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## Report To: Council



**Meeting Date:** 29 October 2024

**Subject:** Presentation - Tuia Rangatahi Leadership Programme - Introduction of 2024 Representative - Tainui Stephens

**Type:** Information Only

**Author(s):** Michelle Higgle  
Manager – Governance Support

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to advise Council that Tainui Stephens will be present at 9.00am to introduce himself and address the Council on his involvement in the 2024 Tuia Programme to date.

### 2. Suggested Resolutions

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.

- 1 The verbal report from Tainui Stephens, 2024 Tuia Programme Rangatahi, be received.

### 3. Commentary

#### 3.1 The Tuia Programme

- 3.2 The Tuia programme is an intentional, long term, intergenerational approach to develop the leadership capacity of young Māori in communities throughout New Zealand and is part of the work of the Mayors Taskforce for Jobs.

- 3.3 The programme involves Mayors selecting a rangatahi (young person) from their district to mentor on a one-to-one basis, to encourage and enhance leadership skills. It is envisaged the rangatahi will be mentored on a monthly basis, involving both informal meetings and formal occasions that will assist the young person's development as a local leader. The relationship also provides both partners with the opportunity to gain a deeper insight into inter-generational issues, cultural values and experiences.

- 3.4 Selected rangatahi are expected to undertake and record a 100-hour community service project in their respective communities. This will provide the young person with an opportunity to share their experiences, practice new strategies and demonstrate leadership.

- 3.5 Rangatahi also have the opportunity to build peer networks with graduates of the Programme, obtain support and receive leadership training by attending four leadership development wānanga over the course of the year.

#### 3.6 How The Programme Works

- Mayors develop a 'one-to-one' mentoring relationship with a rangatahi in their community over a 12 month period (minimum).

- Both parties commit to meet at least once a month to share ideas, engage in local issues and develop a relationship based on trust and respect.
- The Mayor provides opportunities to explore local government and civic leadership (via events/hui and informal training).
- The rangatahi provides opportunities for the Mayor to better understand their world view as a young Māori growing up in their whanau, hapū, iwi and wider community.
- The Mayor and rangatahi both attend 4 wānanga throughout the year, focused on growing leadership skills and networks (all previous graduates attend with 100+ rangatahi from all over New Zealand).
- In each community, the rangatahi must also engage and/or develop a 'community service' project to pass on the learnings and take action.
- Building good networks between the rangatahi themselves is paramount. Graduates of the programme provide 'peer support' and ongoing development opportunities with four years of participants (100+) coming together at the wānanga and via social media.
- Leadership development is rangatahi driven and sustainable, with governance and support provided by the TUIA Charitable Trust and Mayors.

3.7 From 2011 to 2020 Tuia have had 56 councils, 19 Participating Iwi & Organisations and over 350 rangatahi participate in the kaupapa.

### **3.8 Who is eligible for the programme and how will they be selected?**

3.9 The Mayor will select a young Māori who meets the following criteria:

- Is aged between 18-25 years.
- Is actively involved in contributing to the wellbeing of their community at some level.
- Is able to commit to being involved in this part-time programme for a minimum of 12 months.
- Has support from others to participate in the programme (whanau/hapu/pakeke/employers/community etc.).
- Is open minded and willing to contribute to discussions and workshops.
- Is well organised and has the ability to manage their time and commitments effectively.
- Is innovative, self-managing and adaptable.

### **3.10 The Selection Process**

3.11 Each participating Mayor in partnership with their community and past rangatahi participants (where applicable) will select the candidate against the criteria outlined above. Each Mayor will determine what process they deem to be the most effective in order to identify their candidate. These may include but are not limited to the following examples:

- Personal application (e.g. essay / presentation)
- A nomination and selection process
- A personal choice
- In consultation with community groups
- On the advice of iwi and hapu groupings
- On the advice of the council's community development advisors

### 3.12 Waitomo Rangatahi

3.13 The Mayors of Waitomo district have been involved with sponsoring and mentoring Tuia Programme rangatahi since the beginning of the programme in 2011.

3.14 Set out below is a list of the Waitomo rangatahi representatives since 2011.

<b>Year</b>	<b>Name</b>
	<b><u>Mayor Brian Hanna</u></b>
2011	Te Ingo Ngaia
2012	Simone Holland
2013	Te Miri Takarei
2014	Te Aturangi Stewart
2015	Mahara Hepi
2016	Aroha Te Aretoa
2017	Pianika Waugh
2018	Shavaahn Tangihaere
2019	Luke Moss
	<b><u>Mayor John Robertson</u></b>
2020	Te Oranga Anderson
2021	Xavier Turner
2022	Te Awhina Anderson
2023	Aroha Wehi-King and Taetia Kopa
2024	Tainui Kotahi Moanapapaku-Stephens

## 4. Attachments/Separate Enclosures

Further information on the Tuia Leadership Programme is available in the Mayoral Toolkit and latest Prospectus which have been circulated under separate cover.

Separate Enclosures:

- 1 Tuia Prospective 2024 (Doc ID 774207)
- 2 Tuia Rangatahi Leadership Programme – Mayoral Toolkit (Doc ID 528471)

## WAITOMO DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 24 SEPTEMBER 2024 AT 9.00AM

**PRESENT:** Mayor John Robertson  
Deputy Mayor Allan Goddard  
Dan Tasker  
Eady Manawaiti  
Gavin Todd  
Janene New  
Janette Osborne

**IN ATTENDANCE:** Dr Bridget Mosely and Ben Stubbs (Waitomo Caves Discovery Centre)  
One member of the public

Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
General Manager – Community Services, Helen Beever  
Manager – Community Development, Sarah McElroy  
General Manager – Infrastructure Services, Shyamal Ram  
Manager – Strategy and Policy, Charmaine Ellery  
Graduate Policy Advisor, Rajeshwari (Raj) Mahadevappa  
Property and Facilities Manager, Liz Riley  
Three Waters Manager, David Karrol  
Acting Roading Manager, Darren Laycock  
Local Roads Professional Services (Pinnacles), Campbell Young  
Chief Financial Officer, Tina Hitchen

#### 1. Karakia Tuwhera

#### 2. Apology

No apologies

#### 3. Declarations of Member Conflicts of Interest

Declarations were made as follows:

Name	Item of Business	Reason for Declaration
Councillor New	Item 11 - 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications: <ul style="list-style-type: none"> <li>Waitomo Sister City Incorporated</li> <li>Te Kuiti Development Inc t/a Legendary Te Kuiti</li> </ul>	Member Member
Councillor Goddard	Item 11 - 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications: <ul style="list-style-type: none"> <li>Citizens Advice Bureau</li> </ul>	Spouse works at CAB
Councillor Osborne	Item 11 - 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications: <ul style="list-style-type: none"> <li>Waitomo Sister City Incorporated</li> </ul>	Member

Name	Item of Business	Reason for Declaration
Councillor Tasker	Item 11 - 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications: <ul style="list-style-type: none"> <li>Maniapoto Rugby Sub-Union Incorporated</li> </ul>	Employee of King Country Rugby Union
Councillor Todd	Item 11 - 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications: <ul style="list-style-type: none"> <li>Piopia Lions Club</li> </ul>	Member

**4. 9.00am Presentation: Waitomo Caves Discovery Centre – Reporting against Multi-Year Community Partnership Grant Agreement**

Council received a presentation from Dr Bridget Mosley, Museum Director, and Ben Stubbs, Board Member, Waitomo Caves Discovery Centre reporting in accordance with the Waitomo Caves Discovery Centre’s Multi-Year Community Partnership Grant Agreement.

**Resolution**

- 1 The Presentation from Waitomo Caves Discovery Centre – Reporting against Multi-Year Community Partnership Grant Agreement be received.

Robertson/Goddard Carried

Dr Bridget Mosely and Ben Stubbs (Waitomo Caves Discovery Centre) left the meeting at 9.18am.

**5. Confirmation of Minutes: 27 August 2024**

**Resolution**

The Minutes of the Waitomo District Council meeting of 27 August 2024 be confirmed as a true and correct record.

Robertson/New Carried

The General Manager – Infrastructure Services and Manager – Strategy and Policy entered the meeting at 9.20am

**6. Mayor’s Report – September 2024**

Mayor Robertson presented his report for September 2024.

**Resolution**

The Mayor’s Report – September 2024 be received.

Robertson/Manawaiti Carried

**7. Standing Orders for Meetings of the Waitomo District Council: Proposed Amendment – Members Joining Remotely Counting as part of the Meeting Quorum**

Council considered a business paper presenting for consideration a proposed amendment to the Standing Orders for Meetings of the Waitomo District Council to include provision to continue having members joining remotely and being included as part of the meeting quorum.

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

### Resolution

- 1 The business paper on Standing Orders for Meetings of the Waitomo District Council: Proposed Amendment – Members Joining Remotely Counting as part of the Meeting Quorum be received.
- 2 The Standing Orders for Meetings of the Waitomo District Council be amended to include provision for members joining remotely to be counted as part of the meeting quorum as follows:

**Page 14 Definitions - Present at the meeting to constitute quorum**

Amend to read:

**Present at the meeting to constitute quorum** means the member is to be either physically present in the room or attending the meeting by audio/visual link.

**Page 29 Clause 11. Quorum/Kōrama**

Clause 11.1 (a) and (b): delete the word “physically” as follows:

The quorum for a meeting of the council is:

- (a) Half of the members ~~physically~~ present, where the number of members (including vacancies) is even; and
- (b) A majority of the members ~~physically~~ present, where the number of members (including vacancies) is odd.

**Page 32 Clause 13.8 Member’s status: quorum/Te tūnga a te mema: kōrama**

Delete the word “not” as follows:

Members who attend meetings by electronic link will ~~not~~ be counted as present for the purposes of a quorum.

**Page 32 Clause 13.9 Member’s status: voting/Te tūnga a te mema: te pōti**

Delete the word “physically” as follows:

Where a meeting has a quorum, determined by the number ~~physically~~ present, the members attending by electronic link can vote on any matters raised at the meeting.

Goddard/Osborne Carried

<b>8. Representation Review - Deliberation of Submission Received and Adoption of Final Proposal</b>
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Council considered a business paper presenting the submission received on the initial proposal for the representation review and seeking a decision from Council on the review of representation arrangements.

The Manager – Strategy and Policy expanded verbally on the business paper and answered Members questions.

**Resolution**

- 1 The business paper on Representation Review - Deliberations of Submission Received and Adoption of Final Proposal be received.
- 2 The Council resolve to adopt the final proposal as follows:
  - That the Council would comprise of six elected members and a Mayor;
  - The members would be elected by ward, and a Mayor elected at large;
  - There will be two wards, these are Te Kūiti Ward and Waitomo Rural Ward, the boundaries are identified in the map attached to the business paper;
  - Three members will be elected from each of the above wards; and
  - There are no community boards.
- 3 Council thank Adrianna Astle for her submission.

Robertson/New          Carried

**9. Sensitive Expenditure Policy**

Council considered a business paper presenting the Sensitive Expenditure Policy for adoption and seeking Council's approval to revoke the Elected Members Allowances and Recovery of Expenses Policy.

The Manager – Strategy and Policy expanded verbally on the business paper and answered Members questions.

Mayor Robertson suggested the removal of Paragraph 9.24 however after discussion it was agreed to leave it in and be at the discretion of the Mayor at the time as to whether or not they choose to hold a corporate credit card.

Council noted that Paragraph 8.13 does not apply to elected members

Council agreed that Paragraph 9.29 be amended as no elected member shall be reimbursed for alcohol purchases.

**Resolution**

- 1 The business paper on Sensitive Expenditure Policy be received.
- 2 Council adopt the Sensitive Expenditure Policy and allow the Chief Executive to make minor editorial corrections in consultation with the Mayor.
- 3 Council revoke the Elected Members Allowances and Recovery of Expenses Policy as it has now been replaced with the Sensitive Expenditure Policy.

Robertson/Tasker          Carried

The Manager – Strategy and Policy left the meeting at 10.00am.

**10. Community and Partnerships Bi-Monthly Activity Update Report**

Council considered a business paper providing an update on work programmes that form part of the Community and Partnerships activity.

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

**Resolution**

- 1 The business paper on Community and Partnerships Bi-Monthly Activity Update Report be received.

Robertson/New Carried

<b>11. 2024 Multi-Year Community Partnership Grant - Consideration of Funding Applications</b>
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Council considered a business paper presenting for consideration the 2024 Multi-Year Community Partnership Grant Applications and to allocate funding.

The General Manager – Community Services and Deputy Mayor Goddard expanded verbally on the business paper.

Council noted the conflicts of interest made at the beginning of the meeting in relation to this item.

Mayor Robertson noted that Council has budgeted for \$220,000 per annum for the next three years and that the amount proposed to be allocated is well within that budget.

**Resolution**

- 1 The business paper on 2024 Multi-Year Community Partnership Grant – Consideration of Funding Applications be received.
- 2 Council approve the allocation of the 2024 Multi-Year Community Partnership Grants, as follows:

<b>Name of Applicant</b>	<b>Allocation (per annum)</b>
Friends of the Timber Trail	\$5,000.00
Tainui Historical Society (Mokau Museum)	\$10,000.00
Citizens Advice Bureau Te Kuiti Incorporated	\$5,500.00
Maniapoto Rugby Sub-Union Incorporated	\$11,000.00
Te Kuiti Community House Trust	\$13,000.00
Piopio Community Swimming Pool Trust	\$10,000.00
Waitomo Sister City Incorporated	\$8,000.00
Te Kuiti & Districts Historical Charitable Trust	\$15,000.00
Mokau School	\$4,000.00
Waikato Screen NZ Ltd	\$6,500.00
Sport Waikato	\$35,000.00
Pinetree No.5 Trust	\$4,000.00
Te Kuiti Development Inc t/a Legendary Te Kuiti	\$15,000.00
On Stage Te Kuiti	\$3,000.00
Te Kuiti & Districts Highland Pipe Band	\$3,000.00
Piopio Lions Club	\$320.00
Project Piopio Trust Limited	\$10,000.00
Te Kuiti Amateur Swimming Club	\$3,000.00
Piopio Amateur Swimming Club	\$1,000.00
Maniapoto Maara Kai Roopu Trust	\$10,000.00
Waitomo Waipa Women's Refuge	\$5,000.00
Waitomo Caves Museum Society	\$10,000.00
New Zealand Shearing Championship	\$6,000.00
<b>TOTAL:</b>	<b>\$193,320.00</b>

Goddard/Manawaiti Carried



<b>12. Waitomo District Council Grant Allocations 2023/2024</b>
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Council considered a business paper providing details of grant allocations made by Waitomo District Council for the 2023/2024 financial year.

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

**Resolution**

The business paper on Waitomo District Council Grant Allocations 2023/2024 be received.

New/Goddard Carried

<b>13. Waitomo District Play, Active Recreation and Sport Plan 2024-2034</b>
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Council considered a business paper presenting the Draft Waitomo District Play, Active Recreation and Sport Plan 2024-2034 for adoption.

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

Cr Manawaiti raised the topic of “rehabbing” and noted that it is not included in the Plan. The General Manager – Community Services undertook to take this up with Sport Waikato for inclusion.

**Resolution**

- 1 The business paper on Waitomo District Play, Active Recreation and Sport Plan 2024-2034 be received.
- 2 Council adopt the Waitomo District Play, Active Recreation and Sport Plan 2024-2034.

Robertson/Goddard Carried

<b>14. Centennial Park – Implementation of Concept Development Plan</b>
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Council considered a business paper presenting the proposed priority of works for implementation of the Centennial Park Concept Development Plan for consideration.

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

Council discussed the toilet facility upgrade being undertaken in the Grandstand and agreed that it should not become a general public toilet facility and be limited to use for events convened at Centennial Park.

**Resolution**

- 1 The business paper on Centennial Park – Implementation of Concept Development Plan be received.
- 2 Council agree the priority of works for implementation of the Centennial Park Concept Development Plan.
- 3 Council approves allocation of the 2024/25 Centennial Park budget towards activation works on the Oval and North Field.
- 4 Council agree that the upgraded toilet facility in the Grandstand be limited to use for events convened at Centennial Park only and not be a general public toilet.

Manawaiti/Robertson Carried

The meeting adjourned for morning tea at 10.50am and reconvened at 11.10am.

The Property and Facilities Manager, Three Waters Manager, Acting Roading Manager and Local Roads Professional Services (Pinnacles Civil) entered the meeting at 11.11am.

The Chief Financial Officer entered the meeting at 11.15am.

#### **15. Infrastructure Services Group Bi-Monthly Activity Update Report**

Council considered a business paper providing an update on work programmes that form part of the Infrastructure Services Group activities.

The General Manager – Infrastructure Services, Acting Manager Roading, Three Waters Manager and Property and Facilities Manager expanded verbally on the business paper and answered Members questions.

Low Risk Low Cost Schedule of Works – Council noted the seriousness of the Kent Street slump and that is was included in the Low Cost Low Risk schedule which has not been approved for subsidy by Land Transport New Zealand, and that this repair needs to be re-prioritized into Council's roading programme for repair.

The General Manager – Infrastructures Services verbally updated the Council on two upcoming motorsport rallies which have applied for temporary road closures. Councillor Osborne pointed out that one of the main reasons for so many submissions to the Targa Rally is that the road closure proposed is scheduled for the Friday before a long weekend and restricts access to holiday businesses and locations on the coast until after 7.00pm.

The Acting Roading Manager and Local Roads Professional Services (Pinnacles) left the meeting at 11.36am.

Council requested that Red Cross and The Cottage be notified of the adjacent Council owned properties being placed on the market.

#### **Resolution**

- 1 The business paper on Infrastructure Services Group Bi-Monthly Activity Update Report be received.

Robertson/New      Carried

The Property and Facilities Manager left the meeting at 11.52am.

#### **16. 2023-24 Carry Forwards**

Council considered a business paper seeking approval to carry forward unspent 2023/24 operational and capital budgets to the 2024/25 financial year.

The Chief Financial Officer and Chief Executive expanded verbally on the business paper and answered Members questions.

Council agreed that the carry forward provision for District flags be removed due to the current economic climate.

Council requested that the Better of Funding be re-assessed and brought back to the next Council meeting to ascertain if any of the funding can be re-prioritized.

#### **Resolution**

- 1 The business paper on 2023/24 Carry Forwards be received.

- 2 Council approve the carry forward of \$6,102,000 of unexpended 2023/24 capital budget and \$220,000 operational budget to the 2024/25 financial year as follows:

Activity	Project	Carry Over \$	Comment
Business Support and Fleet \$295,000	Information Services – hardware replacement, Assetfinda hardware upgrade and minor replacements	51,000	Ongoing equipment replacement, upgrade of Assetfinda hardware and remote access for Les Munro Centre AC controller.
	Aerial photography	50,000	Project underway - The aerial photography project has been delayed and is now due in December 2024.
	Quarry safety improvements	41,000	Remedial work required for Council owned quarries.
	Administration Building	102,000	Renewals of upstairs toilets and kitchen facilities.
	Fleet replacement	51,000	Project underway - Due to ongoing supplier delays, there are long lead-in times to the delivery of ordered vehicles.
Recreation and Property \$438,000	Development Coastal Reserves	74,000	Funding for the design of the Mokau seawall at the end of Point Road, Mokau.
	Land purchase/subdivisions	47,000	Budget unspent for revocation of reserve classifications and completion of subdivisions for Eketone Street, Mangarino Road, Esplanade, Moa Streets.
	Park improvements	37,000	The unspent budgets will be utilised to support the Centennial Park development and Benneydale park improvements.
	Motakiora/Brook Park renewals	16,000	Fencing, development of park areas and construction of retaining walls.
	Playground Renewals	15,000	Ongoing playground renewals.
	Swimming pool renewals	22,000	Replacement of broken pipes and repairing the sand filter.
	Les Munro Centre	151,000	Project underway - replacement of the air conditioning system installation and ducting.
	Skatepark renewals	50,000	Resurfacing of the Te Kuiti skatepark.
	Toilet Renewals	26,000	Installation of new flushing systems at Piopio toilets and replacement of Redwood and Rora Street North toilet equipment.
Solid Waste \$112,000	Te Kuiti Transfer Station and Rural Transfer Station improvements and renewals	52,000	The budget was not used as initially planned due to waiting for the standardised accepted materials to be released by Ministry for the Environment.
	Resource consent (volume expansion at landfill)	60,000	Budget committed to delaying the resource consent activation date and to comply with the new resource consent conditions.
Wastewater \$987,000	Te Kuiti Scada and telemetry improvements and renewals	60,000	Continue improvements for Te Kumi, Tammadge and Hillview pump stations by installing new Scada and renewing old telemetry aerials at Redwood and treatment plant sludge area.
	Te Kuiti wetland planting and resource consent planting	26,000	Planting around the treatment plant outlet pipe was postponed until November to avoid damaging soil/land as requested by neighbouring property.
	Te Kuiti sludge equipment and disposal improvements	506,000	Continue installation of septic disposal unit by inlet area of the treatment plant. Includes \$494,000 reallocated from unspent operational expenditure sludge disposal budget to implement further sludge disposal improvements.

Activity	Project	Carry Over \$	Comment
	Te Kuiti wastewater reticulation renewals	351,000	Continue with planned renewal projects.
	Te Waitere wastewater	11,000	Network improvements including the purchase of spare pump for pump station.
	Benneydale resource consent renewal	25,000	Project underway - Renewal of the consent is expected to be lodged in November.
	Benneydale minor renewal treatment plant	8,000	Replace old and faulty control valves for Imhoff tanks.
Water Supply \$100,000	Te Kuiti resilience project	95,000	Project underway – unspent funds to continue the water resilience project.
	Te Kuiti filter replacement	5,000	Renewal of sand filter media.
Roads \$4,170,000	Emergency reinstatement and ex-Cyclone Dovi and storm renewals	4,170,000	Project underway – to complete the storm renewals from recent storm events. This work is part funded by NZTA.

- 3 Council note that the sequencing of the Better Off Funding projects will be re-assessed and brought back to Council at the next meeting.

Robertson/New Carried

**17. Regional Infrastructure Fund Application Proposal – Te Kuiti Aerodrome Business Park**

Council considered a business paper seeking approval to develop and submit an application to the Regional Infrastructure Fund for a proposed Business Park at the Te Kuiti Aerodrome.

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members questions.

