2B1D3 (CFR SA2B/7), Te Kuiti 2B1D6 (CFR SA10B/276), Te Kuiti 2B1D7 (CFR SA10C/421), Te Kuiti 2B1D10 (CFR SA 10B/1484) and Te Kuiti 2B1D11 (CFR SA1461/27).

AND IT IS FURTHER ORDERED that the owners of Te Kuiti 2B1D2, Te Kuiti 2B1D3, Te Kuiti 2B1D6, Te Kuiti 2B1D7, Te Kuiti 2B1D10 and Te Kuiti 2B1D11 are required to make a reasonable contribution towards the maintenance of the roadway in proportion to the part they will actually use. The terms and conditions will be the same as are set out in Schedule 5 Property Law Act 2007 in relation to a right of way easement.



56 Waikato Maniapoto MB 217-225

AND IT IS DECLARED that this Roadway is restricted in terms of Section 318 of Te Ture Whenua Māori Act 1993 limiting the roadway to be for the use of the owners, their heirs or successors in title and their invitees of Te Kuiti 2B1D2, Te Kuiti 2B1D3, Te Kuiti 2B1D6, Te Kuiti 2B1D7, Te Kuiti 2B1D10 and Te Kuiti 2B1D11.

AND THE COURT DOES HEREBY ORDER that pursuant to rule 7.5(2)(b) of the Māori Land Court Rules 2011 this Order shall issue forthwith.

AS WITNESS the hand of the Judge and the Seal of the Court.



Title Diagram CT 467515

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DocID: 611974463

TE KUITI 2B1D3
0.0860
ML 10866

Lot 2
DPS 66116
0.0173

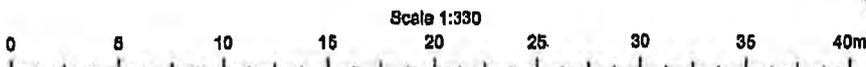
TE KUITI 2B1D7
0.0857
ML 10866

ML 10866

Pt TE KUITI 2B1D (Roadway)
0.0984
ML 10866

TE KUITI 2B1D6
0.0999
ML 10866

TE KUITI 2B1D10



ML 10866

Te Kooti Whenua Māori



Our Ref: A20130001497
Your Ref: As above

24 May 2013

Karutahi & Ariana Tangihaere Whanau Trust
C/- McCaw Lewis
DX: GP 20020
Hamilton
Attn: John Neverman & Rachel Hall

28 MAY 2013

Tena koe

Subject: Te Kuiti 2B1D11 Block - Judicial conference
Section: 67 of Te Ture Whenua Māori Act 1993

Please find enclosed a copy of the minutes from the Court hearing at Te Kuiti Minute Book 56 Waikato Maniapoto 217-225 dated 19 April 2013 in respect of the above.

Please be advised that there is a 2-month appeal period from the date of the pronouncement of the orders made. Once this time has expired, a copy of the Court Order will be distributed to all parties accordingly.

If you have any queries, please contact the Case Manager, Tereapii Muriwai on 07-957 7917 or by email on tereapii.muriwai@justice.govt.nz.

Nāku noa nā

Tereapii Muriwai
mo te Pou Rehita
(encl.)

Te Rohe o Waikato Maniapoto
Tari Rēhita, Papa Tuarua, BNZ Centre
354-358 Victoria Street, DX Box GX10101
Kirikiriroa 3240



Waikato Maniapoto District
Registry Office, Level 2, BNZ Centre
354-358 Victoria Street, DX Box GX10101
Hamilton 3240

MĀORI LAND COURT

Place: Te Kuiti
Present: S Te A Milroy, Judge
 S Taniwha, Clerk of the Court
Date: 19 April 2013

Pānui No: 53 **Application No:** A20130001497

Subject: Te Kuiti 2B1D11 Block – Judicial conference
Legislation: Section 67, Te Ture Whenua Māori Act 1993
Present: Tauariki Chapman, Te Awhitu Bell, Heremaia Tangihaere, Fred Anderson, Roimata Wipaki, Tracey Tangihaere, Jan Taylor, Rongo Margaret Young, Hohepa Bell, Jerry Metekingi, Maggie Taite, Hope H Keepa, Julie Keepa, John Neverman [*Counsel for applicant*] and Rachel Hall [*Counsel for applicant*]

Details of the applicant are as follows:

Applicant	Address
Karutahi & Ariana Tangihaere Whānau Trust	C/- Glenn Tootill, McCaw Lewis Lawyers, DX GP 20020, Hamilton 3240

Tereapii Muriwai, for Deputy Registrar:

Block:	Te Kuiti 2B1D11
CFR:	SA1461/27
Type of Trust:	Whānau Trust
Name of Trust:	Karutahi and Ariana Tangihaere Whānau Trust
No of Owners: (As at 05/02/2013)	1
Area:	0.086 (ha)
Current Trustees:	110 Otorohanga MB 215-217 dated 03/09/1996 1. Hope Hinerangirua Keepa 2. Loyas Hinewai Tichborne 3. Te Tahona Tangihaere 4. Tracey Brown 5. Mareth Maratata Wright 6. Janice Taylor 7. Raymond George Peter Stockman 8. Louise Tangihaere-Tata
Trust Order:	110 Otorohanga MB 215-217 dated 03/09/1996
Memorial Schedule Entry:	110 Otorohanga MB 214 dated 03/09/1996 Order declaring land to be Māori Freehold Land.