**Resolution**

- 1 The business paper on Regional Infrastructure Fund Application proposal – Te Kuiti Aerodrome Business Park be received.
- 2 An application to the Regional Infrastructure Fund for a proposed Te Kuiti Aerodrome Business Park is developed and submitted.

Goddard/Tasker Carried

**18. Motion to Exclude the Public**

Council considered a business paper enabling Council to consider whether or not the public should be excluded from the consideration of Council business.

**Resolution**

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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	Section 48(1) grounds for the passing of this resolution
Valuation of Investment in Inframax Construction Limited at 30 June 2023	Section 7(2) - (c) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information – (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 48(1)(d) – That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
WDC Queen Street Administration Building – Seismic Strengthening Status Update	Section 7(2) - (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
Chief Financial Officer	Portfolio Holder
Asset Accountant	Portfolio Holder
General Manager – Community Services	Portfolio Holder
General Manager – Infrastructure Services	Portfolio Holder

- 4 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.

Robertson/Osborne Carried

The meeting adjourned for lunch at 12.24pm and reconvened at 1.00pm.

## 19. Public Excluded Items to be made public following Council's decision taking

### Resolution

Following Council's consideration and decision taking of the public excluded items –

**1 Valuation of Investment in Inframax Construction Limited at 30 June 2023**

The Resolution only be made public as follows:

***Resolution***

- 1 *The business paper on Valuation of the Investment in Inframax Construction Limited at 30 June 2024 be received.*
- 2 *The carrying value of Council's investment in Inframax Construction Limited as at 30 June 2024, to be included in its financial statements, be confirmed at \$12,883,000 being the mid-point valuation.*

*Robertson/Tasker Carried*

**2 WDC Queen Street Administration Building – Seismic Strengthening Status Update**

The Resolution only be made public as follows:

***Resolution***

- 1 *The business paper on WDC Queen Street Administration Building – Seismic Strengthening Status Update be received.*
- 2 *Cease investigations and planning for the seismic strengthening of the Queen Street Administration building.*
- 3 *Cease planning for reconfiguring and demolition proposals.*
- 4 *Continue to work with other stakeholders and lifeline organisations over the next 25 years to identify collaborative opportunities which could include shared use of existing or new buildings.*

*Todd/New Carried*

Robertson/Todd Carried

**20. Karakia Whakamutunga**

There being no further business the meeting closed at 1.17pm.

Dated this        day of

JOHN ROBERTSON  
**MAYOR**

Confidential

Confidential



## WAITOMO DISTRICT COUNCIL

### MINUTES OF AN EXTRAORDINARY MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 15 OCTOBER 2024 AT 3.30PM

**PRESENT:** Mayor John Robertson  
Deputy Mayor Allan Goddard  
Dan Tasker  
Eady Manawaiti  
Janette Osborne

**IN ATTENDANCE:** Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
General Manager – Infrastructure Services, Shyamal Ram  
Legal Officer, Adrian Lindsay  
Property and Facilities Manager, Liz Riley

#### 1. Apologies

##### Resolution

The apologies from Councillors Janene New and Gavin Todd be received and leave of absence granted.

Robertson/Goddard      Carried

#### 2. Apologies

No declarations were made.

#### 3. Motion to Exclude the Public

Council considered a business paper enabling Council to consider whether or not the public should be excluded from the consideration of Council business.

##### Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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	Section 48(1) grounds for the passing of this resolution
Proposed Sale of Properties: Te Kuiti	Section 7(2) - (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
Legal Officer	Portfolio Holder
Property and Facilities Manager	Portfolio Holder
General Manager – Infrastructure Services	Portfolio Holder

- 4 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.

Robertson/Manawaiti Carried

**4. Public Excluded Items to be made public following Council's decision taking**

**Resolution**

Following Council's consideration and decision taking of the public excluded items -

**1 Proposed Sale of Properties – Te Kuiti**

The business paper and resolutions not be made public at this time.

There being no further business the meeting closed at 4.11pm

Dated this        day of

JOHN ROBERTSON  
MAYOR

Confidential

**WAITOMO DISTRICT COUNCIL  
Audit and Risk Committee**

**MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 15 OCTOBER 2024 AT 9:00AM**

- PRESENT:** Independent Chair Kaydene Kana  
Mayor John Robertson (for part only)  
Deputy Mayor Allan Goddard  
Janette Osborne
- IN ATTENDANCE:** Miles O'Connor (Bancorp)  
Matt Laing, Partner and Callum Maxwell, Associate Director - Audit Services (Deloitte)
- STAFF:** Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
Chief Financial Officer, Tina Hitchen  
Asset Accountant, Wayne La Roche  
Health and Safety Coordinator, Tanchia Pitts-Brown  
Manager – Strategy and Policy, Charmaine Ellery  
Graduate Policy Advisor, Rajeshwari Mahadevappa  
Financial Accountant, Julie Mansell  
General Manager – Infrastructure Services, Shyamal Ram

<b>1. Karakia Tuwhera</b>
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<b>2. Apologies</b>
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**Resolution**

The apologies from Mayor John Robertson (who will leave the meeting at 10.45am) and Councillors Janene New and Gavin Todd be received and leave of absence granted.

Kana/Osborne          Carried

<b>3. Declarations of Member Conflicts of Interest</b>
--

No declarations were made.

<b>4. Treasury Management Report for the year ended 30 September 2024</b>
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The Committee considered a business paper providing an update on WDC's debt position and compliance with borrowing limits for the period ended 30 September 2024.

The Asset Accountant expanded verbally on the business paper and answered Members questions.

Miles O'Connor, Bancorp Treasury Services Limited, spoke to the Bancorp Treasury Management Report.

**Resolution**

The business paper on Treasury Management Report for the period ended 30 September 2024 be received.

Kana/Goddard          Carried

Miles O'Connor and the Chief Financial Officer and Asset Accountant left the meeting at 9.34am.

<b>5. Confirmation of Minutes: 13 August 2024</b>
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**Resolution**

The Minutes of the Waitomo District Council meeting of 13 August 2024 be confirmed as a true and correct record.

Kana/Robertson Carried

<b>6. Chair Report – October 2024</b>
---------------------------------------

The Committee considered a business paper prepared by the Independent Chairperson for August 2024.

The Chairperson expanded verbally on the business paper.

The Committee discussed the pros and cons of the timeline for reviewing of the Committee's Terms of Reference and agreed to review them in August 2025.

**Resolution**

The Chair Report – August 2024 be received.

Kana/Goddard Carried

<b>7. Mastercard Expenditure Report: July/August 2024</b>
---

The Committee considered a business paper –

- 1 Presenting details of expenditure incurred via WDC issued Corporate Mastercard for the months of July and August 2024 for the Committee's information; and
- 2 To consider the future reporting of credit card expenditure.

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

**Resolution**

- 1 The business paper on Mastercard Expenditure Report: July – August 2024 and Future of Reporting on Credit Card Expenditure be received.
- 2 Reporting to the Audit and Risk Committee on corporate credit card expenditure continue.

Osborne/Goddard Carried

The Health and Safety Coordinator entered the meeting at 9.45am.  
Mayor Robertson left the meeting at 9.49am.

<b>8. Progress Report: Health and Safety</b>
--

The Committee considered a business paper providing a brief on Waitomo District Council's health and safety performance during quarter four of the 2023/24 year.

The Health and Safety Coordinator and Chief Executive expanded verbally on the business paper and answered Members questions.

**Resolution**

The Progress Report: Health and Safety be received.

Kana/Osborne Carried

The Health and Safety Coordinator left the meeting at 10.00am.

**9. Progress Report: Strategic Risk Management and Monitoring**

The Committee considered a business paper providing an update on the progress and status of the risk mitigation actions for Council's Strategic Risks.

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

**Resolution**

The Progress Report – Strategic Risk Management Monitoring be received.

Kana/Osborne Carried

The Manager- Strategy and Policy and Graduate Policy Advisor entered the meeting at 10.03am

**10. Progress Report: Key Performance Indicators for the period ended 30 September 2024**

The Committee considered a business paper presenting Waitomo District Council's delivery performance on non-financials for the 2023/24 financial year for the period ending 30 September 2024.

The Senior Strategy and Graduate Policy Advisor expanded verbally on the business paper and answered Members questions.

**Resolution**

The Progress Report: Key Performance Indicators for the period ended 30 September 2024 be received.

Kana/Osborne Carried

The Manager- Strategy and Policy and Graduate Policy Advisor left the meeting at 10.10am.

The General Manager – Infrastructure Services entered the meeting at 10.11am.

**11. Progress Report: Procurement Summary Schedule (July 2024 – September 2024)**

The Committee considered a business paper presenting a summary of the procurements made in the period 1 July 2024 to 30 September 2024 in accordance with Waitomo District Council's Procurement Policy.

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members questions.

**Resolution**

The business paper on the Progress Report: Procurement Summary Schedule (1 July 2024 to 30 September 2024 be received.

Kana/Goddard Carried

**12. Progress Report: WDC Resource Consents – Compliance Monitoring (July to September 2024)**

The Committee considered a business paper providing a brief on compliance reporting against Resource Consent conditions, due during the first quarter (2024/2025).

The General Manager – Infrastructure Services expanded verbally on the business paper and answered Members questions.

### Resolution

The business paper on WDC Resource Consents – Compliance Monitoring be received.

Kana/Goddard Carried

The Chief Financial Officer, Manager – Strategy and Policy, Asset Accountant and Financial Accountant entered the meeting at 10.45am

## 13. Draft Annual Report 2023/2024 – Recommendation to Council

The Committee considered a business paper presenting the Draft Annual Report 2023/24 for consideration and, subject to amendment, recommendation to Council for adoption.

The Manager – Strategy and Policy, Chief Financial Officer and Chief Executive expanded verbally on the Draft Annual Report 2023/2024 and answered Members questions.

The Chief Financial Officer noted that on page 14 of the Draft Annual Report 2023/2024 – the benchmark measure relating to cashflows is to be corrected before being presented to Council for adoption.

### Resolution

- 1 The business paper on Draft Annual Report 2023/24 – Recommendation to Council be received.
- 2 The Audit and Risk Committee recommend to the Council the adoption of the Annual Report 2023/24, subject to any amendments agreed at this meeting and any further immaterial changes required as a result of completing the audit.
- 3 Any matters of significance which may arise relating to the Draft Annual Report 2023/24 between this meeting and the Council meeting on 29 October 2024 be referred to the Independent Chairperson.

Kana/Osborne Carried

## 14. Motion to Exclude the Public

The Committee considered a business paper enabling the Committee to consider whether or not the public should be excluded from the consideration of Council business.

### Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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 matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
Presentation: Deloitte – Annual Report 2023/2024	Section 7(2) (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1) (d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

<b>Staff Member</b>	<b>Reason for Remaining in Attendance</b>
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
Chief Financial Officer	Portfolio Holder
Manager – Strategy and Policy	Portfolio Holder
Asset Accountant	Portfolio Holder
Financial Accountant	Portfolio Holder

- 4 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.

Kana/Osborne Carried

There being no further business the meeting closed at 11.40am

Dated this        day of

JAYDENE KANA  
**INDEPENDENT CHAIR**



Confidential

Document ID: 789977

**Report To: Council**

Meeting Date: 29 October 2024

Subject: Mayor's Report – October 2024

Type: Information Only

Author(s): John Robertson  
Mayor**1. Purpose of Report**

1.1 The purpose of this business paper is to present the Mayor's report for the current month.

**2. Suggested Resolution**

2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.

1 The Mayor's Report – October 2024 be received.

**3. Commentary**

3.1 With the Annual Accounts for the year-ending 30 June 2024 to be considered today, I thought it would be useful to do some analysis of what is driving Council costs. I have reviewed the period from 2018 to 2024.

3.2 Over these six years, from an Income and Expenditure perspective:

- Rates including water charges increased from \$19.7m to 22.5m. +14%
- Depreciation increased from \$5.8m to \$9.5m. +62%
- Expenses other than depreciation increased from \$18.7m to \$31.9m. +47%

3.3 The largest single expense item after depreciation is road maintenance at \$7.9m, which rose 50% in the six years.

3.4 Over these six years from a Balance Sheet perspective:

- Debt **decreased** from \$42m to \$33m. -21%
- Fixed Assets **increased** from \$356m to \$700m. +97%

3.5 While we must be one of the few Councils in the country where debt decreased over this period, I expect that all Councils experienced an increase in their asset values. This is largely because Councils are required to revalue their assets under accounting rules, often on a replacement cost basis.

3.6 This also explains some of the massive increase in depreciation expense of 62%. Higher asset values mean higher depreciation.

3.7 In this period also:

- Employee numbers rose from 70 in 2018 to 76 in 2024 on an FTE basis of measurement. Employee costs rose 41% to \$7.3m.
- Debt financing costs declined from \$1.76m in 2018 to \$1.63m in 2024.

3.8 This analysis raises the question of how the gap has been filled, with rates increasing just 14% yet overall expenditure rising by 50%. This difference is largely made up by subsidies and grants. In the 2024 year, for example, we invested in a large capital programme for which we received \$20m in subsidies and grants, versus \$7.6m in 2018.

Document ID: 789550

**Report To: Council**

Meeting Date: 29 October 2024

Subject: Chief Executive Report – September/October 2024

Type: Information Only

Author(s): Ben Smit  
Chief Executive**1. Purpose of Report**

1.1 The purpose of this business paper is to provide a Chief Executive oversight of the organisation and its progress toward achieving its vision, outcomes, and priorities.

**2. Suggested Resolutions**

2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

1 The Chief Executive Report – September/October 2024 be received.

**3. Commentary**

3.1 The Chief Executive's oversight report follows. Financial oversight information to follow.

FINANCIAL		SIGNATURE PROJECTS	OPERATIONS	
Net Operating Position YTD 30 June 2024	TBA	Report is a Work in Progress subject to development of the Project Management Framework	Leadership Community/ Partners	Annual Plan + Budget Development Finalise Annual Plan
Variance to Revised Budget 30 June 2024	TBA		Recreation/ Property	Centennial Park Development District Plan
Capital Spend YTD % of Revised Budget 30 June 2024	TBA		Regulatory Resource Management	Waitomo District Landfill
Total YTD Capital Spend to 30 June 2024	TBA		Solid Waste Stormwater Wastewater	Flood Management WWTP Sludge Management
Loan \$M at 30 June 2024	TBA		Water Roding	Roding Plan Funding and Implementation

KEY DECISIONS / DISCUSSIONS	TOP OF MIND
To be made by Council   for input <ul style="list-style-type: none"> <li>Annual Report sign off</li> </ul>	Areas of focus or concern for CEO <ul style="list-style-type: none"> <li>Future of '3 Waters' and potential for Waikato Waters CCO</li> <li>Landfill and sludge - Future Planning</li> </ul>

KEY DECISIONS / DISCUSSIONS	TOP OF MIND
	<ul style="list-style-type: none"> <li>• Planning for 2024/25 and staff resourcing</li> <li>• Implementation of Forestry Roding Agreements and Rates</li> <li>• Stormwater Mitigation Planning</li> <li>• Property Sales</li> <li>• Te Kuiti Rail Turnaround</li> </ul>

BIG WINS / LEARNING
<ul style="list-style-type: none"> <li>• Great progress on 'Waikato Waters Done Well' Heads of Agreement by Waikato CE group. Steering Group and Council Workshops planned for November. Continuing to look at other models.</li> <li>• Good progress on the Landfill and Sludge future options.</li> <li>• Annual Report nearly complete.</li> </ul>

HEALTH & SAFETY
<p>Incidents, Accidents and Near Misses</p> <ul style="list-style-type: none"> <li>• Nothing significant to report.</li> </ul> <p>Staff Wellbeing</p> <ul style="list-style-type: none"> <li>• Significant pressure on staff continues. Continually looking at changing / evolving roles and activities to manage workloads and set WDC to achieve objectives.</li> <li>• Recruitment: Roding Engineer, Replacement Treatment Plant operator, Roding Administrator.</li> </ul>

OTHER MATTERS REQUIRING ATTENTION
<p><b>Implementation of Forestry Roding Agreements and Rates</b></p> <p>Agreement with forest owners and managers regarding the maintenance of roads during logging operations is progressing. Clarity in agreement is being achieved around the parties to the agreement (Land Owner, Forest Manager / Logger and Forest owner's representative), methods for ensuring roads are returned to WDC's management is a desired state after logging and security associated around that, health and safety obligations and extent of works and associated obligations. Positive interest has been received from major forestry owners and manages regarding the development of this agreement.</p> <p>Further clarification on the legal status of Council's liability on these roads is being sought.</p> <p><b>Property Sales</b></p> <p>59 Esplanade has an unconditional contract on it and 4+8 Jennings Street has a conditional (subject to due diligence) agreement on it which fit within the delegations of the Chief Executive provided by Council. 2 Jennings (vacant section) remains unsold.</p> <p><b>Te Kuiti Rail Turnaround</b></p> <p>Facilitation of parties continues between multiple rail enthusiast organisations, KiwiRail and Te Nehenehenui on KiwiRail's proposal to remove the Rail Turnaround from Te Kuiti network. Parties are looking for options.</p>

**Document No:** 773729

**Report To:** Council



**Meeting Date:** 29 October 2024

**Subject:** **Inframax Construction Limited – Governance Matters for 2024 Annual General Meeting**

**Type:** Decision Required

**Author(s):** Michelle Higgie  
Manager – Governance Support

## 1. Purpose of Report

- 1.1 The purpose of this business paper is to present to Council matters for consideration relating to the upcoming Inframax Construction Limited (ICL) 2024 Annual General Meeting (AGM) which will be convened in the Council Chambers on Tuesday 5 November 2024 at 11.00am.

## 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on Inframax Construction Limited – Governance Matters for 2024 Annual General Meeting be received.
  - 2 Council confirms the number of Directors for Inframax Construction Limited pursuant to Clause 11.1 of the ICL Constitution i.e. “unless so determined, the minimum number shall be four and the maximum number shall be six.”
  - 3 Council notes that current Board Chair, Earl Rattray, has indicated his intention to retire from the Board at the 2025 Annual General Meeting, and that Council will need to include the appointment of a new Director into its work plan for 2025.
  - 4 Council re-appoints Chris Ryan to the Board of Directors following retirement by rotation pursuant to the Inframax Construction Limited Constitution and the Retirement by Rotation Plan approved by Council on 31 October 2023.
  - 5 Council notes that there has been no increase in Director remuneration since 2015, and approves an increase in Director (non-Chair) remuneration of 10%, increasing Director remuneration from \$30,000 to \$33,000 per annum.

## 3. Background

- 3.1 ICL is a Council Controlled Organisation in accordance with Section 6 of the Local Government Act 2002, with Waitomo District Council (WDC) having full ownership by way of a 100% shareholding investment.
- 3.2 In accordance with the ICL Constitution and Council's Policy on the Appointment of Directors to Council Controlled Organisations (WDC Policy), there are a number of governance matters that require review prior to ICL's annual general meeting, including:
- Succession Planning Requirements
  - Number of Directors (ICL Constitution - Clause 11.1)
  - Retirement by Rotation of Directors (ICL Constitution - Clause 11.6)
  - Appointment of Chairperson (ICL Constitution – Clause 13.4)
  - Remuneration of Directors (WDC Policy – Section 3.3)

## 4. Commentary

### 4.1 Current Board Membership

4.2 The current membership of the ICL Board of Directors (BoD) is as follows:

Chair Earl Rattray	<i>First appointed as a Director effective 3 May 2011. Re-appointed as a Director after each retirement by rotation since (the last being October 2022). Appointed as Chair effective October 2022.</i>
Director Janie Elrick	<i>Appointed as a Director effective 1 April 2022 Re-appointed as a Director following retirement by rotation October 2023.</i>
Director Hugh Goddard	<i>Appointed as a Director effective 1 April 2022</i>
Director Chris Ryan	<i>Appointed as a Director effective 1 April 2022</i>

### 4.3 Succession Planning

4.4 All Directors are intending to stay on the BoD for the next year. The Chair reports that he is very happy with the performance of all Directors, and everybody is contributing and adding enormous value.

4.5 The current Chair has indicated his intention to retire from the Board at the 2025 AGM.

4.6 The BoD will add to its 2025 Work Plan to undertake an internal 360 degree Board review in six months' time (approximately April 2025) and will assess the compliment of skills, experience and expertise of the Board at that time.

4.7 At such time as a resignation is received, Council will need to make a new Director appointment in accordance with Section 3 of WDC's Policy on Appointment of Directors to Council Controlled Organisations to retain a minimum of four Directors.

### 4.8 Number of Directors

4.9 With respect to the number of Directors, Clause 11.1 of the ICL Constitution provides:

*"The minimum and maximum number of Directors may be determined from time to time by the Council, and unless so determined, the minimum number shall be four and the maximum number shall be six."*

4.10 Council at its 31 October 2023 meeting resolved:

*Pursuant to Clause 11.1 of the Inframax Construction Limited Constitution, Council confirm that the Inframax Construction Limited Board of Directors consist of a minimum of four and maximum of six directors (including the Chairperson)*

4.11 The ICL Board of Directors (BoD) recommend retaining a Board of four directors and the consensus is this provides opportunity to ensure the right level of diversity of experience, skills and expertise around the Board table. Following the abovementioned review that will be undertaken in six months' time, the Board will assess the compliment of skills, experience and expertise to ensure that diversity is maintained. The matter of Board chair succession will also be addressed at that time.

### 4.12 Retirement by Rotation

4.13 Section 11.6 of the ICL Constitution refers to the Rotation of Directors as follows:

11.6.1 **One Third Retire:** *At the annual meeting in every year, one third of the Directors (with a minimum of two) or if the number is not a multiple of three then the number nearest to one third, shall retire from office.*

Note: Since the number of directors has been four or less, Council has proceeded with a retirement by rotation on the basis of "the nearest number to one third" (being one director) rather than "(with a minimum of two)". This is to assist with consistency of the directorship moving forward i.e. directors retire by rotation every fourth year instead of every second year.

4.14 Section 11.6 of the ICL Constitution also provides:

11.6.2 **Longest Serving Retire:** *The Directors to retire shall be those who have been longest in office, but as between persons who became Directors on the same day, the directors to retire shall, unless otherwise agreed between them, be determine by lot.*

11.6.3 **Re-Election:** *A retiring Director shall be eligible for re-election.*

4.15 In accordance with Clause 11.6.1 of the ICL Constitution, with the current number of directors being four (including the Chair), the nearest number to one third is one, and therefore one director must retire by rotation.

4.16 In accordance with Clause 11.6.2, the longest serving Director is required to retire by rotation. As the current three Directors (excluding the Chair) were initially all appointed at the same time (April 2022), the BoD recommended to Council ahead of the 2023 AGM that the Directors retire by rotation as follows:

2023 – Janie Elrick  
2024 – Chris Ryan  
2025 – Hugh Goddard

4.17 Council at its meeting on 31 October 2023 resolved to approve the BoD's recommendation for the above retirement by rotation plan.

4.18 Janie Elrick retired by rotation and was re-appointed as a Director at the 2023 AGM.

4.19 Chris Ryan is due to retire by rotation this year and is making himself available for re-appointment.

#### **4.20 Appointment of Chairperson**

4.21 Section 13.4 of the ICL Constitution reads:

13.4 **Chairperson:** *The chairperson shall be appointed from time to time by notice in writing from the Council to the Company; but if no such chairperson is appointed at any time, or if at any meeting the chairperson is not present within fifteen minutes after the time appointed for the meeting, the meeting shall be cancelled.*

4.22 As the current Chairperson (Earl Rattray) is not retiring by rotation and is happy to continue as Chairperson through until the 2025 AGM, no action is required by the Council.

#### **4.23 Directors Remuneration**

4.24 Sections 2.3 and 3.3 of Council's Policy on the Appointment of Directors to Council Controlled Organisations (June 2021) reads:

##### **2.3 Remuneration**

2.3.1 *Remuneration will be determined on a case by case basis taking in to account the size, form and purpose of the organisation, any previous level of fees paid by the shareholder and any other relevant requirements contained in the organisation's constitution.*

### **3.3 Remuneration**

3.3.1 *The Council will set ICL directors' remuneration either by resolution at the Annual General Meeting or by way of resolution of Council. The resolution will state whether the remuneration is set as a fixed cap for Board Remuneration, to be allocated by the Board, or specifying the salaries to be paid to the directors and chairperson.*

3.3.2 *Remuneration for directors will be determined by an analysis of market rates for comparable positions at the time appointment(s) are being made and thereafter assessed every three years.*

4.25 The Directors remuneration has remained unchanged since 2015 and is currently at the following rates:

- The Board Chair remuneration is to be set at \$60,000 per annum
- The Board Directors remuneration is to be set at \$30,000 per annum

4.26 The last review of remuneration was in 2022 with the BoD recommending no change. As no new appointments have been made since that time, unless a new appointment is made earlier, the next three yearly review of Directors Remuneration will be in 2025.

4.27 The BoD deems the gap between Chair and Directors remuneration is sufficient and recommends no change to the Chair remuneration, however recommends an increase in Directors (non-Chair) remuneration of 10% increasing remuneration from \$30,000 to \$33,000 per annum.

## **5. Recommendation**

7.1 It is recommended that Council –

- 1 Confirm the number of Directors for ICL pursuant to Clause 11.1 of the ICL Constitution i.e. "unless so determined, the minimum number shall be four and the maximum number shall be six."
- 2 Note that current Chair, Earl Rattray, has indicated his intention to retire from the Board at the 2025 AGM, and that Council will need to include the appointment of a new Director into its work plan for 2025.
- 3 Re-appoint Chris Ryan to the BoD following retirement by rotation pursuant to the ICL Constitution.
- 4 Note that there has been no increase in Director remuneration since 2015, and approve an increase in Director (non-Chair) remuneration of 10% increasing Director remuneration from \$30,000 to \$33,000 per annum.

## **6. Attachments/Separate Enclosures**

Attachments:

- 1 Inframax Construction Limited Constitution
- 2 Waitomo District Council Policy on the Appointment of Directors to Council Controlled Organisations





\*10046036027\*

The Companies Act 1993  
**NOTICE OF ADOPTION, ALTERATION, OR  
 REVOCATION OF CONSTITUTION**

(Section 32(3))

(for office use only)

Please note that the information in this form must be either typewritten or printed. It must not be handwritten.

Company Name

INFRAMAX CONSTRUCTION LIMITED

Company Number

HN 508698

The abovenamed company has -  
 (Place a tick ✓ in the appropriate box)

adopted a constitution

altered its constitution

revoked its constitution

The company adopted a new constitution on October 28<sup>th</sup> 2003 and altered the constitution on

2	6
---	---

Day

0	5
---	---

Month

0	4
---	---

Year

A copy of the constitution as adopted is attached to this notice.

Signature of Director/Authorised Person

Name of Director/Authorised Person

Kevin Francis Were

Date

May 26<sup>th</sup> 2004

Presented by

Simpson Grierson  
 Solicitors

Account No.

Postal Address

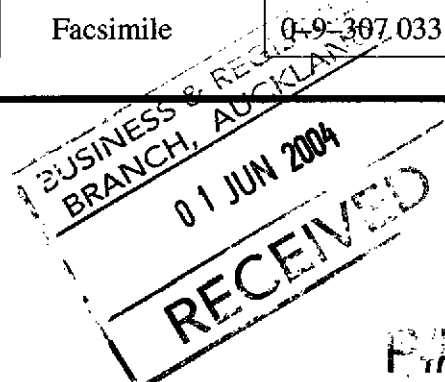
Private Bag 92518  
 Wellesley Street  
 AUCKLAND  
 JAR

Telephone

0-9-358 2222

Facsimile

0-9-307 0331



BY C9  
 -3 JUN 2004

**CONSTITUTION**  
**May 2004**

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**INFRAMAX CONSTRUCTION LIMITED**



## INFRAMAX CONSTRUCTION LIMITED

### CONSTITUTION

#### 1. INTERPRETATION

In this Constitution, unless the context otherwise requires:

##### 1.1 Definitions:

"Act" means the Companies Act 1993 as amended from time to time;

"Board" means the Directors of the Company who number not less than the required quorum acting together as a Board of directors;

"Company" means Inframax Construction Limited;

"Constitution" means this Constitution as amended from to time;

"Council" means The Waitomo District Council, duly constituted under the provisions of the Local Government Act 1974 and the Local Government Act 2002;

"Director" means a person appointed and continuing in office, in accordance with this Constitution, as a director of the Company;

"Local Government Act" means the Local Government Act 2002 as amended from time to time; and

"Statement of Intent" means each Statement of Intent to be completed by the Board in terms of section 64 of the Local Government Act 2002.

#### 2. CONSTITUTION

**2.1 Effect of Constitution:** The Company, the Board, each Director and each shareholder of the Company have the rights, powers, duties, and obligation to set out in the Act except to the extent that they are negated or modified by the Constitution. Subject to the Act, the Constitution is binding on and enforceable by each of the Company, the Board, each Director and each shareholder against any other of them in accordance with its terms.

**2.2 Relationship of Constitution to Act and Local Government Act:** Where there is any conflict between the Constitution and any mandatory provision in the Act or the Local Government Act, the mandatory provision in the applicable Act shall prevail.

- 2.3 Constitution Of No Effect:** This Constitution has no effect to the extent that it contravenes, or is inconsistent with, the Act, the Local Government Act or the Statement of Intent.

### 3. MANAGEMENT OF THE COMPANY

- 3.1 Local Government Act and Statement of Intent:** The business and affairs of the Company must be managed strictly in accordance with the applicable provisions of the Local Government Act and the Statement of Intent.
- 3.2 Decisions Relating to Operation:** All decisions of the Board relating to the operation of the Company must be made in accordance with the Statement of Intent and this Constitution.
- 3.3 Role of Director:** Without limitation to any other duties that a Director has, the role of each Director is to assist the Company to meet its objectives and any other requirements in its Statement of Intent.

### 4. CALLS ON SHARES

- 4.1 Board May Make Calls:** The Board may from time to time make such calls as it thinks fit upon the shareholders in respect of any amount unpaid on their shares and not by the conditions of issue made payable at a fixed time or times, and each shareholder shall, subject to receiving at least 14 days' written notice specifying the time or times and place of payment, pay to the Company at the time or times and place so specified the amount called. A call may be revoked or postponed as the Board may determine.
- 4.2 Timing of Calls:** A call may be made payable at such times and in such amount as the Board may determine.
- 4.3 Liability of Joint Holders:** The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.
- 4.4 Interest:** If an amount called in respect of a share is not paid before or on the time appointed for payment thereof, the person from whom the amount is due shall pay interest on that amount from the time appointed for payment thereof to the time of actual payment at such rate not exceeding 10% per annum as the Board may determine, but the Board shall be at liberty to waive payment of that interest wholly or in part.
- 4.5 Instalments:** Any amount which by the terms of issue of a share becomes payable on issue or at any fixed time shall for all purposes be deemed to be a call duly made and payable at the time at which by the terms of issue the same becomes payable and, in case of non-payment, all the relevant provisions of this Constitution relating to payment of interest and expenses, forfeiture, or otherwise shall apply as if the amount had become payable by virtue of a call duly made and notified.

- 4.6 **Differentiation as to Amounts:** The Board may, on the issue of shares, differentiate between the holders as to the amount of calls to be paid and the times of payment.

## 5. FORFEITURE OF SHARES

- 5.1 **Notice of Default:** If any person fails to pay any call or any instalment of a call for which such person is liable at the time appointed for payment, the Board may at any time thereafter serve notice on such person requiring payment of the amount unpaid together with any interest which may have accrued.
- 5.2 **Final Payment Date:** The notice shall name a further day (not earlier than the expiration of 14 days from the date of service of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment on or before the time appointed, the shares in respect of which the amount was owing will be liable to be forfeited.
- 5.3 **Forfeiture:** If the requirements of any such notice are not complied with, any share in respect of which the notice has been given may be forfeited, at any time before the required payment has been made, by a resolution of the Board to that effect. Such forfeiture shall include all dividends and bonuses declared in respect of the forfeited share and not actually paid before the forfeiture.
- 5.4 **Sale of Forfeited Shares:** A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the Board in its sole discretion thinks fit and, at any time before a sale or disposition, the forfeiture may be cancelled on such terms as the Board thinks fit. If any forfeited share shall be sold within 12 months of the date of forfeiture, the residue, if any, of the proceeds of sale after payment of all costs and expenses of such sale or any attempted sale and all amounts owing in respect of the forfeited share and interest thereon shall be paid to the person whose share has been forfeited.
- 5.5 **Cessation of Shareholding:** A person whose share has been forfeited shall cease to be a shareholder in respect of the forfeited share, but shall, nevertheless, remain liable to pay to the Company all amounts which, at the time of forfeiture, were payable by such person to the Company in respect of the share, but that liability shall cease if and when the Company receives payment in full of all such amounts.
- 5.6 **Evidence of Forfeiture:** A statutory declaration in writing declaring that the declarant is a director of the Company and that a share in the Company has been duly forfeited on a date stated in the declaration shall be conclusive evidence of such facts as against all persons claiming to be entitled to the share.
- 5.7 **Validity of Sale:** The Company may receive the consideration, if any, given for a forfeited share on any sale or disposition thereof and may

execute a transfer of the share in favour of the person to whom the share is sold or disposed of, and such person shall then be registered as the holder of the share and shall not be bound to see to the application of the purchase money, if any, nor shall such person's title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

## 6. TRANSFER OF SHARES

- 6.1 Freedom to Transfer is Qualified:** Every shareholder, who desires to sell or transfer any shares (the "proposing transferor") shall give notice in writing (a "transfer notice") to the Company that the proposing transferor desires to transfer the shares. The transfer notice must nominate the sum the proposing transferor considers to be the value of the shares referred to in the transfer notice.
- 6.2 Board to Act as Agent:** A transfer notice shall (subject to the provisions of clauses 6.1 to 6.8) constitute the Board as the agent of the proposing transferor for the sale of such shares to any shareholder or shareholders of the Company at the sum specified in the transfer notice, or, at the option of any of the shareholders at the fair value to be fixed in accordance with clause 6.5.
- 6.3 All Shares to be Transferred:** If a transfer notice includes several shares it shall not operate as if it were a separate transfer notice in respect of each share and the proposing transferor shall be under no obligation to sell or transfer part only of the shares specified in the transfer notice. Except as provided in clause 6.5 the transfer notice shall not be revocable without the sanction of the Board in writing.
- 6.4 Purchaser:** If the Board, within the space of one calendar month after being served with a transfer notice, finds a shareholder or shareholders willing to purchase the shares (the "transferee" or "transferees"), and gives notice thereof to the proposing transferor, the proposing transferor shall, subject to clause 6.5, be bound to transfer the shares to the transferee or transferees upon payment of the sum specified in the transfer notice or the fair value determined in accordance with clause 6.5 (as the case may be) (subject to any lien which the Company may have under the Constitution or the terms of issue of the shares and to deduction in respect thereof).
- 6.5 Determination of Fair Value:** If any difference arises between the proposing transferor and the transferee as to the fair value of the shares, the price of the share or shares shall be the fair value determined by the Council. If the fair value fixed as aforesaid is less than the sum nominated in the transfer notice, the proposing transferor may revoke the transfer notice by giving notice in writing to the Company within 7 days of receipt by the proposing transferor of notice of the "fair value" determined by the Council.

- 6.6 Default by Transferor:** If, in any case the proposing transferor after becoming bound to transfer the shares makes default in transferring the shares, the Company may execute a transfer or transfers of the shares on behalf of the proposing transferor and the Company may receive the purchase money and shall thereupon cause the name or names of the transferee or transferees to be entered in the register as the holder or holders thereof and shall hold the purchase money (subject to any lien in favour of the Company) in trust for the proposing transferor. A Director's receipt will be a good discharge to the transferee or transferees for the purchase price and no question can be raised as to the title of the transferee or transferees to the shares after the transferee or transferees are registered as the holders thereof.
- 6.7 Disposition of Shares:** Subject to the provisions of this Constitution, the shares specified in any transfer notice given to the Company pursuant to clause 6.1 shall be dealt with as follows:
- 6.7.1 Shareholders of Same Class of Shares:** The said shares must be offered in the first instance to holders of the class of shares contained in the transfer notice and, if after satisfying the claims of such holders including their claims to any excess (which shall be satisfied pro rata according to their holdings), in the second instance to holders of other classes of shares in each case as nearly as may be in proportion to the number of existing shares in that class held by them respectively, and the offer shall in each case limit the time within which the same if not accepted will be deemed to be declined and may at the same time contain a notification that any such shareholder who desires an allotment of shares in excess of that shareholder's proportion should in the reply to the Company state how many excess shares that shareholder desires to purchase;
- 6.7.2 Unclaimed Shares:** If all such shareholders do not claim their proportions, the unclaimed shares shall be used for satisfying the claims in excess pro rata according to the number of shares applied for.
- 6.8 No Shareholder to Purchase:** If the Company cannot within the space of one month after being served with a transfer notice find a shareholder or shareholders willing to purchase the shares and give notice in the manner aforesaid, the proposing transferor may unless the proposing transferor has revoked the transfer notice pursuant to clause 6.5, at any time within 3 calendar months after the expiration of the said period of one month sell and transfer the shares to any person at a price not lower than the value specified in the transfer notice or the fair value fixed as aforesaid and clauses 6.1 to 6.7 shall not apply to such transfer provided that the right herein conferred on a shareholder shall in all cases be subject to the provisions of clause 7.

- 6.9 All Shareholders Consent:** Clauses 6.1 to 6.8 shall not apply in the case of any transfer of a share or shares approved in writing by all the shareholders of the Company.

## 7. REFUSAL TO REGISTER TRANSFERS

- 7.1 Directors' Right to Refuse Registration:** Subject to compliance with the provisions of section 84 of the Act, the Board may refuse or delay the registration of any transfer of any share to any person whether an existing shareholder or not:

**7.1.1 Required by Law:** if so required by law;

**7.1.2 Imposition of Liability:** if registration would impose on the transferee a liability to the Company and the transferee has not signed the transfer;

**7.1.3 Failure to Pay:** if a holder of any such share has failed to pay on due date any amount payable thereon either in terms of the issue thereof or in accordance with the Constitution (including any call made thereon);

**7.1.4 Infant or Unsound Mind:** if the transferee is an infant or a person of unsound mind;

**7.1.5 More Than One Class:** if the transfer is in respect of more than one class of shares;

**7.1.6 Proof of Ownership:** if the transfer is not accompanied by such proof as the Board reasonably requires of the right of the transferor to make the transfer; or

**7.1.7 Pre-emptive Rights:** if the pre-emptive provisions contained in clause 6 have not been complied with.

## 8. NEW ISSUE OF SHARES

New shares offered to shareholders pursuant to section 45 of the Act and not accepted within the prescribed time or in respect of which an intimation is received from the person to whom the offer is made declining such offer may be disposed of by the Board in such manner as it thinks most beneficial to the Company provided that the Board may not offer terms to third parties which are more favourable than the terms upon which the shares were offered to shareholders. If the Board shall dispose of any such share at a price in excess of that at which it was offered to a shareholder, it may in its discretion pay the whole or any part of such excess to such shareholder.



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**9. ACQUISITION OF COMPANY'S OWN SHARES**

- 9.1 Authority to Acquire Own Shares:** For the purposes of sections 59 and 60(1)(b)(ii) of the Act, the Company is expressly authorised to purchase or otherwise acquire shares issued by it.
- 9.2 Authority to Hold Own Shares:** Subject to any restrictions or conditions imposed by law the Company is expressly authorised to hold shares acquired by it pursuant to section 59 or section 112 of the Act.

**10. PROCEEDINGS AT MEETINGS OF SHAREHOLDERS**

- 10.1 First Schedule Modified:** The first schedule to the Act is modified as provided in this section 10.
- 10.2 Chairperson:** Sub-clause 1(2) of the first schedule to the Act is deleted and replaced with the following:

"1(2) If no chairperson of the Board has been appointed, or if at any meeting of shareholders the chairperson of the Board is not present within 15 minutes of the time appointed for the commencement of the meeting, at the option of the Shareholders, the meeting shall be cancelled or the Shareholders may agree a person present to act as the chairperson.

- 10.3 Notice of Meetings:** Clause 2 of the first schedule to the Act is amended as follows:

**10.3.1** By deleting sub-clause (4) and replacing it with the following:

"(4) The chairperson may, and if so directed by the meeting shall, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting."

**10.3.2** By adding the following sub-clause:

"(5) The accidental omission to give a notice of a meeting to, or the non-receipt of a notice of a meeting by, any person entitled to receive

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such notice shall not invalidate the proceedings at that meeting."

**10.4 Voting:** Clause 5 of the first schedule to the Act is amended as follows:

**10.4.1** By adding the following words to the end of sub-clause (7):

"(7) In the case of an equality of votes, whether voting is by voice or show of hands or poll the motion or resolution being voted on shall be deemed to be defeated.

**10.4.2** By adding the following sub-clauses:

"(9) Subject to any rights or restrictions for the time being attached to any class of shares, every shareholder present in person or by proxy and voting by voice or on a show of hands shall have one vote."

"(10) The chairperson may demand a poll on a resolution either before or after a vote thereon by voice or on a show of hands."

"(11) The demand for a poll may be withdrawn."

"(12) Except as provided in sub-clause (13), if a poll is duly demanded it shall be taken in such manner as the chairperson directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded."

"(13) A poll demanded on the question of adjournment shall be taken immediately. A poll demanded on any other question shall be taken at such time and place as the chairperson of the meeting directs, and any business other than that upon which a poll has been demanded may be proceeded with pending the taking of the poll."

**10.5 Postal Votes:** Clause 7 of the first schedule to the Act providing for postal votes is deleted.

**10.6 Proxies and Representatives:**

**10.6.1 Right to Proxy:** The Council may exercise the right to vote either by being present or by proxy or representative.

- 10.6.2 Right to Attend and be Heard:** A proxy or representative for the Council is entitled to attend and be heard and vote at a meeting as if the proxy or representative were the Council.
- 10.6.3 Appointment of Proxy:** A proxy must be appointed by notice in writing signed by the Council and the notice must state whether the appointment is for a particular meeting or a specified term not exceeding 12 months.
- 10.6.4 Proxy to be Produced:** No proxy is effective in relation to a meeting unless a copy of the notice of appointment is produced before the start of the meeting.
- 10.6.5 Proxy Form to be Sent:** A proxy form shall be sent with each notice calling a meeting.
- 10.6.6 Form of Proxy:** An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:

**INFRAMAX CONSTRUCTION LIMITED**

**INSTRUMENT APPOINTING A PROXY**

The Waitomo District Council being a member of **Inframax Construction Limited** hereby appoints (print name of proxy) \_\_\_\_\_ of or failing him/her \_\_\_\_\_ of \_\_\_\_\_ as my/our proxy to vote for me/us on my/our behalf at the [.....th Annual] [Special] Meeting of the Company to be held at \_\_\_\_\_ on \_\_\_\_\_ commencing at \_\_\_\_\_ [am/pm] [or all meetings of the Company held within twelve months of the date hereof] and at any adjournment of any such meeting.

Signed this \_\_\_\_\_ day of \_\_\_\_\_  
(Usual signature/s)"

- 10.6.7 Alternative Form:** Where it is desired to give the Council an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit:

**INFRAMAX CONSTRUCTION LIMITED**

**INSTRUMENT APPOINTING A PROXY**

The Waitomo District Council being a member of **Inframax Construction Limited** hereby appoints (print name of proxy) \_\_\_\_\_ of \_\_\_\_\_ or \_\_\_\_\_

failing him/her of as my/our proxy to vote for me/us on my/our behalf at the [.....th Annual] [Special] Meeting of the Company to be held at on commencing at [am/pm] and at any adjournment thereof.

I/We direct my/our proxy to vote in the following manner

#### Vote with a Tick

Resolutions	For	Against
1.	_____	_____
2.	_____	_____

Signed this day of  
(Usual signature/s)"

**10.7 Representatives:** A body corporate which is a shareholder may appoint a representative to attend a meeting on its behalf in the same manner as that in which it can appoint a proxy.

#### 10.8 Resolutions in Lieu of Meeting:

**10.8.1 Resolutions in Writing:** A shareholders' resolution in lieu of a meeting signed in accordance with section 122 of the Act is as valid as if it had been passed at a meeting, and may consist of several documents in like form, each signed by one or more shareholders. A facsimile of any such signed resolution shall be as valid and effectual as the original signed document with effect from completion of its transmission.

**10.8.2 Prior Notice Unnecessary:** A resolution in accordance with clause 10.8.1 may be signed under clause 10.8.1 without any prior notice being given.