A Memorandum of Counsel has been filed with the application seeking a conference and directions from the Court. The above block is landlocked and the owners are seeking access to their land.

On 7 March 2013 the Court sent Counsel a list of names and addresses from the Court records together with Court directions as follows:

1. A copy of the application is to be sent to Puni Bell, sole trustee of Te Kuiti 2B1D block and to the owners of the said block, with notice of the time, date and place of the judicial conference.
2. A notice is to be inserted in a newspaper circulating in the area where the land is situated no later than 14 days prior to the judicial conference, setting out the time, date and place of the judicial conference and also stating that the judicial conference is regarding an application for the declaration of a roadway or right of way over Te Kuiti 2B1D11 block. The notice should also state that all those who may have an interest in this matter may attend the judicial conference.

TRANSCRIPT OF RECORDED HEARING

Ms Hall: Tēnā koe Ma'am. I appear today with Mr Neverman.

Ma'am you would have seen the memorandum for directions in the section 67 conference that was filed. We appear on behalf of the Karutahi and Ariana Tangihaere Whānau Trust and there's members of the whānau in Court today Ma'am.

Essentially our clients are the owners of the Te Kuiti 2B1D11 block which is essentially landlocked Ma'am and they would like access onto Lawrence Street.

I'm not sure how familiar you are Ma'am with the attachments to the memorandum.

Court: Reasonably familiar, yes.

Ms Hall: Okay. And as we've set out in the memorandum the block Te Kuiti 2B1C3E and that small block of Lot 2 DPS 66116 is owned by the District Council and we're working with them Ma'am in terms of access over that. So our point of discussion today is simply the 2B1D roadway block *[sounds like]* we'll refer it to Ma'am.

Essentially our submission is that it has always been intended to be a roadway and now Mr Neverman will talk with you shortly on our reasons for that submission Ma'am. So it is on that basis that we're seeking directions and are in the hands of the Court as to how you think we best should deal with this in terms of moving forward, whether it be a landlocked land application or something creative that Mr Neverman will no doubt discuss with you shortly.

So unless you have any questions... oh sorry Ma'am I did pass onto the Clerk of the Court the copy of the advertisement of this and as well as the letters to the sole trustee and the owners as per your earlier directions.

Court: Yes. Thank you, I've got those.

Ms Hall: So unless there's any questions, I'll pass it over to Mr Neverman Ma'am.



Mr Neverman: Essentially I'll just go through the history and that might be helpful for you as well as us because we've gone back and looked at what has happened in this area.

The first part that we identify is the portion of land which the plans have shown as Nettie Street and that's shown on DP 7320. That plan showed Nettie... a portion of land being Nettie Street, which is the portion that we're... is now owned by the Council which... and they've agreed to give us an easement. On deposit of that plan all of the lots that are shown on that plan by virtue of the Land Transfer Act can use that piece of land as a road. That's under section 168 of the Land Transfer Act.

We then turn to the ML Plan that set up the twelve partitions for the block. And on that ML Plan that also has a continuation of Nettie Street. And we couldn't find anywhere, we've gone to the Court and asked for a roadway order because all of the partition orders that issued for the six blocks that adjoin that portion show in their diagrams the piece of land as being a road line. But we can't find any record of a road line being set apart.

The land itself has a certificate of title and that certificate of title is shown as 467515. The appellation for that within Land Information New Zealand describes it as Part Te Kuiti 2B1D Roadway, but we can't find any record of the roadway ever being created. And the partition orders that we have attached for you that adjoin the roadway show it as a road line 100 length wide but we can't find any road line, can't find any records of that.

Our submission Your Honour is that the Court... we believe that a mistake was made in that no order has ever been made or applied for in the past, but the Court has given effect to partitions as if a road line roadway exists.

We accept that if the Court were to set apart that part of Nettie Street as a road line roadway that it doesn't give access to a public road. But we've spoken to the Council in our case and they'll give us an easement. We haven't spoken to the Council about the fact that the provisions of 168 even apply to that piece of land because even if it does, it doesn't apply to the land that we're interested in right now.

So our submission is... well we're looking for direction from the Court as to whether our client makes application or whether the Court will look at the information and decide that there's enough information that everybody thinks that it is a roadway anyway.

It's interesting the Court is handed, just as we arrived in, a statement by the trustee of the block and his statement basically states exactly what we're saying, that he's always thought it was a roadway road line. It wasn't rated until very recently, and despite him going into the local authority and saying it shouldn't be rated separately, it is being rated. But he has consented for that to be a roadway or an easement to be granted.

So we're essentially looking for direction. Because when we originally looked at the block we just assumed and when we went to look under that assumption of how it became a roadway road line, there was no documentation for it. But all of the indications are there. So it's basically... our submission is everybody but the Court thinks it's a roadway road line and we just want to clarify the records.

Court: Yes. When I looked through the documents as well it seemed clear to me that there had just been an oversight somewhere along the line and the order had not been made to... making that a roadway or road line. And the letter from the trustee confirmed that as well that everyone expected that this was meant to be a roadway to give access to the various subdivided or partitioned blocks.



So I've got no problem in eventually making an order. In terms of how to approach it, because the Council has not yet, and you have not yet approached the Council to set it out as a road... the other bit as a roadway...