**10.8.3 Representative to Sign Resolutions:** A representative appointed by the Council to attend a meeting shall be deemed to have authority from the Council to sign any resolution.

### 11. DIRECTORS

**11.1 Number of Directors:** The minimum and maximum number of Directors may be determined from time to time by the Council, and unless so determined, the minimum number shall be four and the maximum number shall be six.

- 11.2 Qualification:** A person will be disqualified from being appointed or holding office as a director of the Company if that person is a member, officer or employee of a Territorial Authority as defined in the Local Government Act.
- 11.3 Tenure of Office:** Each Director shall hold office until:
- 11.3.1 Removal:** removal in accordance with the Constitution; or
- 11.3.2 Vacation of Office:** vacation of office pursuant to section 157 of the Act; or
- 11.3.3 Dies:** the Director dies; or
- 11.3.4 Absence from Meetings:** vacation of office resulting ipso facto from being absent without permission of the Board from three consecutive meetings of the Board.
- 11.4 Appointment and Removal of Directors by Shareholders:** The Directors of the Company shall be such person or persons as may from time to time be appointed either by the shareholders by ordinary resolution or by notice in writing to the Company signed by the holder or holders of a majority of the shares in the capital of the Company but so that the total number of directors shall not at any time exceed the maximum number, if any, fixed pursuant to clause 11.1. Every Director shall hold office subject to the provisions of this Constitution and may at any time be removed from office by ordinary resolution of the shareholders or by notice in writing to the Company signed as aforesaid. Directors may be appointed individually or together unless the shareholders by ordinary resolution require any director's appointment to be voted on individually.
- 11.5 Casual Vacancies:** The Board shall not have power at any time to appoint any person to be a Director either to fill a casual vacancy or as an additional Director. A person may be appointed by notice in writing to the Company from the Council to be a Director either to fill a casual vacancy or as an additional Director but so that the total number of Directors shall not at any time exceed the number determined in accordance with clause 11.1 (if any). The person appointed to fill a casual vacancy shall retire at the same time as if he or she had become a Director on the day on which the director in whose place he or she is appointed was last elected a Director.
- 11.6 Rotation of Directors:**
- 11.6.1 One Third Retire:** At the annual meeting in every year, one third of the Directors (with a minimum of two) or if the number is not a multiple of three then the number nearest to one third, shall retire from office.

- 11.6.2 Longest Serving Retire:** The Directors to retire shall be those who have been longest in office, but as between persons who became Directors on the same day, the directors to retire shall, unless otherwise agree between them, be determined by lot.
- 11.6.3 Re-Election:** A retiring Director shall be eligible for re-election.
- 11.7 Cross Directorships:** A Director of the Company may be or become a director or other officer of, or otherwise interested in, any Company promoted by the Company or in which the Company may be interested as shareholder or otherwise, and no such Director shall be accountable to the Company for any remuneration or other benefits received by him or her as a Director or officer of, or from his or her interests in, any such other Company unless the Company otherwise directs or the law requires.
- 11.8 Professional Directors:** Any Director may act by himself or herself or his or her firm in a professional capacity for the Company, and a director or firm shall be entitled to remuneration for professional services as if he or she were not a Director provided that nothing herein shall authorise a Director or his or her firm to act as auditor of the Company.
- 11.9 Directors' Gratuities:** The Company shall not:
- 11.9.1 On Retirement:** pay any gratuity or pension or allowance on retirement to any Director or in the case of a Director's death to his or her spouse or dependants; and
- 11.9.2 Retirement Benefit:** make contributions to any fund and pay premiums for the purchase or provision of any such benefit.
- The Board shall not authorise the payment of any such benefits and shall not authorise any contributions to any fund for the payment of any premiums for the purchase or provision of any such benefit.
- 11.10 Alternate Directors:**
- 11.10.1 Appointment of Alternate Directors:** The Council may by notice in writing to the Company appoint any person who is:
- (a) not a Director; and
  - (b) qualified to be a director in terms of the Act and this Constitution,
- to be an alternate director during any Director's absence or inability to act as a director.

**11.10.2 Notice of Appointment:** The notice of appointment of an alternate Director must include an address for service of notice of meetings of Directors. Failure to give an address will not invalidate the appointment but notice of meetings of Directors need not be given to the alternate Director until an address is provided to the Company.

**11.10.3 Powers of Alternate Director:** The appointee, while he or she holds office as an alternate Director, shall be entitled to all notices of meetings of Directors and any paper minutes or documents sent to Directors and to attend and vote at any meetings of Directors. The appointee shall not vote at any meeting or sign any resolution in lieu of a meeting under clause 13.6 of this Constitution except in place of the director for whom he or she is an alternate and shall not be entitled to be remunerated otherwise than out of the remuneration of the director for whom he or she is an alternate.

**11.10.4 Revocation and Cancellation of Appointment:** Any appointment of an alternate Director may be revoked at any time by the Council. The appointment of an alternate Director shall be cancelled and the alternate Director shall cease to hold office whenever the Director for whom he or she is an alternate ceases to be a Director.

**11.10.5 No Other Appointments:** No Director shall appoint a deputy or agent or alternate director. No alternate Director shall be appointed otherwise than by way of appointment of an alternate director by the Council in accordance with this clause 11.

## 12. DIRECTORS DUTIES

**12.1 Wholly Owned Subsidiary:** If the Company is a wholly owned subsidiary, a Director may act in a manner in which he or she believes is in the best interests of the Company's holding company (which, for the avoidance of doubt, means the Council) even though it may not be in the best interests of the Company.

**12.2 Not Wholly Owned:** If the Company is a subsidiary (but not a wholly owned subsidiary), a Director may with the prior agreement of the shareholders (other than the Company's holding company), act in a manner which he or she believes is in the best interests of the Company's holding company (which, for the avoidance of doubt, means the Council) even though it may not be in the best interests of the Company.

**12.3 Directors to Comply with the Act and Constitution:** A Director must not act, or agree to the Company acting, in a manner that contravenes the Act or the Constitution and, without limitation, must comply with the Statement of Intent.

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**13. PROCEEDINGS OF THE BOARD**

- 13.1 Third Schedule Deleted:** The provisions of the third schedule to the Act are deleted and replaced as provided in this section 13.
- 13.2 Regulation of Meetings, Quorum and Convening:** The Directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. The quorum necessary for the transaction of business by the Board may be fixed by the Council and, unless so fixed, shall be a majority of Directors. A Director may, and an employee at the request of a Director shall, at any time, by any means of communication, summon a meeting of the Board. It shall be necessary to give notice of a meeting of the Board to each and all Directors regardless if for the time being any such Director or Directors is or are absent from New Zealand.
- 13.3 Voting:** Questions arising at any meeting of the Board shall be decided by a majority of votes. In cases of an equality of votes a motion shall be lost. No business shall be transacted when a quorum is not present.
- 13.4 Chairperson:** The chairperson shall be appointed from time to time by notice in writing from the Council to the Company; but if no such chairperson is appointed at any time, or if at any meeting the chairperson is not present within fifteen minutes after the time appointed for the meeting, the meeting shall be cancelled.
- 13.5 Resolution in Writing:** A resolution in writing, signed by all the Directors for the time being entitled to receive notice of a meeting of the Board shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more Directors. A facsimile of any such signed resolution shall be as valid and effectual as the original signed document with effect from completion of its transmission.
- 13.6 Method of Meeting:** A meeting of the Board may be held either:
- 13.6.1 Physical Meeting:** by a number of the Directors who constitute a quorum being assembled together at the place, date and time appointed for the meeting; or
- 13.6.2 Other Means:** by means of audio, or audio and visual, communication by which all directors participating and constituting a quorum can simultaneously hear each other throughout the meeting.
- 13.7 Minutes:** The Board shall ensure that minutes are kept of all proceedings at meetings of the Board.



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**14. STATEMENT OF INTENT**

- 14.1 Obligation to Prepare:** The Board shall deliver to the Council a draft Statement of Intent on or before 1 March in each year.
- 14.2 Content of Statement of Intent:** Each Statement of Intent must, to the extent that it is appropriate given the organisational form of the Company, specify for the Company and its subsidiaries (if any) and in respect of the financial year following the financial year in which it is required by clause 14.3.2 to be delivered and each of the immediately following two financial years, the following information:
- 14.2.1 Objectives:** the objectives of the Company, including the objectives of shareholders and the other objectives which are specified as requirements applicable to the Company under the Local Government Act 2002 (including, without limitation, the requirements of section 59 of the Local Government Act 2002).
- 14.2.2 Governance:** a statement of the Board's approach to governance of the Company; and
- 14.2.3 Nature:** the nature and scope of the activities to be undertaken by the Company; and
- 14.2.4 Shareholders' Funds to Assets:** the ratio of consolidated shareholders' fund to total assets, and the definitions of those terms; and
- 14.2.5 Accounting Policies:** the accounting policies of the Company; and
- 14.2.6 Targets:** the performance targets and other measures by which the performance of the Company may be judged in relation to its objectives; and
- 14.2.7 Distributions:** an estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders; and
- 14.2.8 Information to Council:** the kind of information to be provided to the shareholders by the Company during the course of those financial years, including the information to be included in each half yearly report (and, in particular, what prospective financial information is required and how it is to be presented); and
- 14.2.9 Acquisitions:** the procedures to be followed before the Company or any of its subsidiaries subscribes for, purchases or otherwise acquires shares in any Company or other organisation; and

**14.2.10 Compensation:** any activities for which the Board seeks compensation from any local authority (whether or not the local authority has agreed to provide the compensation); and

**14.2.11 Council's Investment:** the Board's estimate of the commercial value of the shareholders' investment in the Company and the manner in which, and the times at which, that value is to be reassessed; and

**14.2.12 Other Matters:** any other matters that are agreed by the shareholders and the Board.

Any financial information, including (but not limited to) forecast financial information, must be prepared in accordance with generally accepted accounting practice.

**14.3 Completion of Statement of Intent:** The Board:

**14.3.1 Board to Consider:** must consider any comments on the draft Statement of Intent that are made to it within two months of 1 March by the shareholders or any of them; and

**14.3.2 Board to Deliver:** must deliver the completed Statement of Intent to the shareholders on or before 30 June each year.

**14.4 Modifications of Statement of Intent:**

**14.4.1 Requirements:** the Board may, by written notice, modify a Statement of Intent at any time if the Board has first:

(a) given written notice to the shareholders of the proposed modification; and

(b) considered any comments made on the proposed modification by the shareholders or any of them within:

(i) one month after the date on which the notice under paragraph (a) of this clause 14.4 was given; or

(ii) any shorter period as the shareholders may agree.

**14.4.2 Shareholders' Directions:** the shareholders may from time to time require the Board to modify the Statement of Intent by including or omitting any provision or provisions of a kind referred to in clause 14.2.1 to 14.2.9 inclusive, and the Board shall comply with the notice.

**14.4.3 Matters to be Considered:** before giving any notice under clause 14.4.2 the shareholders must consult the Board concerned as to the matters to be referred to in the notice.

**14.5 Statement of Intent Publicly Available:** Every completed Statement of Intent and every modification that is adopted to a Statement of Intent must be made available to the public by the Board within one month after the date on which it is delivered to the shareholders or adopted, as the case may be.

## 15. INDEMNITIES

The Company is expressly authorised to indemnify and/or insure any director or employee against liability for acts or omissions and/or costs incurred in connection with claims relating thereto of the type specifically contemplated by sub-sections (3),(4) and (5) of section 162 of the Act to the maximum extent permitted by those sub-sections.

## 16. DIVIDENDS

**16.1 Dividends on Shares Not Fully Paid Up to be Paid Pro Rata:** Subject to the rights of persons, if any, entitled to shares with special rights as to dividend, all dividends on shares not fully paid up shall be authorised and paid in proportion to the amount paid to the Company in satisfaction of the liability of the shareholder to the Company in respect of the shares either under this Constitution or pursuant to the terms of issue of the shares. No amount paid or credited as paid on a share in advance of calls shall be treated for these purposes as paid on the share. All dividends shall be apportioned and paid proportionately to the amounts paid or credited as paid on the shares during any portion or portions of the period in respect of which the dividend is paid, but if any share is issued on terms providing that it shall rank for dividend as from a particular date that share shall rank for dividend accordingly.

**16.2 Deduction of Unpaid Calls:** The Board may deduct from any dividend payable to any shareholder any amount presently payable by such shareholder to the Company on account of calls or otherwise in relation to the shares on which such dividends are payable.

**16.3 Payment by Cheque or Warrant:** Any dividend, interest, or other money payable in cash in respect of shares may be paid by cheque or warrant sent through the post directed to the registered address of the holder, or, in the case of joint holders, to the registered address of that one of the joint holders who is first named in the share register or to such person and to such address as the holder or joint holders may in writing direct. Every such cheque or warrant shall be made payable to the order of the person to whom it is sent. Any one of two or more joint holders may give effectual receipts for any dividends, bonuses, or other money payable in respect of the shares held by them as joint holders.

**16.4 No Interest:** No dividend shall bear interest against the Company.

- 16.5 Unclaimed Dividends:** All dividends unclaimed for one year after having been authorised may be invested or otherwise made use of by the Board for the benefit of the Company until claimed, and all dividends unclaimed for five years after having been declared may be forfeited by the Board for the benefit of the Company. The Board may, however, annul any such forfeiture and agree to pay a claimant who produces evidence of entitlement to the Board's satisfaction of the amount due to such claimant unless in the opinion of the Board such payment would embarrass the Company.

## 17. ACCOUNTS

The Board must ensure that financial statements that comply with the Financial Reporting Act 1993 and the Local Government Act are:

- 17.1 Completed:** completed in relation to the Company and each balance date; and
- 17.2 Signed:** dated and signed by two Directors of the Company.

## 18. REPORTS

- 18.1 Preparation:** The Board must within the time limits prescribed by the Act and the Local Government Act, prepare a formal half year report and an annual report on the affairs of the Company during the relevant accounting period. The Board shall provide the shareholders with any other reports and information upon written request by any shareholder.
- 18.2 Copies to Shareholders:** The Board must cause a copy of the half year report and annual report to be sent to every shareholder of the Company within the time limits prescribed by the Act and the Local Government Act. The Board must make the Annual Report available to the public within the time limit prescribed by the Local Government Act.
- 18.3 Form of Report:** Every half yearly and annual report for the Company must be in writing and be dated and must contain the reports, financial statements and information required by the Act and the Local Government Act.

## 19. NOTICES

- 19.1 Service:** A notice may be served by the Company upon any Director or shareholder either personally, or by posting it by fast post in a prepaid envelope or package addressed to such Director or shareholder at such person's last known address or by delivery to a document exchange or by facsimile to the facsimile telephone number of such director or shareholder or by e-mail to the e-mail address given to the Company by such Director or shareholder.

**19.2 Time of Service:** Without limiting any other ways for the Company to prove that a Director or shareholder has received a notice, a notice will be treated as received:

**19.2.1 Time of Service by Facsimile:** if sent by facsimile, at 5.00 pm on the day following completion of transmission or if such day is a Saturday or a Sunday or a day on which major trading banks are closed for usual business in the place of intended receipt then on the next day (not being a Saturday or a Sunday) on which such banks are open for usual business;

**19.2.2 Time of Service by Post:** If sent by post:

(a) in the case of a person whose last known address is in New Zealand, at the expiration of 72 hours after the envelope or package containing the same was duly posted or delivered in New Zealand; and

(b) in the case of a person whose last known address is outside New Zealand, at the expiration of seven days after the envelope or wrapper containing the same was duly posted by fast post in New Zealand; and

**19.2.3 Time of Service by E-Mail:** if sent by e-mail on the sender's receipt of an e-mail message indicating that the e-mail has been opened at the recipient's terminal.

**19.3 Proof of Service:** In proving service by post or delivery to a document exchange, it shall be sufficient to prove that the envelope or package containing the notice was properly addressed and posted or delivered with all attached postal or delivery charges paid. In proving service by facsimile, it shall be sufficient to prove that the document was properly addressed and sent by facsimile.

**19.4 Service on Joint Holders:** A notice may be given by the Company to the joint holders of a share by giving the notice to the joint holder first named in the share register in respect of the share.

**19.5 Service on Representatives:** A notice may be given by the Company to the person or persons entitled to a share in consequence of the death or bankruptcy of a shareholder by addressing it to such person or persons by name or by title or by any appropriate description, at the address, if any, within New Zealand supplied for the purpose by the person or persons claiming to be so entitled, or (until such an address has been so supplied), by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

## 20. LIQUIDATION

**20.1 Distribution of Surplus Assets:** Subject to the terms of issue of any shares in the Company and to clause 20.2, upon the liquidation of the

Company the assets, if any, remaining after payment of the debts and liabilities of the Company and the costs of winding-up ("surplus assets") shall be distributed among the shareholders in proportion to their shareholding provided however that the holders of shares not fully paid up shall only receive a proportionate share of their entitlement being an amount which is in proportion to the amount paid to the Company in satisfaction of the liability of the shareholder to the Company in respect of the shares either under the Constitution of the Company or pursuant to the terms of issue of the shares.

- 20.2 Distribution In Specie:** Upon a liquidation of the Company, the liquidator, with the sanction of an ordinary resolution and any other sanction required by law, may divide amongst the shareholders in kind the whole or any part of the assets of the Company (whether they consist of property of the same kind or not) and may for that purpose set such value as the liquidator deems fair upon any property to be divided as aforesaid and may determine how the division shall be carried out as between the shareholders or different classes of shareholders. The liquidator may, with the like sanction, vest the whole or any part of any such assets in trustees upon such trusts for the benefit of the shareholders as the liquidator thinks fit, but so that no shareholder shall be compelled to accept any shares or other securities whereon there is any liability.

## 21. REMOVAL FROM THE NEW ZEALAND REGISTER

In the event that:

- 21.1 Cessation of Business:** the Company has ceased to carry on business, has discharged in full its liabilities to all its known creditors, and has distributed its surplus assets in accordance with its Constitution and the Act; or
- 21.2 No Surplus Assets:** the Company has no surplus assets after paying its debts in full or in part, and no creditor has applied to the court under section 241 of the Act for an order putting the Company into liquidation; the Board may in the prescribed form request the Registrar to remove the Company from the New Zealand register.

## 22. AUDITORS

The Company must at each annual meeting, appoint an auditor to:

- 22.1 Hold Office:** hold office from the conclusion of the meeting until the conclusion of the next annual meeting; and
- 22.2 Audit:** audit the financial statements of the Company for the accounting period next after the meeting.

The auditor must be the Auditor-General (as defined in the Public Audit Act 2001) appointed in terms of that Act.

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Certified as the Constitution of the Company



Director

26.5.04

Date

# Waitomo District Council

## Policy on Appointment of Directors to Council Controlled Organisations

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First adopted	<b>June 2003</b>
Review History	<b>2008, 2011, 2014, 2017, 2018, June 2024</b>
Date of next review	<b>June 2027</b>
Responsibility	<b>Leadership</b>
Adopted by:	<b>Council (25 June 2024)</b>



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## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. This purpose of this policy is to set out, in accordance with Section 57 of the Local Government Act 2002 (the "Act") an objective and transparent process for:
  - (a) Identifying and considering the skills, knowledge and experience required of directors of a Council organisation.
  - (b) Appointing directors to a Council organisation.
  - (c) Determining the remuneration of directors of a Council organisation.
2. This policy will:
  - (a) Comply with section 57 of the Local Government Act 2002.
  - (b) Disclose the process and criteria Council will apply to the appointment, removal and setting of remuneration for directors of Council organisations.
3. When Council is involved with CCO's under the definitions of Section 6(1) of the LGA, Council will disclose its interests in these organisations in the Long Term Plan.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

<b>Council Organisation ("CO")</b>	as defined in Section 6 of the Act of the Local Government Act 2002 a CO is an organisation in which Council has a voting interest and/or the right to appoint a director, trustee or manager.
<b>Council Controlled Organisation (CCO)</b>	means a CO in which one or more local authorities' control, directly or indirectly, 50% or more of the voting rights and/or have the right, directly or indirectly, to appoint 50% or more of the directors, trustees or managers.
<b>Council Controlled Trading Organisation CCTO</b>	means a CCO which operates a trading undertaking for which making a profit is one of its purposes.
Appointments and Chief Executive Relationship Committee	means a committee appointed by Council consisting elected members that has the authority to appoint directors to CCO's.

## POLICY | KAUPAPA HERE

### 1. Criteria for Selecting Directors (General)

#### 1.1 General Criteria

- 1.1.1. Council will appoint persons as directors of CCO's under the criteria outlined in Section 57(2) and Section 57(3) of the LGA, specifically, persons that Council considers have the skills, knowledge and experience to:

- a) Guide the organisation given the nature and scope of its activities
- b) Contribute to the achievement of the objectives of the organisation.
- c) Knowledge of tikanga Māori (if relevant).

## **1.2 Skill Criteria**

1.2.1. Council considers that any person that it appoints to be a director of a CCO should clearly demonstrate the following skills/attributes:

- a) Intellectual ability
- b) Business experience or other experience, skills or qualifications that are relevant to the activities of the organisation
- c) Sound judgement
- d) High standard of personal integrity
- e) Ability to work as a team member
- f) Understanding of governance issues
- g) Knowledge of tikanga Māori (if relevant)

## **1.3 Specific Exclusions from Directorship of a Council Controlled Organisation**

1.3.1. No person shall be appointed as a director of a CCO who:

- a) Has served a jail sentence of three months or longer or has been convicted of a crime that carries such sentence.
- b) Has been convicted of fraud, theft, or robbery.
- c) Has been declared bankrupt at any point in time or been the director of a company at the time it was placed in receivership or liquidation.

## **2. Procedures for Appointment of Directors (General)**

### **2.1 Appointment Process**

2.1.1 When vacancies arise in the directorship of any CCO, Council will follow the following appointment process:

- a) Council will decide whether to advertise a particular vacancy or make an appointment without advertisement, and outline the process for appointment and setting of remuneration including:
  - i. Recruiting of candidates,
  - ii. Contract development and negotiation,
  - iii. Ongoing performance monitoring.
- b) When taking a decision on this matter, Council will consider:
  - i. The costs and benefits of any advertisement,
  - ii. The availability of qualified candidates,
  - iii. The urgency of the appointment,
  - iv. The degree of public interest in the issue
- c) Council will consider applications and resolve an appointment in committee (this protecting the privacy of natural persons). Public notice of the appointment will be made as soon as practicable after Council has made its decision.

- d) An elected member who is under consideration to fill a particular vacancy may not be present in the discussion or vote on that appointment.

## **2.2 Length of Tenure**

- 2.2.1 Council will decide length of tenure prior to appointment.

## **2.3 Remuneration**

- 2.3.1 Remuneration will be determined on a case by case basis taking in to account the size, form and purpose of the organisation, any previous level of fees paid by the shareholder and any other relevant requirements contained in the organisation's constitution.

## **2.4 Removal of Directors**

- 2.4.1 Directors appointed to CCO's by Council are in the role at the pleasure preference of Council. Council may terminate a director's appointment at any time by way of written notice.

## **2.5 General**

- 2.5.1 Council expects that directors appointed to CCO's will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations, Council requires directors to follow the provisions of the Institute of Directors in New Zealand Code of Practice for Directors and the provisions of the Companies Act 1993. All directors are appointed at the pleasure of the Council and may be dismissed for breaches of these stated documents.

## **3. Procedures for Appointment of Directors to Inframax Construction Limited**

*NOTE: This section is to be read in conjunction with the Constitution of Inframax Construction Limited.*

### **3.1 Appointment Process**

- 3.1.1 Directors on the board of Inframax Construction Limited (ICL) will be appointed by way of Council resolution on receipt of advice/recommendation by the Appointments and Chief Executive Relationship Committee. The Appointments and Chief Executive Relationship Committee will provide advice to Council on the following matters:
- a) Whether to advertise a particular vacancy or make an appointment without advertisement, and outline the process for appointment and setting of remuneration including:
    - i. Recruiting of candidates,
    - ii. Contract development and negotiation,
    - iii. Ongoing performance monitoring.
  - b) In preparation of this advice the Investment Representative Committee will consider:
    - i. The costs and benefits of any advertisement,
    - ii. The availability of qualified candidates,
    - iii. The urgency of the appointment,
    - iv. The degree of public interest in the issue.
  - c) The Appointments and Chief Executive Relationship Committee will select and interview a shortlist of candidates, undertake a structured evaluation and make recommendation to Council for final approval. Council may consider applications and resolve an

appointment in committee (this protecting the privacy of natural persons). Public notice of the appointment will be made as soon as practicable after Council has made its decision.

- d) An elected member who is under consideration to fill a particular vacancy may not be present in the discussion or vote on that appointment and may not continue to be an elected member if appointed as a director of ICL.

### **3.2 Appointment of Temporary Directors**

- 3.2.1 Temporary directors for ICL will be appointed by the Appointments and Chief Executive Relationship Committee.

### **3.3 Remuneration**

- 3.3.1 The Council will set ICL directors' remuneration either by resolution at the Annual General Meeting or by way of resolution of Council. The resolution will state whether the remuneration is set as a fixed cap for Board Remuneration, to be allocated by the Board, or specifying the salaries to be paid to the directors and chairperson.
- 3.3.2 Remuneration for directors will be determined by an analysis of market rates for comparable positions at the time appointment(s) are being made and thereafter assessed every three years.

### **3.4 Removal of Directors**

- 3.4.1 The Appointments and Chief Executive Relationship Committee may terminate the appointment of an ICL director at any time by way of written notice.

## **4. Waitomo District Council Controlled Organisations**

### **4.1 Companies in which Waitomo District Council directly owns the shares and trades for profit (CCTO).**

- 4.1.1 Inframax Construction Limited.

### **4.2 Companies in which Waitomo District Council holds shares with other local authorities. (CCO)**

- 4.2.1 Waikato Local Authority Shared Services Ltd (WLASS) trading as CoLab.

### **4.3 Other Entities in which Waitomo District Council holds shares (not CCO)**

- 4.3.1 NZ Local Government Insurance Corporation Limited trading as Civic Financial Services Ltd.

## **5. CCOs in Which Council Has a Minority Interest**

- 5.1.1 Where Council has a minority interest in a CCO (i.e. where a CCO is controlled by a number of councils and this Council does not have a majority stake) then the process for the appointment and remuneration of directions will be agreed with other stakeholders (by whatever name) in the CCO. As far as practicable, Council's involvement in the process will be consistent with this policy.

Document ID: 789646

## Report To: Council



**Meeting Date:** 29 October 2024

**Subject:** **Leadership/Governance, Finance and Information Services Activity Update Report**

**Type:** Information Only

**Author(s):** Tina Hitchen  
Chief Financial Officer

Saeed Jouzdani  
Chief Information Officer

Ben Smit  
Chief Executive

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to update Council on activities that form part of the Leadership/Governance Group including Finance and Information Services.

### 2. Suggested Resolutions

- 2.1 The following is a suggested resolution only and does not represent Council policy until such time as it is adopted by formal resolution.
1. The business paper on Information Services, Finance and Leadership/Governance Activity Update Report be received.

### 3. Background

- 3.1 This report incorporates commentary (on an as required basis) on activities including:
1. Finance
  2. Information Services
  3. Information Technology
  4. Leadership/Governance
  5. Legal Matters (including official information requests)
  6. Inframax Construction Limited
  7. CoLab
  8. Council Owned Quarries
  9. Fleet

### 4. Finance

#### 4.1 CURRENT ACTIVITY

- 4.2 A detailed Finance Report is contained elsewhere in this Agenda.
- 4.3 The focus of the Finance Team over the last two months has been finalising the Annual Report and working the auditors through their audit work programme, and beginning work on developing the 2025/2026 Annual Plan.

#### 4.4 **LOOKING FORWARD – THE NEXT 3 MONTHS**

- 4.5 Adoption of the Annual Report is included in a separate business paper in this agenda.
- 4.6 The financial workstream of the 2025/2026 Annual Plan will continue with the aim of presenting a preliminary draft budget to Council for workshopping in early December.
- 4.7 The general revaluation workstream continues. The audit of the new values will commence in early December, with audit approval expected by 24 January. Quotable Value (valuers) will present the District revaluation to the Council at a workshop in December.
- 4.8 The Finance Team continue to support a number of workstreams across the organisation including Local Waters Done Well.

### **5. Information Technology**

#### 5.1 **CURRENT ACTIVITY**

- 5.2 The Council's contract for photocopiers will end on 25 November 2024. New prices have been obtained from Canon and Richo for the renewal and Richo has offered the Council a better deal. A new contract has been signed with Richo to replace all existing Canon printers including the plotter. This contract has the flexibility to add or return printers as WDC requires.

#### 5.3 **CLOUD MIGRATION**

- 5.4 The MagiQ Docs project is at the final stage of implementation with a few large files and versions that are not yet moved from Objective to MagiQ Docs. The MagiQ technical team is still working this.
- 5.5 WDC's Geographic Information System (GIS) system is to be moved from the on-premise version to a cloud version. The aim is to go-live with the new cloud version of GIS by mid next year.
- 5.6 There are 72 WDC forms that are used by our customers (i.e. dog registration, rates rebate, etc.) which are going to be developed into e-forms to provide easy access from anywhere at anytime as long as the user has access to the internet. This work has started, and the IT Team has converted a few of the forms already (i.e. LIM Report, Retention & Reconsolidation form, LGOIMA)
- 5.7 The ELMO (HR application) deployment project has started with the initial IT setups done and handed over to the Project Manager.

#### 5.8 **LOOKING FORWARD – THE NEXT 3 MONTHS**

- 5.9 Implementing the Flowingly application (process mapping and electronic forms) presented an opportunity for WDC to enhance internal processes through e-forms, automation and improvements.
- 5.10 AssetFinda Application needs to move from on-premise (on our own server) version to a cloud version. It is planned to be a 'lift and shift' project which can be completed in a short period of time. This will be beneficial to the GIS project as well.

### **6. Leadership/Governance**

#### 6.1 **CURRENT ACTIVITY**

#### 6.2 **FLEET RENEWAL**

- 6.3 The fleet renewal program for 2024/2025 is nearing completion with new vehicles being obtained for our Water Services Technicians and a new Roading Engineer. The new vehicles are Toyota Hilux Hybrids which will be replacing predominantly 2015 – 2019 Mazda BT-50s.

#### 6.4 2025 TRIENNIAL ELECTIONS

6.5 A contract for the 2025 Triennial Elections with Electionz.com, who acts as Electoral Officer for Waitomo District Council, has been completed. Electionz.com are currently contracted as Electoral Officer for 45 councils and also provide electoral services to a further three councils.

6.6 Training for the inhouse role of Deputy Electoral Officer is also about to commence.

#### 6.7 LGOIMA REQUESTS

6.8 Responding to requests for information made under the Local Government Official Information and Meetings Act 1987 (LGOIMA) can take up a significant amount of time. For the calendar year to date, we have received 67 requests for information under (LGOIMA).

6.9 The following table provides a year-on-year comparison of request numbers received:

2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 at 17 Oct
25	35	73	96	85	75	70	50	86	67

#### 6.10 LOOKING FORWARD – THE NEXT 3 MONTHS

6.11 Staff will work with the new Audit and Risk Chair and our representative from Aon to look at the current strategic risks and develop workstreams to consider the practical impact and mitigation of these risks.

6.12 Significant organisation-wide projects (Local Waters Done Well, Stormwater Planning, Waitomo District Landfill, Centennial Park Concept Plan, Les Munro Centre Utilisation, and the Annual Plan) continue to be a lot of work for the wider Senior Management Team.



Document ID: 789344

## Report To: Council



**Meeting Date:** 29 October 2024

**Subject:** WDC Queen Street Administration Building – Facility Improvements

**Type:** Decision required

**Author(s):** Shyamal Ram  
General Manager – Infrastructure Services

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to seek approval for proposed facility improvements at the Queen Street Administration Building.

### 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they might be adopted by resolution.
- 1 The business paper on WDC Queen Street Administration Building – Facility Improvements be received.
  - 2 Facility improvements to the multipurpose Civil Defence storage area, kitchen and staff rooms and toilets are undertaken with a maximum budget of \$65,000.

### 3. Background

#### 3.1 CARRY FORWARDS 2023/24

- 3.2 A business paper was presented to Council 24 September 2024 seeking approval for 2023-2024 Carry Forwards.
- 3.3 The paper included a request to carry forward \$102,000 from the 2023/24 capital budget for renewals of the Queen Street Administration Building upstairs toilets and kitchen facilities.
- 3.4 Council received this paper and approved the carry forward of this budget item.

#### 3.5 EARTHQUAKE PRONE BUILDING

- 3.6 The original intention was for facility improvements at the Queen Street Administration Building (**the building**) to be undertaken when the seismic strengthening work was being done.
- 3.7 With decisions taken on the Confidential Seismic Strengthening status paper presented to Council on 24 September 2024, the facility improvements can now be considered as a stand-alone project.
- 3.8 Recent directions from Central Government indicate that Council will have 29 years to complete remediation works to remove the Earthquake Prone Building (EPB) status. These factors provide confidence that any money spent on building improvements will add value and benefit for the long term.

## 4. Commentary

### 3.9 FORESEEABLE FUTURE

- 3.10 The building is expected to host most Council staff and meeting rooms for the foreseeable future.
- 3.11 The building continues to function adequately with minor maintenance and repairs undertaken as required. However, there are facility improvements which could be made to ensure this building is suitable for some Emergency Operations Centre requirements (section 3.16) and remains functional for staff and visitors with reasonable amenities.
- 3.12 Feedback from staff has been sought over the years, with strong support for improvements to the kitchen and toilet facilities in particular. These facilities remain in their original state and design, which are nearly 40 years old.
- 3.13 The improvements have been budgeted for over successive Long Term Plan iterations but not advanced while investigations into whether any seismic strengthening works were explored.
- 3.14 With these investigations now completed, and the 2023/24 carry forward budget items recently approved, potential facility improvements are being prioritized. Staff have reassessed the scope of work and made cuts to bring estimated costs down and ensure the project can be delivered well within the original budget.

### 3.15 EMERGENCY OPERATIONS CENTRE

- 3.16 The building continues to operate as the Emergency Operations Centre (EOC) for Waitomo district.
- 3.17 A large multi-purpose area, off the staff lunch room, currently provides storage for important Civil Defence resources. These resources need to be accessed under urgency and in potentially high risk circumstances.
- 3.18 The area could be far better utilized and made more fit for purpose with improved space delineation, and maintenance and repair work to address ventilation and black mold issues. Installing a unisex shower would also better meet EOC facility needs and improve staff wellbeing options by enabling break time exercise.

### 3.19 SUMMARY OF WORK AND BUDGET

- 3.20 Estimates of the work have come in at \$97,000. This would include:
- Installation of a unisex shower. There is no usable shower in the building at the moment
  - Improving the space delineation and ventilation of the current EOC storage area
  - Replacement of stained public toilets
  - Implementation of a new unisex toilet. The current woman's staff toilets capacity is not appropriate and this extra toilet would improve flexibility
  - Minor layout updates in, and a freshen up of, the staff kitchen and staff room
- 3.21 Given financial constrains it is believed the bulk of the work could be undertaken for \$65,000 so the project funding should be constrained to that level.

## 5. Analysis of Options

### 5.1 ORIGINAL PROPOSAL

- 5.2 The original concept designs included improvements to the kitchen, staff room and upstairs and downstairs toilet facilities. Cost estimate \$97,295.

### 5.3 RESCOPED PROPOSAL

- 5.4 It is believed that the major benefits from the project can be achieved for a budget of \$65,000.

**6. Considerations**

6.1 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

6.2 The decision is consistent with the operational budget for the 2024/25 financial year.

6.3 **SIGNIFICANCE AND COMMUNITY VIEWS**

6.4 The decision would not be considered significant in accordance with the Significance and Engagement Policy.

**7. Recommendation**

- 1 The business paper on WDC Queen Street Administration Building – facility improvements be received.
- 2 Facility improvements on the Civil Defence storage area be undertaken at a maximum budget of \$65,000.

**Document No:** 780774

**Report To: Council**



**Meeting Date:** 29 October 2024

**Subject:** **Better off Funding Projects – Financial Update**

**Type:** Decision required

**Author(s):** Shyamal Ram  
General Manager Infrastructure Services

**1. Purpose of Report**

- 1.1 The purpose of this business paper is to provide a financial update on Better off Funding (BOF) projects and to review future spending on these.

**2. Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on Better off Funding Projects – Financial Update be received.
  - 2 The project budgets outlined in Table One move to the 'Unallocated Tranche' Category for future potential use for 3 Waters Capital Expenditure or 3 Waters Transition.
  - 3 Council authorise the Chief Executive to proceed with current Better Off Funding project implementation programs.

**3. Background**

- 3.1 Status reports on the BOF projects have been provided previously to report on milestones achievements against allocated budgets and seek approval to make changes to project scope.
- 3.2 The most recent information was provided in the 2023-24 Carry Forwards paper presented to Council 24 September 2024. It covered money spent and uncommitted funding as at 30 June 2024.
- 3.3 The definition of un-committed funds is consistent across the papers and are defined as being BOF related activities or services that are budgeted for but have not yet been procured.

## 4. Commentary

### 4.1 TABLE ONE STATUS REPORT QUARTER ONE – 30 SEPTEMBER 2024

Project Grouping	Project Name	BOF Grant	Actual	Committed costs 30 Sept 24	Uncommitted funds 30 Sept 2024	Potential treatment of uncommitted funds
Town Gateways	Traffic Calming	450,000	3,625		446,375	Leave with project
Walkways	Walkways	396,000	362,662		33,338	Unallocated tranche
Les Munro Centre Revitalisation	Business Case and Scoping	200,000	48,626	17,628	133,746	Leave with project
Social Good Partnerships	Sports Development Initiative	200,000			200,000	Leave with project
	Housing Strategy	80,000	78,300		1,700	Unallocated tranche
	Mokau Museum	30,000	30,000		Nil	
	Rangatahi Pathways Coordination	600,000	415,476	184,524	Nil	
	Centennial Park Concept Development	50,000	49,271		Nil	
	<b>Total Social Good Partnerships</b>		<b>960,000</b>			
Town Amenity	Piopio, Benneydale Hall & SH30	525,000	484,353			
	Marokopa Campground Building	50,000	58,090			
	<b>Total Town Amenity Projects</b>	<b>575,000</b>	<b>542,443</b>		<b>32,557</b>	Unallocated tranche
<b>Unallocated Tranche</b>		<b>969,000</b>			<b>969,000</b>	
<b>TOTAL :</b>		<b>3,550,000</b>	<b>1,530,403</b>	<b>202,152</b>	<b>1,816,716</b>	

**\*Any amounts below \$1,000 have not been included as uncommitted funds**

- 4.2 WDC is working to a deadline date of 30 June 2026 to complete all BOF funded projects. As at 30 September 2024, rough midpoint, approx \$1.73 million has been spent or committed.
- 4.3 The remaining uncommitted portion of \$1.82 million includes the unallocated tranche of \$0.969 million and the \$0.851 million which is allocated to existing projects. An analysis of each of these is detailed below:
1. Town Gateways. \$450,000 has been allocated to traffic calming in our towns following earlier requests from the community and various plans. It is recommended that this remain available for these projects. The project is fully reliant on NZTA road maintenance cycle which we don't control and may take time to implement. It is suggested that this is actively monitored / managed. At some point in the future if the work cannot progress in a reasonable timeframe, this could be allocated to the 'unallocated tranche' and used for future 3 Waters or waters transition projects.
  2. Walkways. This is reaching the end of its implementation. The Tourism Infrastructure Fund (TIF) grant of \$121,000 is contributing to these works and needs to be used specifically for the purposes of that fund, as such it is not part of this discussion.

Discussions have started with Legendary Te Kuiti around undertaking part of / contributing to the final part of the walkway project. This work can be associated with the TIF funding. Discussions will continue.

3. Les Munro Centre Revitalisation. Initial work has been undertaken and the project is now on hold pending the formation of options for the engagement with our communities during the Annual Plan. It is therefore recommended that this funding remain for future development and design work. Again the allocation of this fund to the 'unallocated tranche' can happen in the future once more information is available.
4. Sports Development initiative. This work is still in progress so funding should remain.
5. The Housing Strategy, Mokau Museum, Rangatahi Pathways coordination and the Centennial Park Concept Development have been spent or are fully committed.
6. Piopio, Benneydale Hall & SH30 carpark projects were completed \$40,000 underbudget. Of this \$30,000, was made available to the Marokopa campground building demolition, which is the other sub-project under the Amenity grouping.
7. Marokopa Campground Building demolition works are completed. The extra \$30,000 was not required, so the four amenity projects have been delivered under the total budget. This enables \$32,557 to be released into the 'unallocated tranche'.

## 5. Analysis of Options

- 5.1 Keep project funding allocated as per the current schedule of projects.
- 5.2 Review project funding requirements and commitments as detailed in Section 4.1 and 4.3 to look for opportunities to move funding to the 'unallocated tranche' and potentially used for future 3 Waters or waters transition projects in the future.

## 6. Considerations

- 6.1 **RISK**
- 6.2 **DIA APPROVAL**
- 6.3 DIA approval is required to utilize money from the unallocated tranche. Within the context of central government directions there is very low risk that approval will not be given for projects relating to 3 waters infrastructure or transition costs.
- 6.4 **REPUTATIONAL RISK**
- 6.5 Any change or reallocation of funds away from an original BOF project presents some degree of reputational risk that interested communities will be left unsatisfied or have expectations unmet.
- 6.6 Staff consider there to be no reputational risk generated from decisions being considered in this paper as there are no project changes proposed at this time.
- 6.7 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**
- 6.8 The decision is consistent with existing plans and policies.
- 6.9 **SIGNIFICANCE AND COMMUNITY VIEWS**
- 6.10 This decision is not a significant decision in terms of the Council's Significance and Engagement Policy.

## 7. Recommendation

- 7.1 The business paper on Better of Funding Projects – financial update be received.
- 7.2 That the project budgets outlined in Table One move to the 'Unallocated Tranche' category for future potential use for 3 Waters Capital Expenditure or 3 Waters Transition.
- 7.3 Council authorise the Chief Executive to proceed with current BOF project implementation programs.

Document ID: 789644

**Report To: Council****Meeting Date:** 29 October 2024**Subject:** 2024-2027 Low-Cost Low-Risk Work Programme**Type:** Decision Required**Author(s):** Ben Smit  
Chief Executive**1. Purpose of Report**

- 1.1 The purpose of this business paper is for Council to approve the resilience related programme of works which was formerly included in the 2024-2027 Programme of Works for Low-Cost Low Risk and to discuss the implications of a reduction in the Roading budget as a result of New Zealand Transport Agency (NZTA) cuts and make recommendations.

**2. Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The business paper on 2024-2027 Low-Cost Low-Risk Work Programme be received.
- 2 Council note the confirmation from the New Zealand Transport Agency that the following resilience related projects included in the 2024-2027 Low-Cost Low-Risk Work Programme will be funded FAR Rate of 88%:

Site	Total Cost	NZTA Share
Kent Street Slip Repair	420,000	370,000
Taharoa Road Resilience Improvements	590,000	422,000
Waitahi Road Overslip	350,000	308,000
Speedies Road Underslip	150,000	132,000
Oparure Road River Stabilisation	480,000	519,000
<b>Total:</b>	<b>\$1,990,000</b>	<b>\$1,751,000</b>

- 3 The remaining local share component of the Low Cost Low Risk funding in the three-year roading programme be left unallocated awaiting details on a Speed Management proposal from staff and future NZTA funding to fund future resilience projects.

**3. Commentary**

- 3.1 In the second half of 2023 Waitomo District Council (WDC) was required to submit a funding application to the National Land Transport Fund (NLPF). This included development of the Roading Asset Management Plan and covered a 3-year funding block being 2024 – 2027 (Financial years).
- 3.2 In November 2023, there was a change in Government and early indications were that the current Roading Government Policy Statement was going to be re-written to reflect the change in policy direction.