Mr Neverman: Well we haven't approached the Council to set it out as a roadway, we've approached the Council to grant an easement, a right of way easement, because it is general land at this stage. We think it has some provisions under the Land Transfer Act under section 168 which basically say that it should be treated as if a legal right of way had been created, not a roadway, not a road, but a right of way.

There is a block of land that adjoins that portion of land that is being given access over it, but it hasn't been formalised. The Council have agreed that they will grant a right of way to our client's block. So as part of all of this, we didn't want to get a right of way over that because we then still had a portion of land that didn't allow us to get access over, so we're trying to line them all up together.

But the Council have agreed to grant a right of way, subject to a couple of conditions, which our client has been happy to concede to at this stage. We haven't ever pointed out to the Council though there is the provisions of the Land Transfer Act applying, 168.

We also are aware that the ownership schedule, so to get this clear, we're also aware the ownership schedule shows some of our client's... a grandmother still owning some of the shares. That gives us the right to put *[sounds like]* in services without an easement. With the Council we'd be asking not only for a right of way but services easement should we need to run it down there. We haven't asked the Court for that at this stage because we're looking to the Court to give us direction, if they grant it, to a roadway being set apart... set across this and by virtue of ownership we can use that land also for services.

So it's... which do we put first? That's why we've come for directions.

Court: Yes. I think the best... well my preference would be for your client to make application and now that we've got the trustee of the lands supporting letter, for your client to make application for... under section 315...

Mr Neverman: Yes.

Court: ... for an easement by way of right of way or a roadway. And as far as I'm concerned, unless there are any objections here today to this piece of land becoming the right of way that it was always meant to be, I would be satisfied to make the orders on the basis that... well only conditional upon the completion of the Council's part of things.

Mr Neverman: To be clear Ma'am, if we asked for a right of way to be created over the block, there are still five other blocks that won't enjoy that right of way. And it may be preferable for this piece to be set apart as a roadway in favour of the six blocks. The other five blocks are still going to have to negotiate with Council to get access out their land. Unless you're suggesting that we might apply for a roadway over the general land as well. But we're saying we've got agreement for a right of way. I don't...

Court: And you mightn't get the other.

Mr Neverman: I may not get the other through the Court.

Court: Yes.



Mr Neverman: So we were looking at the most cost effective way of solving an issue. Our client has come to us in one block of land we're looking at getting access to. We can get that over the local authority we've assumed, but we haven't asked the local authority that it can be granted for the other five blocks as well.

Some of those blocks aren't necessarily in Māori ownership now and there's some other land that is... essentially could be landlocked as well. So the owners of those blocks would have to make their own discussions with the owners of that block. And we've searched some of the records to identify that Te Kuiti 1D2 and 3 are in general ownership, if I can call it that. And we're not sure what the owners want to do in that regard.

They seem to be the... there were two owners of the land originally when it was partitioned into twelve blocks. One owner owned a one-third share, one owner owned a two-third share. The owner of the one-third share essentially got the four blocks that are 1, 2, 3 and 4 block. They seem to all be in general title. From the records of the Court the original owner of those four blocks still owns one share in the roadway block and therefore we might want to consider putting a roadway over this portion so that the provisions of the Te Ture Whenua apply, for example, alienation of blocks of land as well without creating rights of way.

So what we're suggesting is that our client finish their negotiations with the local authority for the easement, because that gives them what they need, but the Court look at making a roadway order over this block to give effect to the Māori land parcels that are still in Māori land. And even the parcels that are no longer in... under Māori land title, the provisions of 426 I think it is apply where alienation of the block was also an alienation of the roadway that grants it. But that's our thought process and we welcome your suggestions to us.

Court: Well I guess my thought is that I'd be happy to make a roadway order and that, I think, was the intention so far as we can see of the original applications when these partitions were originally done. And I agree with you that would make things easier for everyone involved with... including the blocks that have been... already gone into general land.

So I'll just have a look and see what else I might need to think about.

Mr Neverman: Sorry, it was 326. *[Sounds like]* It was 426 that I referred to.

Court: There is section 316 as well as 326B which is reasonable access.

Mr Neverman: The only reason I was referring to 326 Ma'am was the vesting of ownership in the roadway goes with the blocks that are intended to have the benefit of the roadway.

Court: Yes.

Mr Neverman: Now I don't believe that while there were twelve blocks partitioned from the original block, six of those lots have no ability to access the roadway in the first place. And it was while the roadway appears to back into another lot, I don't know what the intention of the Court was because that lot hasn't been subdivided or partitioned. And we were... our... my thought process was to set apart a roadway in favour of six blocks and leave it at that and then other people can come along later on, should they wish, and contribute to the cost of maintaining the roadway, but can't use it as of right.



Court: Right, yes.

Mr Neverman: And that's why it was...

Court: Which they would be able to under 316.

Mr Neverman: Yes.

Court: Yes.

Mr Neverman: So what we were wanting to do was to limit the users of the right... of the roadway to the six blocks because I think that's only fair. It appears to be what the Court intended in 1919.

Court: Yes.

Mr Neverman: Those owners would then be able to control other owners coming in to utilise that roadway should they wish to. But each of those six block owners are going to have to negotiate their own access over the Council owned land. So we don't see this as a complete solution today. We see this as a partial solution and we've already got agreement from the local authority that they'll grant the right of way easement in favour of our block.