- 3.3 Waitomo District Council's (WDC)'s Roading Asset Management Plan (AMP) and subsequent bid was written in a way that already aligned with the anticipated change in policy direction. These key areas were focused more on network resilience and less so on walking and cycling or on permanent speed reductions.
- 3.4 On 3 September 2024, WDC received a letter from NZTA confirming the funding allocations for the 2024–2027 cycle. This was generally aligned with the bid amount with the exception of the Programme of Works for Low-Cost Low-Risk (LCLR), which was unfunded in its entirety.
- 3.5 The total funding applied for LCLR for the 2024-2027 cycle was \$4,472,000. Initially, no funding was approved. The LCLR budget of \$4.5m has a local share of \$1.12m. This is funded by rates.
- 3.6 The bid that was submitted to NZTA for inclusion in the NLTP consisted of the following projects (these are the total costs including the FAR subsidy for the 3-year programme):

<b>2024-2027 LCLR Programme</b>	<b>Cost (\$)</b>
Speed Management Implementation	957,000
Walking & Cycling Strategy Implementation (footpaths)	750,000
Kent Street Slip Repair	415,000
Associated improvements (drainage and pavement widening associated with pavement rehabilitation)	545,000
Te Anga Rd Resilience Improvements	240,000
Taharoa Road Resilience Improvements	585,000
Waitahi Road Overslip	350,000
Speedies Road Underslip	150,000
Oparure Road River Stabilisation	480,000
<b>Total</b>	<b>\$4,472,000</b>

- 3.7 On 4 October 2024, WDC received confirmation from NZTA that the projects within LCLR, that were resilience related, have now been funded from an additional \$100m fund that was set aside by the Government. WDC's resilience related projects, that are now approved, are listed in the table below.

<b>LCLR Resilience Related Projects</b>	<b>Total Cost</b>	<b>NZTA Share</b>
Kent Street Slip Repair	420,000	370,000
Taharoa Road Resilience Improvements	590,000	422,000
Waitahi Rd Overslip	350,000	308,000
Speedies Road Underslip	150,000	132,000
Oparure Road River Stabilisation	480,000	519,000
<b>Total</b>	<b>\$1,990,000</b>	<b>\$1,751,000</b>

- 3.8 The resilience fund is set at an increased FAR Rate of 88%. (75% is our normal FAR rate). This equates to a local share of \$239,000 (funded from rates) to deliver the resilience related projects. This leaves a remaining local share rates budget of \$879,000 available from the \$1.12m budgeted for the full LCLR program.
- 3.9 At the Workshop on 15 October 2024 Council requested a detailed report be brought back to the Council on the Speed Management Implementation. This is included as a separate business paper for this Council meeting.

#### **4. Analysis of Options**

- 4.1 The resilience related projects are now to be funded by NZTA at an increased FAR Rate of 88% as set out in paragraph 3.7 above.

- 4.2 The analysis of options will focus on the remaining local share portion of LCLR projects which is \$879,000.

Priority	Project	Initial Budget (\$)	Cost (\$)	Potential use of Local Share (\$)	Comment
2	Speed Management Implementation	957,000	TBA	TBA	NZTA will not fund this project. There is a separate business paper in this council meetings with a recommendation of the minimum that is required.
3	Associated improvements (drainage and pavement widening associated with pavement rehabilitation)	545,000	545,000	136,250	"Park" this project unless additional NZTA funding becomes available.
5	Te Anga Rd Resilience Improvements	240,000	240,000	28,800	"Park" this project unless additional NZTA funding becomes available.
9	Walking & Cycling Strategy Implementation (footpaths)	750,000	750,000	Nil	Not fund this project.
	<b>Total</b>	<b>2,492,000</b>		<b>165,050</b>	

- 4.3 NZTA have indicated that if additional funding becomes available then the priority of these funds would go to resilience projects and associated improvements only. Speed Management and Walking and Cycling will not be funded.
- 4.4 If no additional NZTA funding is made available, WDC will have \$879,000 of local share in its 3 year roading programme. Options for future consideration for using the available local share fit into two categories:
- The Speed Management Programme (Section 5)
  - Other Projects – Associated improvements and the Te Anga Road Resilience Improvement (Section 6)
- 4.5 If additional NZTA funding was gained in the future, then the highest priority sites could attract NZTA funding (where indicated that these will be eligible) and the local share could be used for the next highest priority.
- 4.6 Saving the local share and using it for any future NZTA funding would be prudent. WDC has the remaining two years and eight months of the NZTA roading programme to use this funding so it is recommended to wait for additional funding to come forward from NZTA rather than spend all the local share to fund these remaining projects.

## 5. Speed Management

### 5.1 Speed Management Generally

- 5.2 Speed management was consulted on through 2023, and the community is expecting this to happen. The Government has since reviewed the rules which will have an impact on what we have already consulted on. The main impact affecting WDC relates to signage, with all schools now having to have variable (applicable only during school hours) and not fixed speed limit signs.
- 5.3 There are 17 schools within the WDC network, of which 16 were covered by the Speed Management Plan. One school is located on a private road so is not covered by the SMP. Of these 16 schools, six were proposed to have variable signs and the remaining ten were to have fixed / permanent reductions.

- 5.4 It is very unlikely that there will be FAR funding from NZTA so any funding spent on this will be entirely WDC local share so it is suggested that WDC could fund a reduced Speed Management Programme (SMP). Staff will detail what needs to be spent to achieve implementation of SMP in the coming months.
- 5.5 WDC has purchased 14 electronic speed signs in anticipation of the funding coming in the 2024/25 year. This was proposed for six schools that were included in the approved SMP. The eight remaining schools originally were planned to have fixed speed reductions. These are now required to be variable.
- 5.6 **Oparure Road Community and School (Te Wharekura o Maniapoto)**
- 5.7 The community had a proposed permanent speed reduction down to 50km/h. Based on the new rule this would have to be a variable speed limit. Staff originally proposed a variable speed limit of 60km/h.
- 5.8 If a permanent speed reduction is desired there is an option within the new rules to undertake a cost-benefit disclosure statement to support the change. This business case will have to prove safety impacts as a result the change, implementation costs and / or the implications to travel times. NZTA is currently developing a tool to assist with the disclosure statement. Staff await this information before an action can be developed to apply for this exception.
- 5.9 Note, the proposed speed management rules are about to be finalised and any implementation of the SMP shouldn't be undertaken until this has been clarified.

## **6. Other projects – Associated improvements and the Te Anga Road Resilience Improvements**

- 6.1 If additional NZTA funding was gained in the future, then the highest priority sites could attract NZTA funding (where indicated that these will be eligible) and the local share could be used for the next highest priority.
- 6.2 Saving the local share and using it for any future NZTA funding would be prudent. WDC has the remaining two years and eight months of the NZTA roading programme to use this funding so it is recommended to wait for additional funding to come forward rather than spend all the local share to fund these remaining projects.

## **7. Considerations**

### **7.1 RISK**

- 7.2 These resilience roading projects were included in the current AMP and LTP due to network need. There is a risk that these sites will further deteriorate over time, making some roads unpassable.
- 7.3 That the community are not happy with the changes in Central Government's approach to SMP.

### **7.4 CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 7.5 The recommendation is consistent with Council's existing Plans and Policies.

### **7.6 SIGNIFICANCE AND COMMUNITY VIEWS**

- 7.7 The recommendations are not considered significant in accordance with WDC's Significance and Engagement Policy.

## 8. Recommendation

- 8.1 Council note the confirmation from the New Zealand Transport Agency that the following resilience related projects included in the 2024-2027 Low-Cost Low-Risk Work Programme will be funded FAR Rate of 88%:

<b>LCLR Resilience Related Projects</b>	<b>Total Cost</b>	<b>NZTA Share</b>
Kent Street Slip Repair	420,000	370,000
Taharoa Road Resilience Improvements	590,000	422,000
Waitahi Road Overslip	350,000	308,000
Speedies Road Underslip	150,000	132,000
Oparure Road River Stabilisation	480,000	519,000
<b>Total</b>	<b>\$1,990,000</b>	<b>\$1,751,000</b>

- 8.2 The remaining local share component of the Low Cost Low Risk funding in the three-year roading programme be left unallocated depending on the outcome of the Speed Management proposal from staff and future NZTA funding to fund future resilience projects.

## 9. Attachments/Separate Enclosures

Nil

Document ID: 783349

## Report To: Council



**Meeting Date:** 29 October 2024  
**Subject:** Speed Management – Implementation  
**Type:** Decision Required  
**Author(s):** Ryan Stanley  
 Roding Professional Services

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to seek resolution on the proposed implementation of the Speed Management Plan after changes to the rules and funding availability.

### 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution:
- 1 The business paper on Speed Management Implementation be received.
  - 2 That the proposed costs of the Speed Management Implementation are approved and will be funded from the already approved local share from the Low-Cost Low Risk budget.

### 3. Background

#### 3.1 SPEED MANAGEMENT GENERALLY

- 3.2 Speed management was consulted on through 2023, with an expectation created within communities that this would happen.
- 3.3 The Government has since reviewed and amended the rules. The main Waitomo District Council (WDC) impact of the changes relates to signage, with all schools now having to have variable (applicable only during school hours) and not fixed speed limit signs.
- 3.4 There are 17 schools within the WDC network, of which 16 were covered by the Speed Management Plan (SMP). One school is located on a private road so is not covered by the SMP. Of these 16 schools, six were proposed to have variable signs and the remaining ten were to have fixed / permanent reductions.
- 3.5 It is very unlikely there will be Funding Assistance Rates (FAR) funding from NZTA available so any costs incurred will be entirely rates funded. Within this context a reduced (bare minimum) Speed Management Programme (SMP) needs to be considered.
- 3.6 To accommodate the lack of NZTA funding (i.e. \$957,000 initial programme) the proposed SMP implementation would focus on signage only (with some minor exceptions).
- 3.7 WDC has purchased 14 electronic speed signs in anticipation of the funding coming in 2024/25 year. This was for the six schools that were included in the approved SMP. The eight remaining schools originally planned to have fixed speed reductions. These are now required to be variable.

### 3.8 **OPARURE ROAD COMMUNITY AND SCHOOL (TE WHAREKURA O MANIAPOTO)**

- 3.9 The community had proposed a permanent speed reduction down to 50km/h. Based on the new rule this would have to be a variable speed limit. Staff originally proposed a variable speed limit of 60km/h.
- 3.10 If a permanent speed reduction is desired there is an option within the new rule to undertake a cost-benefit disclosure statement to support the change. As a result of this change, this business case will have to prove safety impacts, implementation costs and the implications to travel times. NZTA is currently developing a tool to assist with the disclosure statement.
- 3.11 There have been four fatalities from two accidents on Oparure Road, but these were outside the proposed speed limit reduction section.
- 3.12 Note, the proposed speed management rules are about to be finalised, implementation of the SMP should not be undertaken until that has been done.
- 3.13 The current key dates set out in the new SMP rule are:
- 1 May 2025, provide a list to NZTA for any roads where speed reduction reversal is to occur – note this will not affect WDC as any proposed reductions have not been undertaken.
  - 1 July 2025 all reversals must be undertaken – no effect to WDC.
  - 1 July 2026 variable speed limits at schools must be implemented.

## **4. Commentary**

- 4.1 There are 17 schools within the WDC network, of which 16 were covered by the Speed Management Plan. One school is located on a private road so is not covered by the SMP.
- 4.2 The proposed treatment for each school is listed in the table below, note there are two treatment options proposed, the first being electronic variable speed signs and the second being a static (printed) variable speed sign.
- 4.3 There is a small exception at Piripiri School (Te Anga Road) where an additional threshold line marking is proposed. This is due to a significant drop from 100km/h to the proposed 60km/h and the higher traffic volumes compared with other locations.

School	Electronic Sign	Fixed Variable Sign	Proposed Speed
Aria School		2	30
Bennydale Primary		2	30
Centennial Park School	3	1	30
Kinohaku School		2	60
Mokau		3	30
Piopio College	2		30
Piopio Primary		1	30
Piripiri School		2	60
Pukenui		2	30
Rangitoto		3	60
St Joseph's Catholic (Te Kuiti)	5	2	30
Te Kuiti High	2	2	30

School	Electronic Sign	Fixed Variable Sign	Proposed Speed
Te Kuiti Primary		1	30
Te Kura O Tahaaroa		2	30
Te Wharekura o Maniapoto	2		60
Waitomo Caves			
Whareorino		2	60
<b>Total</b>	14	27	

## 5. Analysis of Options

5.1 The breakdown of costs is as follows:

Description	Electronic Sign (x14)	Fixed (printed sign) (x27)
Physical Sign	\$5145	\$350
Sign Post and Installation	\$1500	\$400
Minor works	\$1000	\$250
Traffic Management	\$1000	\$500
Threshold Treatment	\$2000	
Design / MSQA		\$16,000
Contingency		\$18,000
<b>Total</b>		<b>\$200,000</b>

5.2 The electronic signs have already been ordered (72k), which is included in the total cost above.

## 6. Considerations

6.1 The SMP has been consulted on. Although it was not the decision of WDC to change the SMP rules and not provide funding, there is a risk that this will be perceived by the community as being WDC's issue.

6.2 The current rule – Land Transport Rule: Setting of Speed Limits 2024, section 9.1 (6) suggests that if the speed management rule is not enacted by WDC as the road controlling authority that the Agency (NZTA) may exercise the rights of the RCA and enact the proposed changes at their own cost.

## 7. Recommendation

7.1 Speed Management Implementation has been mandated by the Government; with that it is recommended that the option presented is undertaken and funded by WDCs local share of the Low-Cost Low Risk

Document ID: 779759

## Report To: Council



**Meeting Date:** 29 October 2024

**Subject:** Centennial Park Development

**Type:** Decision Required

**Author(s):** Shyamal Ram  
General Manager – Infrastructure Services

Helen Beever  
General Manager – Community Services

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to update Elected Members on the status of the Centennial Park Grandstand Ablutions project and recommend an approach for the scope of the project and its funding.

### 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they might be adopted by resolution.
- 1 The business paper on Centennial Park Development be received.
  - 2 Council upgrade the Grandstand Ablutions including public toilets at a cost of \$269,000. (\$250,000 funded from Grassroots and \$19,000 funded from the property capital improvements budget).
  - 3 The public toilets would only be open for events. The current Centennial Park public toilets by the current playground will remain open until further decisions on the development of the park are considered.

### 3. Background

- 3.1 Centennial Park was established in 1940 by the collective efforts of amateur sporting clubs, the Te Kuiti Borough Council and interested bodies.
- 3.2 Today, the park provides active recreation and sporting facilities to Te Kuiti and the greater Waitomo District. The park is, however, under utilised.
- 3.3 CENTENNIAL PARK CONCEPT DEVELOPMENT PLAN**
- 3.4 Better-Off Funding was allocated to prepare a Concept Development Plan for Centennial Park.
- 3.5 The project objective was to strengthen the connection of Centennial Park with the community by exploring how we can potentially reinvigorate an environment that supports community needs in social, health and wellbeing, including:
- Enable opportunities for further development (in line with the Concept Development Plan).
  - Support community health and wellbeing by potentially redeveloping or upgrading an environment that promotes active play, recreation and sporting opportunities.



- Enable opportunities for collaboration between different sporting clubs.
  - Inspire the revitalisation of the east side of Te Kuiti township.
- 3.6 Community engagement took place from late November 2023 through to mid-March 2024 with park tenants, neighbouring residents, sports clubs and schools, and the wider community. 66 participants provided feedback which was analysed to help inform the preliminary Centennial Park Concept Development Plan.
- 3.7 The Plan was presented to Council at the 30 July 2024 Council meeting. The future vision master plan outlined a range of additions including improved activation of the current fields, a new playground located in a new central hub location, a pump track, picnic tables and a BBQ area. Proposed improvements included enhancements to the park entrances, permanent line markings on the fields, visual upgrades to buildings located on the park, enhanced parking and road frontage.
- 3.8 Council adopted the Plan at the 30 July 2024 meeting. Forming part of the resolution, Council requested that the Centennial Park Working Party be further engaged to prioritise the timing of projects and identify potential funding partners.
- 3.9 The Working Party met on 28 August 2024. At the meeting it was acknowledged that the concepts outlined in the Plan, and the associated upgrades to Centennial Park, would take place over several years and funding partners would be sought.
- 4.1 The new additions and enhancements were discussed, and it was agreed the first priority should be activation of the oval and north field. It was considered this work would help to activate Centennial Park in general, and complement the work being undertaken to upgrade the grandstand facility.
- 3.10 \$200,000 is included in Year 1 of the Long Term Plan 2024-2034 for capital improvements to the Park.
- 3.11 CENTENNIAL PARK GRANDSTAND UPGRADE**
- 3.12 The Centennial Park Grandstand Project is a separate workstream from the Concept Development Plan Project, however complementary in nature. The scope of this project is the upgrade of the ablutions under the Grandstand and not the Grandstand itself.
- 3.13 The project has two strands. First, grant application to Grassroots Trust Limited. Secondly, the design and physical works.
- 3.14 At the 27 February 2024 Council meeting, Council approved the lodging of a grant application to Grassroots Trust Limited for funding towards the upgrade of the Centennial Park Grandstand.
- 3.15 Draft concept designs were prepared to support the funding application. The designs outlined upgrades to the ablutions and change rooms under the grandstand. Upgrades to the storage and kitchen area also formed part of the draft designs, as did the inclusion of public access to toilet facilities (Te Kuiti Roadside of grandstand).
- 3.16 The grant application was lodged, and a grant of \$250,000 excluding GST was approved by Grassroots Trust Limited.
- 3.17 When finalising the concept designs, enhancements were recommended to improve access and visibility for the public toilets. This included changing from internal access to external access to the individual toilets from the oval side of the grandstand toilets.
- 3.18 The concept designs were finalised, tender documentation prepared and issued.
- 3.19 Tenders closed on 9 October 2024.

## 4. Commentary

4.1 At the 24 September 2024 Council Meeting, Council agreed the priority of works for implementation of the Centennial Park Concept Development Plan and approved allocation of the 2024/25 Centennial Park budget towards activation of the Oval and North Field.

### 4.2 ACTIVATION OF OVAL AND NORTH FIELDS

4.3 The activation of the Oval and North Fields will include the installation of combined football and rugby goals, along with protective pads. The North Fields will feature mobile football goals, an artificial cricket wicket, and cricket cages. This initiative has been identified as a top priority and is scheduled for completion by 30 June 2025.

4.4 To support the activation of the Oval and North Fields, we will seek funding partners. Potential partners include the North Districts Cricket Association Regional Facilities Fund, Grassroots Trust, and Trust Waikato.

### 4.5 GRANDSTAND ABLUTION UPGRADE

4.6 Council also resolved that the upgraded toilet facility in the Grandstand be limited to use for events convened at Centennial Park only and not be a general public toilet.

4.7 The existing toilet facility at Centennial Park, originally built in 1975 and last refurbished in 2005 with stainless-steel fixtures, has reached the end of its serviceable life and requires refurbishment.

4.8 It was agreed that the value of the quotes for the Grandstand ablution work would be reviewed. Once received, staff would put forward options for the Grandstand ablutions to Elected Members.

4.9 Quotes were received and discussions with the best tenderer occurred to develop options that would fit in with the \$250,000 Grassroots funding allocation. The value of the best quote was discussed with the tenderer and the cost was reduced significantly to \$269,000 for the work in the current scope.

4.10 Options for consideration:

a) **Upgrade of Grandstand Ablutions including public toilets. Open public toilets for events only and maintain the current public toilets by the current playground.**

Cost: \$269,000. \$250,000 funded from Grassroots and \$19,000 could be funded from a current property capital improvements budget for Centennial Park. Note: This is not the \$200,000 budget set aside for the Centennial Park Development.

Pros: Fits within capital budget and utilizes Grassroots funding.

Provides the flexibility to use the public toilets during events.

Provides the option of closing the current public toilets sometime in the future.

Cons: A modest operational budget is required for the maintenance and cleaning of the new Grandstand ablution facility given this is not cleaned and maintained currently. This will be included in operational budgets.

b) **Upgrade of Grandstand Ablutions including public toilets. Open these as public toilets and vest current public toilets by the current playground with the Smallbore and Croquet Clubs for their total maintenance and operation. The current public toilets would be closed to the public.**

Cost: \$269,000 for Grandstand Ablutions. \$250,000 funded from Grassroots and \$19,000 will be funded from a current property capital improvements budget for Centennial Park.

Pros: New public toilets. These are centrally located in the park so may support a wider group of park users better.

Both the Smallbore and Cricket Clubs have said that they would find this arrangement acceptable if the Council decides to open the new toilet block at Centennial Park for public use. Under this arrangement, both clubs would share responsibility for maintaining the toilets. The toilets would remain locked to the public, with access controlled by keys held by the clubs.

No more maintenance or upgrades required for current old public toilets.

The budget currently allocated for the maintenance and cleaning of the old facility could be reallocated to support the upkeep of the new toilet block near the Grandstand.

Cons: A long way for current playground users to walk to public toilets if current public toilets are closed. This option really only works when / if the current playgrounds are moved to their new proposed location between the netball courts and the Grandstand.

**c) Upgrade of Grandstand Ablutions including public toilets. Open public toilets and demolish current public toilets by the current playground.**

Cost: \$269,000 for Grandstand Ablutions and \$10,000 for old toilet demolition. \$250,000 funded from Grassroots and \$29,000 will be funded from a current property capital improvements budget for Centennial Park.

Pros: New public toilets. These are centrally located in the park so may support a wider group of park users better.

No more maintenance or upgrades required for current old public toilets.

The budget currently allocated for the maintenance and cleaning of the old facility could be reallocated to support the upkeep of the new toilet block near the Grandstand.

Cons: Smallbore and Croquet Clubs then have no toilets. The cost to establish toilets within these clubrooms is unknown.

A long way for current playground users to walk to public toilets if current public toilets are closed so this option really only works when / if the current playgrounds are moved to their new proposed location between the netball courts and the Grandstand.

**d) Upgrade of Grandstand Ablutions without the public toilets in them. Retain public toilets long term next to Smallbore and Croquet Clubs.**

Cost: \$159,000.

Pros: No need to utilize any property budget.

No change for the public or the Smallbore and Croquet Clubs.

Cons: Not all Grassroots funding used and the balance of \$91,000 would have to be returned. There may be impacts on future funding requests.

No opportunity to get this external funding again for these toilets if in the future these toilets were wanted in the Grandstand.

No public toilets to be used for events in the middle of Centennial Park.

Need to revise Building Consent again. This will add delays to getting the work done before the Grassroots funding deadline of 31 March 2024.

**5. Analysis of Options**

5.1 See above in Section 4.10.

**6. Considerations****6.1 RISK**

6.2 See above in Section 4.10.

**6.3 CONSISTENCY WITH EXISTING PLANS AND POLICIES**

6.4 This decision is consistent with existing plans and policies.

**6.5 SIGNIFICANCE AND COMMUNITY VIEWS**

6.6 Engagement has taken place with key stakeholders and the wider community and does not trigger the terms of the significance and engagement policy.