If the Court wasn't mindful to make an order today, we would have to then look at maybe making an application under... as landlocked land and then the Court would have the ability to grant it over the Council, but we don't see that as a big blockage at this stage. We see that everybody is in agreement as to that and they'll grant it without formation because other users are using it already.

Court: So other users are using the Council part?

Mr Neverman: Yes. So Ma'am the block that... if you look at the Nettie Street portion, it's shown as Te Kuiti 2D1C3E Block. It's got a triangular portion taken out of it.

Court: Yes.

Mr Neverman: A kōhanga reo is operating from that and we... from what we're told from Council, they're using this block as part of their access to that property. We don't have an objection to that, we just want to formalise rights for our client. Some of this land has been undeveloped. Our client wishes to build, but they don't want to build and have to get access through a funny set up. So we want to formalise that access first and then our client can carry on developing.

Court: Right. Just in terms of making a 326B order over the Council area, I couldn't do that today.

Mr Neverman: No. We're not actually asking that Ma'am. We're asking for that part of Nettie Street, that was part of it, for an order setting aside a roadway limited. So that roadway would be under 316 but it would be limited under 318(2) defining that the users of that would be the six blocks.



We're not asking for anything to be done over the Council owned land because we think we've got our negotiations with them. We're just wanting to give you the complete picture of what we're asking for and how access is going to be granted to Lawrence Street at the end of the day. So we're not asking for any orders of the Council owned land. We've got that under control. We just didn't want to get all of the stuff with the Council sorted, which they've agreed to give it to us, and we said we'll go away and make sure the rest of our access is sorted, to find that we couldn't get access over the roadway.

To be honest, we approached the Council to begin with thinking that the roadway was a roadway. It wasn't... when we came... until we came to ascertain whether it was a roadway, so rather than assuming that it was a roadway because it was called a roadway, we went back to the Court to find the roadway and couldn't find an order. Hence the reason we're here today. So we're only after the small portion and we'll deal with the other for our client.

What my point was, there are six blocks of land right now that are effectively landlocked. We're acting for the owner of one of those blocks. We've got that sorted with Council. The other five blocks are going to have to sort out their own access through the Council property at some stage. How they do that might be the same way that we've done it or they may come back to the Court at some stage. But that's not the purpose of what this is about today.

Court: Okay. Alright thank you. I think I've got the full picture. Before we go any further, is there anyone here who objects to Te Kuiti 2B1D roadway block... does anyone object to my making an order which would formalise that as a roadway block?

[No response]

There are no objections. Is there anyone who wishes to add any information you may have about the history of this block who was around when the partitions were done perhaps?

Tracey Tangihaere: *[Inaudible words]* Judge Milroy.

Court: If you'd like to come to the microphone?

Tracey Tangihaere: Tēnā koe Judge.

Court: Tēnā koe.

Tracey Tangihaere: This is my whānau here and we're all descended from one person, Ngapaki Tana Ormsby and from her we are lucky... fortunate enough to have the remnants of some of her estate.

My father is here today. My aunty is here today... aunts and cousins are here today and some of the owners of the other six blocks are here today as well. So with their support and their endurance we ask the Court humbly to consider our proposal.

In 1991 our grandmother passed away leaving us with this little piece of land that, over the years, my cousins have appreciated and would like to utilise *[sounds like]* in a papakāinga in the future. And so with all of us living away from home this is the last bit of our papakāinga that we've got left.



So it's been a bit of a long journey for us to get here today and with Mr Neverman's help we want to make it possible for other land owners to use the roadway and hopefully one day they'll be able to perhaps use it to live upon it as our ancestors did. And at the same time this is the last remaining blocks of Ngāti Rora that isn't built on. So with the Te Rohe Pōtae claims proceeding, and this is an example, one little whānau trying to achieve accessibility to the last remnants of our tupuna's land.

So from that perspective it's quite a big issue for us to try and get access. And one of my cousins is paying \$1,800 in rates for a section that he's never been able to occupy. And if we multiply that by six, that's rather a lot of money for the rates take on a land that... piece of land that we're not able to use. So from an economic perspective it gives us an opportunity to use our land if we can achieve this outcome today.

So I hope that none of our whānau object. But the ones that I've spoken to today certainly support our situation here. So thank you for hearing us. Kia ora.

Court: Thank you. I think I've made it clear, but in case I haven't, I am minded to make the order, to make an order to create this roadway because I do consider that it is simply an oversight and should have been done back when the original partition was being made... the partition orders were being made. So let me say now that I am going to make an order.

I have not got a form of order in front of me, so I might do it in general terms and then ask counsel to draft... send in a draft for approval by me for the final order. But I think that we can go ahead today.

I'm not going to make it conditional on the negotiations with the Council being successful because as I say, I think it was an accident that this wasn't done way back when. And so to some extent it doesn't really matter what Council does. This should have been done anyway.

So with those words I think we need to now convene the Court. So I'll just say that:

Court is now convened

Court: And I am making orders under section 326B of Te Ture Whenua Māori Act 1993 granting access over that piece of land known as Part Te Kuiti 2B1D being 984 square metres more or less and identified in the LINZ records as 467515 Part Te Kuiti No 2B1D Roadway Block, with the proviso that the access granted is limited to the owners of these blocks: Te Kuiti 2B1D2; Te Kuiti 2B1D3; Te Kuiti 2B1D6; Te Kuiti 2B1D7; Te Kuiti 2B1D10 and Te Kuiti 2B1D11.

I am making this order because I am satisfied that the reason why this land is not already designated as access and used for access to those blocks was simply an oversight by the Court at the time when these blocks were partitioned out from the original block.

There is no need to make this conditional upon survey because the block is already surveyed out and I don't propose to include any other conditions either apart from the fact that the order will be finalised upon approval of a draft provided to the Court by counsel for the applicants.

Ms Hall: Thank you Ma'am.



Court: So, that's all done everybody. Well, mostly done.

This is our last matter for the... last matter that I have to hear for today so we usually finish with a karakia. Is there someone here who would like to do the karakia for us?

[Karakia whakamutunga by unidentified speaker at 2.41pm]

Copy of minute to applicant and interested parties.



S Te A Milroy
JUDGE

Document No: A478304

Report To: Council



Meeting Date: 28 July 2020

Subject: Piopio Memorial Hall Reserve

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to inform Council of the unclassified status of the Piopio Memorial Hall (War Memorial Hall Reserve) and the options for classification.

Background

- 2.1 The Piopio Memorial Hall is located at 49 Moa St, Piopio and is currently held by Waitomo District Council, in trust, as a War Memorial Hall Reserve under the Public Reserves and Domains and National Parks Act 1928 (the Reserve). The Reserve and associated Hall is regularly utilised by the Piopio community for private functions and community events, including annual Anzac Day commemorations.
- 2.2 Two war memorials commemorating war time service from both the First and Second World Wars are located on the Reserve, honoring the men and women from the District who served in the wars. A granite obelisk which was unveiled on 29 September 1922 following World War I, and the Memorial Hall that was built during the 1950's following World War II.
- 2.3 In 1916, the land that is now the Reserve, was acquired and vested in Piopio farmers Ian Collins and Kenneth Buckman, and draper Athol Robertson, to provide for a war memorial in Piopio.
- 2.4 In 1953, the land was transferred to the Chairman Councillors and Inhabitants of the County of Waitomo (now Waitomo District Council) upon trust, as a War Memorial Hall Reserve, under the Public Reserves and Domains and National Parks Act 1928.
- 2.5 The Public Reserves and Domains and National Parks Act 1928 was repealed and replaced by the Reserves and Domains Act 1953, which is now the Reserves Act 1977 (the Act). The Reserve, although described as a War Memorial Hall Reserve under the Public Reserves and Domains and National Parks Act 1928, does not hold formal Reserve Act classification status, which is mandatory.
- 2.6 The current status of the Reserve is an 'unclassified reserve' and is still subject to the Act. However, as it is a requirement that Reserves are classified, the Act provides minimal direction in relation to unclassified reserves that were not originally vested in the Crown. Section 16(6) states "*...that existing reserves must be held and administered for the purpose of the existing reserve and the administering body must continue to control and manage the reserve under the appropriate provisions of the Act pending its classification...*".

Commentary

The Reserves Act 1977 (the Act)

3.3 The Purpose of the Act

3.3 The purpose of the Act is outlined in Section 3 of the Act:

- Providing for the preservation and management of areas for the benefit and enjoyment of the public, areas possessing:
 - recreational use or potential, whether active or passive; or
 - wildlife; or
 - indigenous flora or fauna; or
 - environmental and landscape amenity or interest; or
 - natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.
- Ensuring, as far as possible, the survival of all indigenous species of flora and fauna including providing for the preservation of representative samples of all classes of natural ecosystems and landscape.
- Ensuring, as far as possible, the preservation of access for the public to and along the coast, lakes and river margins and protecting these areas from unnecessary subdivision and development.

3.3 Classification of reserves

3.4 The mandatory requirement under the Act to classify reserves, involves assigning a reserve (or parts of a reserve) an appropriate class. The classification of the Reserve will ensure it is entitled to the protections provided by the Act and will ensure the administering body has the ability to control, manage, develop, use, maintain and preserve the reserve for its appropriate purpose.

3.5 Section 16(2A) of the Act provides:

"...where any reserve was vested in a local authority which did not derive its title to the land from the Crown,... and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose..."

3.6 When considering the classification of a reserve it is important to consider the present values of the reserve, the potential future values and possible future uses and activities on the reserve.

3.7 The reserve classifications under the Act are: recreation, historic, scenic, nature, scientific, government purpose and local purpose (Government purpose and nature reserves are outside the scope of the management role of local authorities and scientific reserves are rarely used).

3.8 Recreation reserves are typically land (or land and water) possessing open space and outdoor recreational values suitable for recreation and sporting activities and the physical welfare and enjoyment of the public and for the protection of the natural environment and beauty of the countryside, including recreational tracks. This classification is not applicable to the land in question.

- 3.9 Historic reserves are areas of land (or land and water) possessing places, objects and natural features of historic, archaeological, cultural, educational and other special interest. Typically, this classification is only used to preserve sites of particularly high historic value, for example the location of significant ruins or registered heritage items.
- 3.10 Scenic reserves are areas of land (or land and water) possessing significant qualities of scenic interest or beauty or significant features or landscapes. This classification is not applicable to the land in question.
- 3.11 Local purpose reserves are areas of land (or land and water) suitable for a local educational, community, social or other local purposes as specified in the classification. In accordance with its current primary purpose and use, the appropriate classification for the land is a 'local purpose reserve', and more specifically, a Local Purpose (War Memorial and Community Purpose) Reserve, to ensure its current purpose continues and is protected.
- 3.12 **Local Purpose Reserves**
- 3.13 Section 23 of the Act provides that a local purpose reserve classified for a specific local purpose, i.e. a war memorial and community purpose, must be administered and maintained, and in particular, where a scenic, historic, archeological, biological or natural feature is present, those features must be managed and protected to the extent compatible with the reserves primary purpose.