**7. Recommendation**

- 1 The business paper on Centennial Park be received.
- 2 Council upgrade the Grandstand Ablutions including public toilets at a cost of \$269,000. \$250,000 funded from Grassroots and \$19,000 funded from the property capital improvements budget.
- 3 The public toilets would only be open for events. The current Centennial Park public toilets by the current playground will remain open until further decisions on the development of the park are considered.

**8. Attachments/Separate Enclosures**

Nil

Document ID: 789771

## Report To: Council



**Meeting Date:** 29 October 2024  
**Subject:** Rangatahi Engagement Plan  
**Type:** Decision Required  
**Author(s):** Sarah McElroy  
 Manager – Community Development

### 1. Purpose of Report

- 1.1 The purpose of this business paper is to present to Council the Rangatahi Engagement Plan for adoption.

### 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on the Rangatahi Engagement Plan be received.
  - 2 Council adopt the Rangatahi Engagement Plan.

### 3. Background

- 3.1 At a workshop held on 24 September 2024, Council reviewed the Youth Engagement Plan.
- 3.2 Council acknowledged the necessity to shift the delivery model away from a traditional Youth Council, as membership and interest have declined, and it no longer aligns with the needs and expectations of our rangatahi.

### 4. Commentary

- 4.1 The Rangatahi Engagement Plan is designed to create a framework for meaningful engagement with youth in our community.
- 4.2 It incorporates feedback from prior consultations and aligns with community needs and expectations.

### 5. Considerations

#### 6.1 RISK

- 6.2 There are no immediate identified risks with this activity.

#### 6.3 CONSISTENCY WITH EXISTING PLANS AND POLICIES

- 6.4 This decision is consistent with existing plans and policies.

**6.5 SIGNIFICANCE AND COMMUNITY VIEWS**

6.6 Engagement has taken place with key stakeholders and the wider community and does not trigger the terms of the significance and engagement policy.

**6. Recommendation**

7.1 The business paper on Rangatahi Engagement Plan be received.

7.2 Council adopts the Rangatahi Engagement Plan.

**7. Attachments/Separate Enclosures**

Attachments:

1 Rangatahi Engagement Plan

## Waitomo District Council Rangatahi Engagement Plan

### Introduction

Rangatahi (youth) are integral to the vitality and future of our local community. Their innovative ideas and fresh perspectives are invaluable assets. Engaging youth through targeted initiatives and youth-led activities is a strategic approach to harness their creativity and energy. This plan outlines a comprehensive strategy to involve rangatahi in various activities and decision-making processes throughout the year, fostering leadership skills, community ownership, and a deeper connection to local governance.

### Objectives

1. Empower Rangatahi: Provide opportunities for youth to lead and participate in community activities, developing their leadership skills and sense of ownership.
2. Engage and Inspire: Offer platforms for rangatahi to express their ideas and connect with influential speakers.
3. Collaborate with Local Partners: Work with local organizations and stakeholders to maximize impact and reach.

### Key Activities

#### 1. Guest Speakers

**Objective:** To inspire and inform students by bringing in influential speakers.

**Action:** Organize two guest speaker events per year at local high schools. Speakers will be selected based on their relevance to current interests, local connections, and the support of community services. This initiative aims to provide students with valuable insights and motivational experiences.

#### 2. Winter Event/Activities (May)

**Objective:** To celebrate Youth Week with engaging and interactive activities.

**Action:** Host a winter event in alignment with Youth Week. This could include a range of activities designed and led by youth, in collaboration with local partners such as Number 12 and Aotahi. The event will focus on fostering creativity and community involvement.

#### 3. Summer Event/Activities (December)

**Objective:** To host a vibrant and engaging summer event that fosters community connection and celebrates youth involvement.

**Action:** Organize a dynamic summer event led by rangatahi, with planning and execution in collaboration with Number 12 and Aotahi. This event will be designed to offer meaningful and enjoyable experiences for youth, encouraging active participation and strengthening community ties.

#### 4. Mayor Nomination Outward Bounds

**Objective:** To recognize and support young individuals aged 18-24 who are not currently in school.

**Action:** Seek nominations for the MTFJ Outward Bounds programs. This initiative, funded through MTFJ, allows us to nominate youth to attend Outward Bounds with a scholarship valued at \$3,600. Support from Number 12 and Aotahi will aid in identifying suitable candidates.

### 5. Festival for the Future

**Objective:** To explore opportunities for sending youth to New Zealand's largest leadership and innovation summit.

**Action:** Investigate and develop pathways to support rangatahi in attending the Festival for the Future. This summit offers a platform for young leaders to engage with cutting-edge ideas and networking opportunities. Collaboration with local partners and stakeholders will be essential in identifying and facilitating participation for interested youth.

### Rangatahi Calendar

- **February/March:** Guest Speaker at local high schools
- **May:** Winter Event/Activity (Youth Week)
- **July:** Festival for the Future
- **September:** Mayor Nomination Outward Bounds (youth aged 18-24)
- **November:** Outward Bounds Presentation to Council
- **December:** Summer Event/Activity

### Ongoing Engagement

Throughout the year, rangatahi will be actively involved in providing input on existing work programs such as:

Rora Street Revive

Centennial Park

King Country Highways

Playground Renewals

Animal Control Education

By integrating rangatahi into these programs, we ensure that their perspectives contribute to shaping community projects and policies.

### Conclusion

This Rangatahi Engagement Plan is designed to cultivate a strong sense of community among young people, empower them to take on leadership roles, and harness their innovative ideas. Through strategic activities, partnerships, and ongoing involvement in local projects, we aim to create a vibrant and inclusive community where youth play a central role in shaping the future.



**Document ID:** 789903

**Report To: Council**



**Meeting Date:** 29 October 2024  
**Subject:** **Bi-Monthly Regulatory Update Report**  
**Type:** Decision required  
**Author(s):** Alex Bell  
 General Manager – Strategy and Environment

## 1. Purpose of Report

- 1.1 The purpose of this business paper is to:
- 1 Update the Council on work programmes that form part of the Regulatory Activity; and
  - 2 Seek approval of the request from Herenga ā Nuku Aotearoa — The Outdoor Access to become the Grantee of a land covenant to enable enduring access to the Kahaho stream.

## 2. Suggested Resolutions

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The Bi-Monthly Regulatory Update Report be received.
  - 2 Council agrees to be the Grantee of the voluntary creation of a land covenant which secures enduring public legal access alongside the Kahaho Stream.

## 3. Background

- 3.1 At its meeting of 28 February 2023, the Council adopted a new reporting framework detailing bi-monthly financial reporting and Council group activity reporting.
- 3.2 A reporting schedule was agreed, with Infrastructure and Community reporting on the same bi-monthly agenda and Business Support and Leadership / Governance and Regulatory reporting on the other month.
- 3.3 The Regulatory Activity report incorporates commentary on its present activities, short-term planned work and the associated gains and/or risks involved with this work.

## 4. Commentary

- 4.1 The activities undertaken by the Regulatory Services are governed and directed by legislation, national, regional and local policies and bylaws. We undertake many activities that contribute to keeping our community and district a safe place to be.
- 4.2 Day to day operations include building control, alcohol licensing, environmental health, bylaw administration, animal and dog control, planning and district planning (Proposed District Plan). The functions of these activities were set out in the business paper on 27 June 2023 (528339).

4.3 The activities of these units are 'business as usual' in that the activities undertaken are prescribed in the various legislation and planning / policy documents, which control the day-to-day operations.

4.4 **RISKS AND OPPORTUNITIES**

4.5 In terms of risks and opportunities, the risks relate to our ability to perform our regulatory functions in line with the various statutes that the group administers. We are not currently recruiting any additional staff within the Strategy and Environment Group.

4.6 **LOOKING FORWARD -THE NEXT 3 MONTHS**

4.7 **PROPOSED WAITOMO DISTRICT PLAN**

4.8 The s42A Reports for the second tranche of hearings are now available online, which can be found by following this link <https://www.waitomo.govt.nz/council/district-plan-review/section-42a-reports/>. The second tranche of hearings is due to take place on 26-29 November 2024, and we have expert conferencing scheduled for 12-13 November on the Ecosystems and Indigenous Biodiversity Topic. This topic requires expert conferencing due to the broad range of views expressed by the submitters, and the need for expert opinions from each submitter ecologist. Council is only required to contribute to the cost of its experts.

4.9 We have not yet had a formal response from the Minister on our request for an extension of time for issuing decisions on the Proposed District Plan. However, we have had contact with officials and will continue to follow this matter up.

4.10 **IANZ BUILDING CONSENT AUTHORITY ACCREDITATION ASSESSMENT**

4.11 We received confirmation on 2 October 2024 that we have satisfied the matters raised in our IANZ audit and that we have maintained accreditation.

4.12 **BYLAW AND POLICY REVIEWS**

4.13 Council officers are progressing with the review of the Land Transport Bylaw and associated policies for road naming, road encroachment and stock underpasses. These matters are to be addressed at this Council meeting.

4.14 Council is also required to initiate a review of the Waitomo District Dog Control Bylaw 2015 and the Waitomo District Dog Control Policy 2015 this year. Officer advice on these documents will be provided in due course.

4.15 **FAST TRACK APPROVALS BILL AND RESOURCE MANAGEMENT REFORM UPDATE**

4.16 Given the timing of the s42a Reports on the Proposed District Plan, I have not had an opportunity to prepare thorough advice for elected members on government announcements on the above. However, I will provide a briefing to elected members ahead of next month's Council meeting.

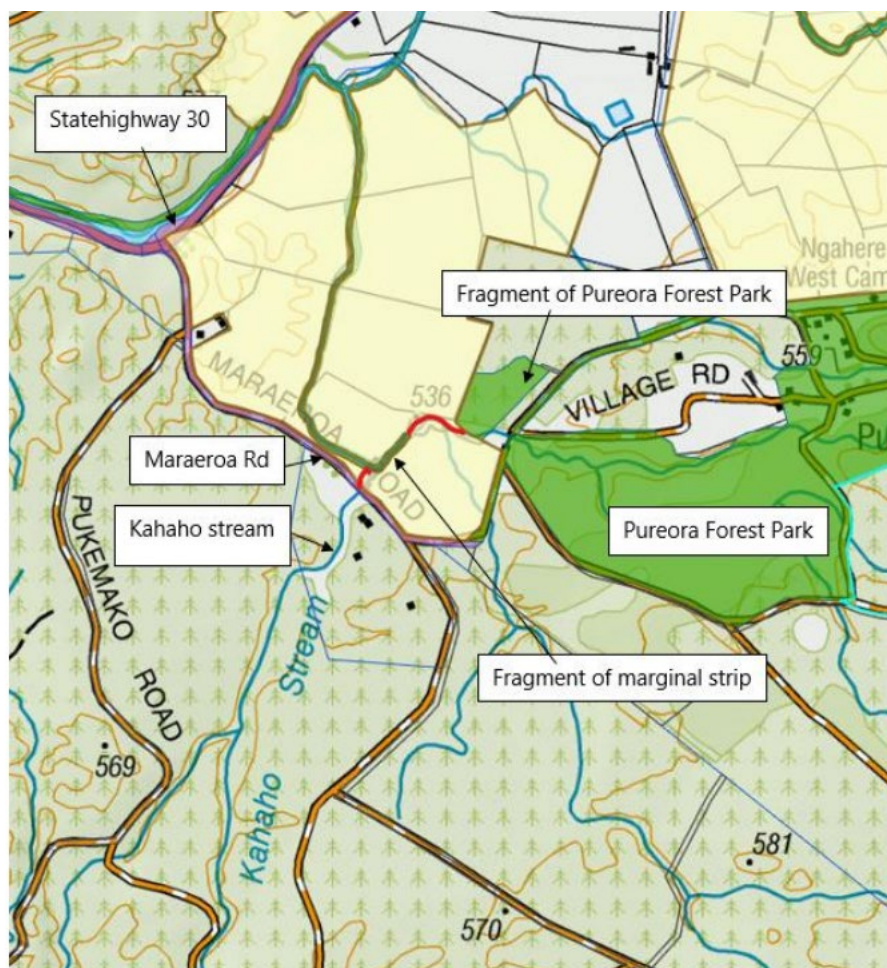
4.17 **REQUEST FROM HERENGA A NUKU AOTEAROA – THE OUTDOOR ACCESS COMMISSION**

4.18 Council has received a request from Herenga ā Nuku Aotearoa — The Outdoor Access Commission to be the Grantee of a land covenant which secures enduring public legal access alongside the Kahaho Stream.

4.19 The Overseas Investment Office set consent conditions that Theland Tahi Farm Limited (the Theland) are required to implement some of these conditions which relate to creating enduring public access within the property. The consent requires Theland Tahi Farm Limited to create enduring legal access alongside the Kahaho stream where it flows through Theland's property.

4.20 The proposed access creates enduring public access by foot alongside both sides of the Kahaho Stream. The access will connect Maraeroa Road to an isolated fragment of Pureora

Forest Park. This connection will provide the only enduring legal public access to this piece of DOC managed land (refer maps below). This access will also extend the riparian protection alongside the stream, by linking up to an unconnected fragment of marginal stream alongside the Kahaho stream.



- 4.21 Theland have agreed to create a land covenant that allows for riparian protection and recreational use over the land the covenant applies to. As the consent holder, they are responsible for legal and survey costs associated with creating these instruments. There is no expectation that Council will contribute to any costs associated with creating the instruments, fencing, maintenance or other costs associated with the land covenants. No health and safety liability has been identified for Council. At this stage there is no expectation that signage will be erected. The access will only be visible to the public in an electronic mapping system.
- 4.22 A land covenant between two or more parties has a grantor and a grantee (also known as a covenantor). The grantor of the covenant (also called the covenantor) agrees to have a burden on their land (in this case Theland), to the benefit of another piece of land (access to the Kahaho Stream). The grantee (also known as a covenantee) agrees that their land will have the benefit associated with the covenant (providing enduring public access). Land that has the burden of a covenant is known as the servient land, while land that has the benefit of the covenant is known as the dominant land.

Document No: 789969

**Report To: Council**

**Date:** 29 October 2024

**Subject:** **Adoption of Statement of Proposal for Consultation on Reviewed Land Transport Bylaw 2024 and Draft Roading Policies.**

**Type:** Decision required

**Authors:** Charmaine Ellery  
Manager – Strategy and Policy

Alex Bell  
General Manager – Strategy and Environment

**1. Purpose of Report**

- 1.1 The purpose of this business paper is to seek approval of a reviewed draft Land Transport Bylaw 2024 and a Statement of Proposal, and draft Road Encroachment, Stock Underpass and Road Naming Policies for public consultation.

**2. Suggested Resolutions**

- 2.1 The Business Paper on the Adoption of Statement of Proposal for Consultation on Reviewed Land Transport Bylaw 2024 and Draft Roading Policies be received.
- 2.2 Council adopts the Statement of Proposal, which includes the draft revised Land Transport Bylaw 2024, for public consultation.
- 2.3 Council adopts the draft Road Encroachment, draft Stock Underpass and draft Road Naming Policies, for public consultation.
- 2.4 Council approves that the public consultation period begins on 31 October 2024 and concludes on 2 December 2024.
- 2.5 Council authorises the Chief Executive to make editorial or layout changes to the Statement of Proposal and Draft policies that may be necessary before it is made publicly available.

**3. Background**

- 3.1 **LAND TRANSPORT BYLAW 2015**
- 3.2 Waitomo District Council's Land Transport Bylaw 2015 (the Bylaw) was first introduced and adopted by Council in 2010. Under section 158 of the Local Government Act (LGA) 2002 Council was required to review the Bylaw after five years. This review was completed in 2015 which allows another ten years before a review is required again.
- 3.3 The Bylaw is due for review by April 2025, if this review is not completed, the Bylaw will cease to have effect two years after the date on which the Bylaw was required to be reviewed. The review is being pulled forward to 2024 to fit into workload requirements of the Strategy and Policy Team, including the Annual Plan in early 2025.
- 3.4 Following this review, another review will not be required for a further ten years, in 2034, unless deemed necessary earlier. However, changes can be made to the Bylaw Schedules between reviews. These identify traffic rules for certain locations and include things like parking restrictions and no stopping areas. These can be changed by Council resolution.

- 3.5 There was limited engagement during the public consultation of the Bylaw in 2015 with no submissions received. Relatively minor amendments were adopted.
- 3.6 The Bylaw was made under the general bylaw making powers conferred by the LGA, as well as section 22AB of the Land Transport Act 1998 (LTA) and the Local Government Act 1974 (LGA 1974).
- 3.7 The scope of the Bylaw is to:
- Restrict or permit activities and objects on roads, including road reserves.
  - Restrict or permit traffic movement, including parking, heavy vehicle prohibitions, and movement on footpaths.
  - Control the movement of stock on roads and stock underpasses.
- 3.8 The Bylaw makes mention of a Stock Underpass Policy which has not been reviewed since 2009, so this is also being reviewed alongside the Bylaw.
- 3.9 At the same time, it has come to our attention that the organisation has a need for a policy to cover the naming of roads and a policy to formalise a process for road encroachments. These drafts were presented to Council at the workshop on 13 August and 24 September 2024.

## 4. Commentary

### 4.1 **REVIEW PROCESS**

- 4.2 WDC staff have undertaken a comprehensive review of the current Land Transport Bylaw. The Proposed Bylaw is included in the Statement of Proposal document which is Attachment 1.
- 4.3 The content of the Proposed Bylaw is substantially the same as the current Bylaw, but the wording, layout and structure has been changed to meet current best practices in Bylaw making.
- 4.4 The following sections of this report summarise the clauses of the draft reviewed Public Places Bylaw and the changes proposed.

### 4.5 **PROPOSAL 1: REMOVE SPEED LIMITS, CELLAR DOORS, SKATEBOARDS**

- 4.6 The existing Bylaw covers the management of speed limits throughout the Waitomo district. With the establishment of the Land Transport Rule: Setting of Speed Limits 2022, bylaws were no longer the governing legislation on setting speed limits.
- 4.7 The Land Transport Rule: Setting of Speed Limits 2024 (2024 Rule) is in the process of development with public consultation now closed. It is expected to come into effect towards the end of 2024.
- 4.8 The 2024 Rule will still be the governing legislation for the setting of speed limits, therefore, the section on speed limits can be removed from the bylaw as it is no longer valid.
- 4.9 The Land Transport (Register of Land Transport Records - Speed Limits) Regulations 2022 allows for the revocation of the part of a bylaw setting a speed limit.
- 4.10 References to cellar doors have been removed as they can be covered by clauses related to gates.
- 4.11 Skateboards are covered in the Public Places Bylaw 2023 therefore this clause and schedule can be removed.

4.12 **PROPOSAL 2: ADD DAMAGE CLAUSES, VEGETATION NEAR INTERSECTIONS, SHARED AND CYCLE PATHS**

4.13 A clause has been included in the proposed Bylaw where an individual who damages a traffic control device shall be liable for associated costs to ensure the expense is not incurred by ratepayers.

4.14 A new clause has been drafted stating that a person must not plant near an intersection in a way that could cause a nuisance or danger to traffic, this may also include trimming of existing vegetation.

4.15 Provision has been made to allow Council to determine priority users for a shared path or cycle path to allow for future development of pathways or for safety of existing paths in the Waitomo district.

4.16 **PROPOSAL 3: ADD AND UPDATE SCHEDULES**

4.17 The review allowed for a complete update of the Bylaw schedules to ensure these are aligned to the current restrictions. During the review the no parking, time restricted parking, loading zones, no turning, no stopping schedules have been updated to ensure the Bylaw aligns with current use, signage and road markings.

4.18 The descriptions have been standardised to match the RAMM (Road Assessment Maintenance Management) database so the schedules can be updated more efficiently and accurately.

4.19 Added schedules are:

- Electric Vehicle charging.
- Horse riding prohibited area.
- Motorhome only parking on Rora Street.

4.20 Electric vehicle charging is now a common use of parking spaces for those businesses and local authorities who decide to provide these. Vehicles can only be parked in these spaces for the purpose of being recharged.

4.21 Ridden horses are proposed to be prohibited from Rora and Taupiri Streets and the sections of the connecting streets (Alexandra, King Street East, Sheridan, South End Loop) due to the high traffic volume, frequent parking maneuvers, and pedestrian use of these streets. Riding a horse poses a risk for the safety of riders, horses and other road users.

4.22 This restriction would also apply to the Te Ara Tika Bridge which is a pedestrian bridge and not suitable for horses to be ridden over as this also is a risk for safety of riders, horses and other bridge users.

4.23 Council approved events would be exempt from this restriction.

4.24 It is noted that any horse riding that is dangerous or not in accordance with the road rules will still need to be referred to the Police by witnesses or those involved in any incident.

4.25 Provision for motorhome parking has been allocated at the North end of Rora Street, this schedule was not added to the Bylaw at the time of designation, this is being rectified as part of this review.

4.26 **PROPOSAL 4: OFFENCES AND PENALTIES**

4.27 The section on offences and penalties has been updated to reference all the relevant legislation that governs the conviction and infringement penalties under this Bylaw. Individual offences are referenced in the Waitomo District Council Fees and Charges Schedule.



- 4.28 It is proposed to remove specific penalties that are covered in our Fees and Charges Schedule and instead include the maximum penalty (conviction or infringement) allowed for by the corresponding legislation.
- Land Transport (Offences and Penalties) Regulations 1999.
  - Section 22AB of the Land Transport Act 1998.
  - Section 242 of the Local Government Act 2002.
- 4.29 Legislation that gives effect to these changes are:
- Land Transport (Offences and Penalties) Amendment Regulations 2024.
  - Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024.
  - Land Transport (Towage Fees) Notice 2024.
- 4.30 **PROPOSAL 5: UPDATE BYLAW DEFINITIONS, STRUCTURE, FORMAT AND WORDING**
- 4.31 To make the Bylaw easier to read and navigate by improving its general wording and layout.
- 4.32 This includes updating some definitions and referencing the appropriate legislation so that changes remain consistent in the application of the Bylaw. Some more technical clauses have been redrafted in plainer language, but with no change to the actual rules implemented.
- 4.33 As the Bylaw has been put into our current layout, an introduction (not part of the Bylaw) has been added and the purpose and scope more clearly outlined.
- 4.34 **STATEMENT OF PROPOSAL**
- 4.35 The special consultative procedure in section 86 of the LGA is required to be used when Council makes bylaws under the LGA. Section 86(2) of the LGA requires a Statement of Proposal for a bylaw to include:
- A draft of the Bylaw as proposed to be made; and
  - The reasons for the proposal.
- 4.36 The Statement of Proposal in Attachment 1 to this report complies with these requirements.
- 4.37 Determinations under section 155 of the LGA
- 4.38 Before adopting a draft reviewed Public Places Bylaw for consultation, Council must make the following determinations:
- That the draft revised Bylaw is the most appropriate way to address the perceived problem.
  - That the draft revised Bylaw is the most appropriate form of Bylaw.
  - That the draft revised Bylaw does not give rise to implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 4.39 Council considered other mechanisms for addressing the perceived problems the Bylaw addresses at the 24 August 2024 meeting, including the option to not have a Bylaw. In the report received by Council, non-regulatory measures were assessed as not being sufficient. The fundamental difficulty with any voluntary compliance regime in this area is that individuals do not have an adequate incentive to comply. The Council has bylaw-making powers that allow it to make bylaws to address the perceived problems.