Analysis of Options

- 4.1 There are three options available to Council, which are outline in the table below:

Options	Assessment		
	Advantages	Disadvantages	Costs
Status Quo – do nothing		<ul style="list-style-type: none"> - If land is continued to be held as a reserve, in trust, as a war memorial, Council will be in breach of the Reserve Act 1977. - The administration obligations remain unclear/limited for the administering body; the administering body runs the risk of exercising its powers beyond what is permitted under the Act. 	
Classify the Reserve as a Local Purpose Reserve	<ul style="list-style-type: none"> - Ensure Council complies with the Reserves Act 1977. - Council can continue to hold the Reserve as intended by the prior owners. - Provide greater protection for the Reserve as a whole, including the war memorials. - Places a greater obligation on the administering body (and clarity) where it has the duty to administer, manage and control the reserve to ensure the use, enjoyment, development, maintenance, protection and preservation occurs for the reserves classified purpose. 	<ul style="list-style-type: none"> - Places a greater obligation on the administering body where it has the duty to administer, manage and control the reserve to ensure the use, enjoyment, development, maintenance, protection and preservation occurs for the reserves classified purpose. 	<ul style="list-style-type: none"> - Cost to publish the Gazette Notice and register the change on the title.

- 4.2 In reviewing the above options, it is considered that the best option would be to classify the Reserve as a Local Purpose (War Memorial and Community Purpose) Reserve. The option would ensure Council complies with the Reserves Act 1977 and would further clarify the administering body's obligations under the Act. Once classified as a Local Purpose Reserve, a reserve management plan schedule will be included in the Reserve Management Plan.

Considerations

5.1 **RISK**

5.2 **Status Quo**

- 5.3 If Council does not classify the reserve and continues to hold the land as an unclassified reserve, the Council will not comply with s16(2A) of the Reserves Act 1977, and could unintentionally exercise powers beyond what is permitted under the Act, which could result in a legal challenge.

5.4 **Classify the Reserve as a Local Purpose Reserve**

There is minimal risk if Council supports the proposed classification of the reserve.

5.5 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 5.6 A decision by Council to undertake any of the options discussed in section 4 above will not be inconsistent with any of Council's plans or policies.

5.7 **SIGNIFICANCE AND COMMUNITY VIEWS**

This decision is not a significant decision in terms of the Council's Significance and Engagement Policy.

Recommendation

- 6.1 That the business paper, Classification of Piopio Memorial Hall Reserve, be received and resolved to classify the Piopio Memorial Hall Reserves as a Local Purpose (War Memorial and Community Purpose) Reserve.

Suggested Resolutions

- 1 The business paper on Piopio Memorial Hall Reserve be received.
- 2 Pursuant to section 16(2A) of the Reserves Act 1977, Kinohaku East 5B2 9 Block, comprising 1012 square metres, as held by Council in Record of Title SA260/104 be classified as Local Purpose (War Memorial and Community Purpose) Reserve, subject to the said Act.

TONY HALE

GENERAL MANAGER – INFRASTRUCTURE SERVICES

28 July 2020

Document No: A478394

Report To: Council



Meeting Date: 28 July 2020

Subject: Three Waters Reform Programme

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to brief Council on the launch of the Three Waters Reform Programme, and the key dates for decisions in respect of that.

Background

- 2.1 A \$761M stimulus package was announced by the Prime Minister's on 4 July 2020 for investment in three waters infrastructure and reform of three waters service delivery under Central Government's Three Waters Reform Programme (3-WRP)
- 2.2 The catalyst for the above is one of the outcomes of the Havelock North Drinking Water Inquiry that commenced in 2016 following campylobacter contamination of the drinking water supply. Approximately 5,000 people reportedly fell ill, as a consequence of that contamination incident, with four fatalities.
- 2.3 The Havelock North incident was not an isolated case, with it now estimated that a further 34,000 people per year suffer illness as a consequence of their drinking water supply. That includes both public and private drinking water supplies.
- 2.4 The primary outcome of the Havelock North enquiry is the establishment of the Water Services Regulator Bill. The Bill creates a new regulatory body to oversee, administer and enforce a new drinking water regulatory system, and establishes the new Water Services Regulator - *Taumata Arowai*.
- 2.5 The Bill will give effect to decisions to implement system wide reforms to the regulation of drinking water and source water, and targeted reforms to improve the regulation and performance of wastewater and stormwater networks.
- 2.6 The Bill is expected to be enacted in August 2020, then making the Regulator a legal entity. In the meantime, an establishment unit has been created to complete preparatory work towards setting up the Regulator. Until then, drinking water regulation remains the responsibility of the Ministry of Health.

Commentary

- 3.1 The Bill is an early foundation step, but only part of the 3-WRP. In short, the Government is looking to establish public, multi-regional, models for water service delivery.
- 3.2 A joint Government/Local Government NZ (LGNZ) Three Waters Steering Committee has been established to develop the policy design process, led by

Department of Internal Affairs. While the Government has accepted the LGNZ position of voluntary changes to service delivery arrangements, regardless of whether councils choose to participate in the Government’s reform programme or pursue their own service delivery arrangements, all councils will be required to meet legislated public health and environmental standards.

- 3.3 A phased, three-year, three-tranche reform programme has been established, commencing with the option of agreeing to an MoU and associated Funding Agreement and Delivery Plan (Tranche One).
- 3.4 The MoU will not be legally binding and will not commit a council to future stages of reform, but is attendant with expectations of good faith and a genuine commitment to the process.
- 3.5 Because Government funding is in part designed to support economic recovery post COVID-19, there is very little time to consider if councils wish to take up the Tranche One option. The deadline for opting-in to Tranche One is no later than 31 August 2020.
- 3.6 Allocation of Government funding is dependent on council agreement to participate in the initial stages of the reform process. That includes working with stakeholders and iwi to consider multi-region groupings. Only those councils that opt-in to Tranche One will be eligible for the stimulus funding.
- 3.7 The funding allocation formula for individual councils has yet to be decided. Logically, that will need to be known soon to help inform Council’s decision as to whether it wishes to opt-in or remain independent.
- 3.8 Funding for those council’s that decide to opt-in will be provided as a grant towards operating and capital costs for water supply and wastewater activities.
- 3.9 Tranches 2 and 3 are scheduled to take place in approximately 12 months and 24 months’ time, respectively. A decision to opt-in to the next two tranches is also voluntary, but becomes binding. There is no Government commitment to further stimulus funding at Tranches 2 and 3, at this stage.

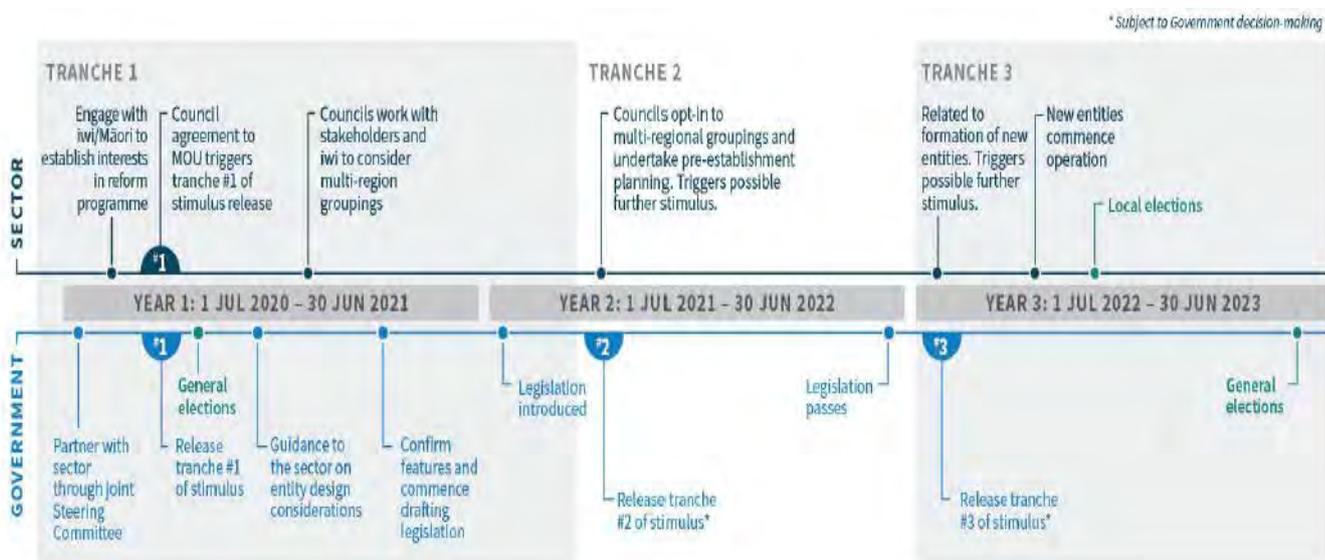


Fig.1 – Indicative timeline 3-WRP (Source: Allan Prangnell, DIA)

- 3.10 Tranche 2 reforms include participation in multi-regional groupings and pre-establishment planning.

3.11 Tranche 3 triggers the formation and commencement of operations under the new water entities.

3.12 Summary and Implications for WDC

3.13 The Government has launched a phased, three-year, 3-WRP, supported by a \$761M stimulus package linked to three waters infrastructure that supports economic recovery. The funding can be used for operating and capital expenditure, with drinking water and wastewater the first priority.

3.14 Eligibility for funding, requires an opt-in decision to Tranche One of the programme before the end of August 2020. It requires agreement to a MoU, Funding Agreement and Delivery Plan.

3.15 Core to that decision will be understanding the commitments and expectations envisioned by the Government under the above agreement documents, and the funding allocation proposed for WDC. That information is not yet available, but is expected to be released through a series of regional workshops across the country over a two week period ending 4 August. The Waikato workshop was held 24 July 2020.

3.16 Opting-in to Tranche One does not commit councils to Tranches Two and Three.

3.17 Irrespective of whether Council opts-in to Tranche One, all councils will be required to meet legislated public health and environmental standards.