4.40 Part 2 of the NZBORA sets out the rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The draft reviewed Land Transport Bylaw could possibly be inconsistent with the following rights (section numbers are references to the sections in the NZBORA):

- Section 18 – Freedom of movement.

4.41 Council staff have assessed the possible inconsistencies as follows:

- The draft reviewed Land Transport Bylaw contains clauses which include restrictions on freedom of movement in public spaces either temporality or permanently in the interests of public safety.

4.42 Staff do not consider the draft Bylaw gives rise to any implications under the NZBORA. This assessment will be repeated before a final Bylaw is adopted by Council

#### 4.43 **POLICIES**

##### 4.44 **ROAD ENCROACHMENT POLICY**

4.45 The need for this policy has arisen because WDC often receives requests from people who wish to erect an encroachment on the road reserve.

4.46 WDC does not currently have a policy that applies to proposed encroachments on or under all roads within the Waitomo district.

4.47 The LGA 1974 gives Councils general powers in respect to roads and the LGA (section 10) enables the Council to meet the current and future needs of communities for good quality local infrastructure.

4.48 The Policy provides a formalised and streamlined process to manage road encroachments and provides criteria for the Council to consider when approving the encroachment application to grant a Licence to Occupy.

4.49 The draft Road Encroachment Policy enclosed is as Attachment 2.

##### 4.50 **STOCK UNDERPASS POLICY**

4.51 This policy outlines the conditions and requirements that must be met when installing a stock underpass and currently allows for an encumbrance to be placed on the Record of Title for the property to ensure responsibility for the stock underpass over its lifetime remains with the property owner.

4.52 LGA 1974 gives Councils general powers in respect to roads and the LGA (section 10) enables the Council to meet the current and future needs of communities for good quality local infrastructure.

4.53 The Policy provides a process to manage the application and approval for stock underpasses, requirements for associated infrastructure, the overlying road, other services and any on-going inspections and maintenance. It outlines the conditions and standards that need to be met and the NZ Transport Agency funding criteria. While each application is to be dealt with on its own merits the policy conditions need to be met for Council to consider approving the stock underpass application.

4.54 The draft Stock Underpass Policy is enclosed as Attachment 3.

##### 4.55 **ROAD NAMING POLICY**

4.56 WDC does not currently have a policy or standard process for naming roads in the district other than what is required by the Road Naming Standard AS/NZS 4819:2011. The attached draft policy has been developed to address this.

4.57 In the instances where a new road has required a name, Council has used the process under section 319 of the LGA 1974. The Policy as it is drafted manages the naming of roads and the numbering of land and buildings.



- 4.58 As we do not have a significant amount of development or the creation of new roads, it previously has been appropriate for roads to be named on a case-by-case basis, but a more formal process would enable better processes and decision making going forward.
- 4.59 The Policy has been developed looking to what other councils do for guidance and tailoring the process to suit our own organisational and community needs and aligning with the AS/NZS 4819:2011 standards on road naming and addressing.
- 4.60 After seeking advice from Land Information New Zealand (LINZ) on the correct process, the policy covers guidance on sending proposed road names to LINZ for feedback prior to them being adopted by Council.
- 4.61 The draft Road naming Policy is enclosed as Attachment 4.

## 5. Considerations

### 5.1 **RISK**

- 5.2 There is very little risk involved in undertaking a bylaw review. The Statement of Proposal has been prepared to fulfil the requirements of sections 83 and 87 of the LGA. A consultation period of 1 month allowing public submissions has been suggested which meets the legislative requirement.
- 5.3 There is some risk of including the horse riding prohibited area as this is a new addition to the Bylaw and horse riders are a recognised road user so restricting this needs to be warranted in addition to existing legislation. Other Council's apply restrictions to areas such as beaches and shared trails.

### 5.4 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 5.5 Reviewing the Bylaw retains consistency with the historical Council position to have a bylaw on this matter, the horse riding prohibited area is additional.

### 5.6 **SIGNIFICANCE AND COMMUNITY VIEWS**

- 5.7 The Council's Significance and Engagement Policy requires the Council to assess the degree of significance of proposals and decisions, which informs the appropriate level of engagement.
- 5.8 Based on the list of criteria for significance listed in the Significance and Engagement Policy, this draft Bylaw is considered to be of medium significance for the people of the district, which corresponds to the 'consult' level of engagement.
- 5.9 Additionally, the Significance and Engagement Policy states that Council will use the special consultative procedure set out in section 83 of the LGA 2002 for reviewing bylaws.
- 5.10 Staff therefore recommend that Council undertake public consultation in accordance with the requirements of the LGA and its Significance and Engagement Policy.
- 5.11 Section 83 of the LGA requires the Council to make some specific decisions which are summarised as follows:
- Prepare and adopt a Statement of Proposal.
  - Ensure the Statement of Proposal is publicly available.
  - Ensure a description of how the Council will provide persons interested in the Proposal with an opportunity to present their views is publicly available.
  - Ensure a statement of the period (not less than 1 month) within which views on the Proposal may be provided to the Council is publicly available.
  - Provide an opportunity for persons to present their views to the Council in a manner that enables spoken interaction between the person and Elected Members (or delegated representatives) and ensure that any such person is informed about how and when they may take up that opportunity.

5.12 The proposed timetable for consultation and the adoption process is:

Key Milestone	Planned timeframe
<b>Council Meeting</b> – adoption of the proposed Bylaw for public consultation	29 October 2024
<b>Consultation Period</b>	31 October to 2 December 2024
<b>Hearing</b> of submitters who wish to speak to their submission	12 December 2024
<b>Deliberations</b> – Council will consider all submissions	TBC February
<b>Council Meeting</b> – adoption of a final bylaw	25 February 2024

## 6. Recommendation

6.1 It is recommended that Council adopt the Statement of Proposal for the draft Land Transport Bylaw 2024 and associated draft roading policies subject to final edits for public consultation from 31 October to 2 December.

## 7. Attachments/Separate Enclosures

Separate Enclosure:

Consultation Documents Booklet:

- 1 Land Transport Bylaw - Statement of Proposal
- 2 draft Road Encroachment Policy
- 3 draft Stock Underpass Policy
- 4 draft Road Naming Policy
- 5 On Our Roads Consultation Document

Document No: 574749

**Report To: Council**

**Meeting Date:** 29 October 2024  
**Subject:** Co-Lab 2023/24 Annual Report  
**Type:** Information Only  
**Author(s):** Tina Hitchen  
 Chief Financial Officer

**1. Purpose of Report**

- 1.1 The purpose of this business paper is to present the Annual Report 2023/24 for Co-Lab, the Council's Controlled Organisation (CCO).

**2. Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on the Co-Lab Annual Report 2023/24 be received.
  - 2 The Co-Lab Annual Report 2023/24 be published on Council's website.

**3. Background**

- 3.1 Section 67 of the Local Government Act 2002 (LGA) requires the Board of a CCO to complete and deliver an annual report on the organisation's operations to the shareholder within three months of the end of the financial year.
- 3.2 The Independent Auditors Report is included within the Annual Report. It notes that the audit was completed on 20 September 2024.
- 3.3 Enclosed separately, and forming part of this business paper, is a copy of the Co-Lab Annual Report for the twelve months ended 30 June 2024.

**4. Commentary**

- 4.1 The financial performance for the twelve months to 30 June 2024 resulted in a deficit of \$720,000, compared to a budgeted surplus of \$101,000, and less than the \$505,000 surplus in the prior year.

\$000's	2024 Actual	2024 Budget	2023 Actual
Total revenue	9,845	10,954	9,102
Total operating expenditure	10,565	10,852	8,595
<b>Net surplus/(deficit) before tax</b>	<b>(720)</b>	<b>101</b>	<b>505</b>

- 4.2 Revenue was lower than forecast as cash reserves were utilised to fund the Waikato Regional Transport Model (WRTM) and RATA Water Collaboration was paused due to the changes to the Affordable Water Reforms. This was offset in part by additional revenue recognised for Water Services revenue for sampling and testing as a result of the introduction of the new Drinking Water Standards.

- 4.3 Expenditure was also less than forecast for WRTM following the Hamilton Transport Meso model build contract being transferred to Hamilton City Council and the RATA Water Collaboration activities paused. This was offset in part by additional costs incurred for Water Services reflecting increased testing requirements and Road Asset Technical Accord for asset data collection.
- 4.4 Explanations of major variances against budget are provided on page 45 of the annual report.
- 4.5 Total equity of the company decreased from \$2.5 million at 30 June 2023 to \$1.8 million at 30 June 2024. Total assets at 30 June 2024 were \$5.3 million compared to \$5.6 million the prior year.
- 4.6 The report provides an update on the progress during the year on a number of joint initiatives and projects, including the completion of the 5-year Light Detection and Ranging (LiDAR) project which established the first ever regional LiDAR data set. These updates are provided on pages 7 through to 14 of the report.
- 4.7 The Annual Shareholder Survey Results for 2023/24 are summarised on page 9. The results show an improvement in the overall satisfaction of shareholders, which increased to 84% (2023: 80%), across the nine core shared services.
- 4.8 Co-Lab continues to deliver a number of mutually beneficial outcomes for its shareholders. The performance against the targets incorporated into the Statement of Intent for 2023/24, is detailed on pages 18-20.
- 4.9 Of the ten performance measures 2 were achieved, 3 were unable to be measured, 1 partially achieved and 4 were not achieved. The measures that were not achieved related to the number of councils that agreed to participate in initiatives, initiatives/projects delivered within agreed timelines and budget and the number of new ideas identified for further investigation.

## **5. Attachments/Separate Enclosures**

Separate Enclosure:

- 1 Co-Lab Annual Report 2023/24 (783190)

**Document No:** 783073

**Report To: Council**



**Meeting Date:** 29 October 2024

**Subject:** **Civic Financial Services Ltd – Half-yearly Accounts to 30 June 2024**

**Type:** Information Only

**Author(s):** Tina Hitchen  
Chief Financial Officer

**1. Purpose of Report**

- 1.1 The purpose of this business paper is to present the Half Yearly Accounts to 30 June 2024 for Civic Financial Services Ltd (CFSL).

**2. Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The business paper on the Civic Financial Services Ltd - Half Yearly Accounts to 30 June 2024 be received.

**3. Background**

- 3.1 CFSL provides superannuation services for the local government sector through the SuperEasy KiwiSaver Superannuation Scheme and the Local Government Superannuation Scheme. CFSL also provide administration services to their client boards (namely LAPP, Riskpool, Civic Liability Pool and Civic Property Pool). WDC holds 16,940 shares (0.15%) in CFSL.
- 3.2 Enclosed separately, and forming part of this business paper, is a copy of the CFSL Half Yearly Accounts to 30 June 2024.

**4. Commentary**

- 4.1 The company reports an (unaudited) after tax surplus of \$145,000 (2023: \$231,000) for the first half of the year to 30 June 2024.
- 4.2 Revenue has increased by \$53,000 to \$1,782,000 compared to the same period last year mainly for administration fees. Expenditure has increased by \$172,000 to \$1,581,000 for employee remuneration and other expenses.
- 4.3 Total equity increased to \$10.6 million at 30 June 2024.

**5. Attachments**

- 1 Civic Financial Services Ltd Half-Yearly Accounts to 30 June 2024 (783074)

9 October 2024

Ben Smit  
Chief Executive  
Waitomo District Council  
PO Box 404  
TE KUITI 3941

ben.smit@waitomo.govt.nz

Kia ora Ben

### **Civic Financial Services Ltd Half-Yearly Accounts to 30 June 2024**

Please find enclosed your copy of the half-yearly accounts for Civic Financial Services Limited ("Civic") to 30 June 2024. You will be pleased to know that the company is tracking above budget and has returned an (unaudited) pre-tax profit of \$201k for the first half of 2024 with the company maintaining a strong financial position as at 30 June 2024.

As reflected in the accounts Civic's income is derived from administration services and investment income. In addition to administering Riskpool, Civic Liability Pool and the LAPP Fund, Civic administers the Local Government Superannuation Scheme (Employer Scheme) and SuperEasy KiwiSaver Superannuation Scheme which are offered to local government on an exclusive basis. Civic (through its Local Government Superannuation Scheme and/or SuperEasy KiwiSaver Scheme) provides superannuation services to 76 councils, has 11,450 members and funds under management of over \$606 million as at the end August 2024. Of the councils that have a preferred provider for KiwiSaver, 70 out of 73 (96%) have appointed SuperEasy KiwiSaver Superannuation Scheme.

Our journey continues to improve on how we communicate to our members through our refreshed SuperEasy Website, Electronic Direct Mail and our Fund Manager webinars.

We are committed to our mission statement that Civic will be a trusted and preferred financial services provider to the local government sector:

- 1) Dedicated to our shareholders.
- 2) Committed to our members.
- 3) A sound and successful business.

We appreciate your support.

Ngā mihi



Charlie Howe  
Chief Executive  
Civic Financial Services Ltd

## CIVIC FINANCIAL SERVICES LTD

STATEMENT OF COMPREHENSIVE INCOME (Unaudited)  
FOR THE SIX MONTHS ENDED 30 JUNE 2024

	Six Months		Full Year	
	Note	2024 \$000	2023 \$000	2023 \$000
<b>REVENUE</b>				
Administration Fees		1,509	1,451	2,919
Income from Investments		273	278	614
<b>TOTAL REVENUE</b>		<u>1,782</u>	<u>1,729</u>	<u>3,533</u>
<b>EXPENDITURE</b>				
Depreciation & Amortisation		34	45	88
Employee Remuneration		538	451	1,058
Other Expenses		1,009	914	1,948
<b>TOTAL EXPENDITURE</b>		<u>1,581</u>	<u>1,409</u>	<u>3,094</u>
<b>NET SURPLUS BEFORE TAXATION</b>		<u>201</u>	<u>320</u>	<u>439</u>
Less Taxation Expense	6	56	89	123
<b>NET SURPLUS AFTER TAXATION</b>		<u>145</u>	<u>231</u>	<u>316</u>

STATEMENT OF MOVEMENTS IN EQUITY (Unaudited)  
FOR THE SIX MONTHS ENDED 30 JUNE 2024

	Six Months		Full Year	
		2024 \$000	2023 \$000	2023 \$000
Equity as at 1 January		10,475	10,159	10,159
Net Surplus After Taxation		145	231	316
<b>EQUITY AS AT 30 JUNE</b>		<u>10,620</u>	<u>10,390</u>	<u>10,475</u>

STATEMENT OF FINANCIAL POSITION (Unaudited)  
AS AT 30 JUNE 2024

	2024 \$000	2023 \$000	2023 \$000
<b>EQUITY</b>			
Capital	10,764	10,764	10,764
Retained Earnings	(144)	(375)	(290)
<b>TOTAL EQUITY</b>	<u>10,620</u>	<u>10,390</u>	<u>10,475</u>
Represented By:			
<b>Current Assets</b>			
Bank & Cash Equivalents	189	145	2,789
Term Deposits	9,265	3,366	6,367
Sundry Debtors, Prepayments and Accrued Interest	580	533	655
Loans	-	5,649	-
<b>TOTAL CURRENT ASSETS</b>	<u>10,034</u>	<u>9,693</u>	<u>9,811</u>
<b>Non-Current Assets</b>			
Property, Plant & Equipment & Intangible Assets	104	92	52
Deferred Tax Asset	863	954	920
<b>TOTAL NON CURRENT ASSETS</b>	<u>967</u>	<u>1,046</u>	<u>972</u>
<b>TOTAL ASSETS</b>	<u>11,001</u>	<u>10,739</u>	<u>10,782</u>
<b>Current Liabilities</b>			
Sundry Creditors & Accrued Charges	381	349	308
<b>TOTAL CURRENT LIABILITIES</b>	<u>381</u>	<u>349</u>	<u>308</u>
<b>TOTAL LIABILITIES</b>	<u>381</u>	<u>349</u>	<u>308</u>
<b>EXCESS OF ASSETS OVER LIABILITIES</b>	<u>10,620</u>	<u>10,390</u>	<u>10,475</u>

The notes to the accounts on page 3 form part of and are to be read in conjunction with these Statements.

**CIVIC FINANCIAL SERVICES LTD**  
**STATEMENT OF CASH FLOWS (Unaudited)**  
**FOR THE SIX MONTHS ENDED 30 JUNE 2024**

	Six Months		FULL YEAR	
	Notes	2024 \$000	2023 \$000	2023 \$000
<b>Cash Flows from Operating Activities</b>				
Cash from operating activities:		1,579	1,431	2,809
Cash applied to operating activities:		1,429	1,439	3,135
<b>Net Cashflow from Operating Activities</b>	5	150	(8)	(326)
<b>Cash Flows from Investing Activities</b>				
Cash provided from investing activities:		235	1,225	11,642
Cash applied to investing activities:		2,985	1,852	9,800
<b>Net Cashflow from Investing Activities</b>		(2,750)	(627)	1,842
<b>Cash Flows from Financing Activities</b>				
Cash was provided from financing activities:		-	258	751
Cash applied to financing activities:		-	-	-
<b>Net Cashflow from Financing Activities</b>		-	258	751
Net Decrease in Cash Held		(2,600)	(377)	2,267
Opening Cash Balance as at 1 January		2,789	522	522
<b>Closing Cash Balance as at 30 June</b>		189	145	2,789
<b>Being:</b>				
Bank & Cash Equivalents		189	145	2,789

The notes to the accounts on page 3 form part of and are to be read in conjunction with this statement.



**CIVIC FINANCIAL SERVICES LTD**  
**FOR THE SIX MONTHS ENDED 30 JUNE 2024**

**Notes to the Financial Statements**

**1 Statement of Compliance**

The Group is a Tier 2 Public Sector Public Benefit Entity and the financial statements have been prepared in accordance with and comply with Tier 2 Public Sector Public Benefit Entity (PBE) Standards.

**2 Accounting policies**

The accounting policies applied in the preparation of the half year financial statements are consistent with those disclosed in the 2023 annual report.

**3 Basis of Preparation**

These interim financial statements have been prepared in accordance with PBE IAS 34 - Interim Financial Reporting, and should be read in conjunction with the Company's annual financial report for the year ended 31 December 2023. Disclosures in these interim financial statements are less extensive than those in the annual financial report.

**4 Comparative figures.**

The comparative figures are for the six months ended 30 June 2023 and the year ended 31 December 2023.

**5 Reconciliation of net surplus after tax with cash flow from operating activity.**

	Six Months		Full Year
	2024 \$000	2023 \$000	2023 \$000
<b>Reported Surplus After Taxation</b>	145	231	316
<b>Add/(less) non cash items</b>			
Loan Interest	-	(258)	341
Depreciation	34	45	88
Deferred Tax Liability	56	89	124
Movement in CLP/ Riskpool Admin Fee Reserve	(10)	(10)	(19)
	80	(134)	533
<b>Add/(less) movements in other working capital items</b>			
Sundry Debtors, Prepayments and Accrued Interest	75	22	(98)
Sundry Creditors and Accrued Charges	84	(93)	(126)
	159	(71)	(224)
<b>Less Items Classified as investing activity</b>	(234)	(34)	(950)
<b>Less Items Classified as financing activity</b>	-	-	-
<b>Net Cash Outflow from Operating Activities</b>	<b>150</b>	<b>(8)</b>	<b>(326)</b>

**6 Income Tax**

The income tax liability for June 2024 is nil as the Company has unused tax credits with which it will use to offset any income tax expense.

**7 Loans**

Three secured loan agreements between the Company and Local Government Mutual Funds Trustee Limited on behalf of New Zealand Mutual Liability Riskpool ("Riskpool") exist, two for \$2,250,000 each, and a third for \$2,500,000. The loan outstanding at 30 June 2024 is \$nil. Notice of termination of all facilities was given on 25 June 2024 and the facilities therefore will terminate on 25 December 2024.

**8 Contingent liabilities.**

The contingent liabilities are:

- i) 100,000 uncalled shares in the wholly owned subsidiary, Local Government Superannuation Trustee Limited.
- ii) 1,000 uncalled shares in the wholly owned subsidiary, Local Government Mutual Funds Trustee Limited.
- iii) 100 uncalled shares in the wholly owned subsidiary, SuperEasy Limited.
- iv) 100 uncalled shares in the wholly owned subsidiary, Local Government Finance Corporation Limited.

**9 Events occurring after reporting date**

There have been no significant events since the reporting date that affect the results disclosed in the half year financial statements.

Document ID: 790024

**Report To: Council**

**Meeting Date:** 29 October 2024

**Subject:** **Motion to Exclude the Public**

**Type:** Decision Required

**Author(s):** Michelle Higgle  
Manager – Governance Support

**1. Purpose of Report**

1.1 The purpose of this business paper is to enable Council to consider whether or not the public should be excluded from the consideration of Council business.

Note: It is Council's choice whether to consider any of the business listed below in the public or public excluded portion of the meeting.

**2. Suggested Resolutions**

2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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	Section 48(1) grounds for the passing of this resolution
Inframax Construction Limited: Financial Statements for the year ended 30 June 2024	Section 7(2) - (c) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information – (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 48(1)(d) – That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
Les Munro Centre Update	Section 7(2) - (h) To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Council with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
Chief Financial Officer	Portfolio Holder
Asset Accountant	Portfolio Holder
General Manager – Community Services	Portfolio Holder
General Manager – Infrastructure Services	Portfolio Holder
Property and Facilities Manager	Portfolio Holder

- 4 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.

### 3. Commentary

- 3.1 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.