3.18 Within that latter obligation lies the "elephant in the room" consideration. The actual proposed extent of and the nature of the reforms to the regulation of drinking water and source water, and targeted reforms to improve the regulation and performance of wastewater and stormwater networks, is as yet unknown. They may require further investment in Council's water and wastewater treatment plants, and a new regime for stormwater treatment (currently nil). The financial burden of that may be significant, noting that three of the four current WDC water take consents, and two of the four WDC wastewater discharge consents, expire within the term of the next 10YP commencing 1 July 2021.

3.19 Given all of the above, opting-in to Tranche One would appear on face value to be low risk, and potentially beneficial to WDC's financial resources. The effort required through Tranche One does not appear, at this time, to be overly onerous.

3.20 WDC three-waters projects that could potentially benefit from the Government funding include the upgrade of Mokau Water Treatment plant, the Te Kuiti alternative water supply investigations and construction, additional treated water storage for Te Kuiti, seismic strengthening of water storage reservoirs, investments required to meet new resource consent standards that come due over the term of the 10YP, and three waters renewals programmes in general.

3.21 A longer reach is that Government funding could potentially be applied to provision of new capital projects involving extension of waters services to areas currently not reticulated, or not owned by WDC e.g. reticulated wastewater at Mokau/Awakino, WDC owned delivery of water services to Waitomo. Current advice, though, is that funding for capital works improvements will be limited to existing water/wastewater schemes.

3.22 All of the above will need to be well understood if an informed decision can reasonably be made on the Tranche One option before the Government imposed deadline of 31 August 2020.

Suggested Resolution

The business paper on the Three Waters Reform Programme be received.

A handwritten signature in blue ink, appearing to read 'Greg Boyle', is positioned below the text. The signature is stylized and fluid.

GREG BOYLE
SPECIAL PROJECTS COORDINATOR

23 July 2020

Document No: A478417

Report To: Council



Meeting Date: 28 July 2020

Subject: Adoption of Road Map Work Programme for the period July 2020 to June 2021

Purpose

- 1.1 The purpose of this business paper is to present to Council for consideration and adoption an updated Road Map Work Programme for the period June 2020 to June 2021.
- 1.2 The Road Map Work Programme as at 28 July 2020 (Doc A478218) is enclosed separately and forms part of this business paper.

Commentary

- 2.1 The Road Map sets out work programmes identified to date for period leading up to adoption of the next (2021-2031) 10 Year Plan (10YP) in June 2021.
- 2.2 In addition to projects relevant to the development of the 10YP and required by legislation, there are a number of other projects that must also occur over this period. Some of these non-10YP commitments are of importance to the functional roles of Council which feed into the decision making process.
- 2.3 The Road Map details identified projects of work, including a brief commentary for each project and indicative timelines for completion. As Council is well aware, other projects of work will arise over time which will need to be tested against this Road Map Work Programme and in particular WDC's organisational capacity to identify priority ranking against the already established work programme.
- 2.4 Of specific importance in this version of the Road Map programme, is the influence Covid-19 has had on the entire WDC organisation. A new Section Two has been included in the Road Map to provide some context in respect to Covid-19 impacts and implications.
- 2.5 The Road Map is a 'living document' and as such is subject to change, both through further planning required for certain work streams and also by way of Council review as other issues arise over time which affect priorities.
- 2.6 This Road Map includes -
 - Projects which commenced prior to the current financial year and are continuing across financial years.
 - Projects required by Legislation.
 - Projects required as part of the development of the 2021-2031 LTP.

- Projects identified by the Elected Council and requested for inclusion in the Road Map.
 - Projects identified in the draft Exceptions Annual Plan 2020/21
- 2.7 The Road Map is updated and re-presented to Council in full for review on a "needs" basis. Subject to how many variations are required. As well as any variations made resulting from new projects identified throughout a financial year, a fully revised Road Map is presented to Council following adoption of either an EAP or an LTP.
- 2.8 In the periods between considering a fully revised Road Map, a Monitoring Schedule is presented to Council on a quarterly basis. The Monitoring Schedule is a direct extract from the Road Map of the Key Milestones for the current year and includes the indicative timeframes and a commentary on progress for each project of work.
- 2.9 Amendments/additions to this version of the Road Map, as highlighted within the document, will be presented by the General Manager's at the Council meeting and a revised Planning Calendar will be prepared once this version of the Road Map is adopted by Council.

Suggested Resolutions

- 1 The business paper on Adoption of Road Map Work Programme for the period July 2020 to June 2021 be received.
- 2 The Road Map Work Programme for the period July 2020 to June 2021 (Doc A478218) be adopted.



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Separate Enclosure: Road Map Work Programme as at 28 July 2020 (Doc A478218)

Document No: A478416

Report To: Council



Meeting Date: 28 July 2020

Subject: Motion to Exclude the Public for the Consideration of Council Business

Purpose of Report

- 1.1 The purpose of this business paper is to enable the Council to consider whether or not the public should be excluded from the consideration of Council business.
- 1.2 The Council may choose to consider any of the items in the public portion of the meeting.

Commentary

- 2.1 Section 48 of the Local Government Official Information and Meetings Act 1987 gives Council the right by resolution to exclude the public from the whole or any part of the proceedings of any meeting, only on one or more of the grounds contained within that Section.

Suggested Resolutions

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 Council agree the following staff, having relevant knowledge, remain in attendance to assist Council with its decision making: ...
- 3 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter
1. Review of Council's Investment	7(2)(c)(i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT