

**Document No:** A438292

**Report To:** Council



**Meeting Date:** 30 July 2019

**Subject:** Declaration of Members' Conflicts of Interest

## Purpose of Report

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

## Commentary

- 2.1 **Conflicts of Interest**
- 2.2 Every elected member has a number of professional and personal links to their community. They may own a business or be a member on a board or organisation. They may have a pecuniary (financial) interest or a non-pecuniary (non-financial) interest. These interests are a part of living in the community which they need to make decisions about in their role with Council.
- 2.3 Elected members are governed by the Local Authorities (Members' Interests) Act 1968 and are guided by the Auditor-General in how this Act is administered. In relation to pecuniary interests, the two underlying purposes of the Act are to:
- ensure members are not affected by personal motives when they participate in local authority matters; and
  - in contracting situations, prevent members from using their position to obtain preferential treatment from the authority (the Council).
- 2.4 Non-pecuniary interests relate to whether an elected member could be in danger of having a real or perceived bias for an issue under consideration.
- 2.5 Elected members will also have interests that are considered no greater than the public at large. For example, most elected members will own a property and therefore be a ratepayer in Waitomo District.
- 2.6 Conflicts of interest at times cannot be avoided, and can arise without anyone being at fault. They need not cause problems when they are promptly disclosed and well managed.
- 2.7 **Declarations of Interest**
- 2.8 At the beginning of each triennial council term, elected members are requested to disclose known interests on behalf of themselves and spouses or partners. It is

up to the elected member to judge whether they have any interests to declare. Some elected members may have none.

- 2.9 As well as this, elected members may decide that they have an interest in a particular issue or item to be discussed at a meeting. There is a standing item on every meeting agenda for elected members to declare conflicts of interest.
- 2.10 Members who have declared an interest in any matters that are due to be considered at a Council or Committee meeting should declare that they have an interest in the matter, leave the table and not take part in any discussion, debate or vote on that matter.
- 2.11 Attached to and forming part of this business paper is information to assist elected members in determining conflicts of interest.

**Declarations**

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

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

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

MICHELLE HIGGIE  
**EXECUTIVE ASSISTANT**

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

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

### **3.11 Non-Pecuniary Interest**

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

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| <b>Waitomo District Council Procurement Policy – 23 February 2013</b> |
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4.1 The following is an extract from the Procurement Policy:

**2.1.11 Conflicts of Interest**

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

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

*A conflict of interest occurs where:*

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

*The other interest or duty might exist because of:*

- *holding another public office;*
- *being an employee, advisor, director, or partner of another business or organisation;*
- *pursuing a business opportunity;*
- *being a member of a club, society, or association;*
- *having a professional or legal obligation to someone else (such as being a trustee);*
- *owning a beneficial interest in a trust;*
- *owning or occupying a piece of land;*
- *owning shares or some other investment or asset;*
- *having received a gift, hospitality, or other benefit from someone;*<sup>9</sup>
- *owing a debt to someone;*
- *holding or expressing strong political or personal views that may indicate prejudice or predetermination for or against a person or issue ; or*
- *being a relative or close friend of someone who has one of these interests, or who could otherwise be personally affected by a decision of Council*

*A relative or close friend includes:*

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

*Examples of potential conflicts of interest include:*

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

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

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

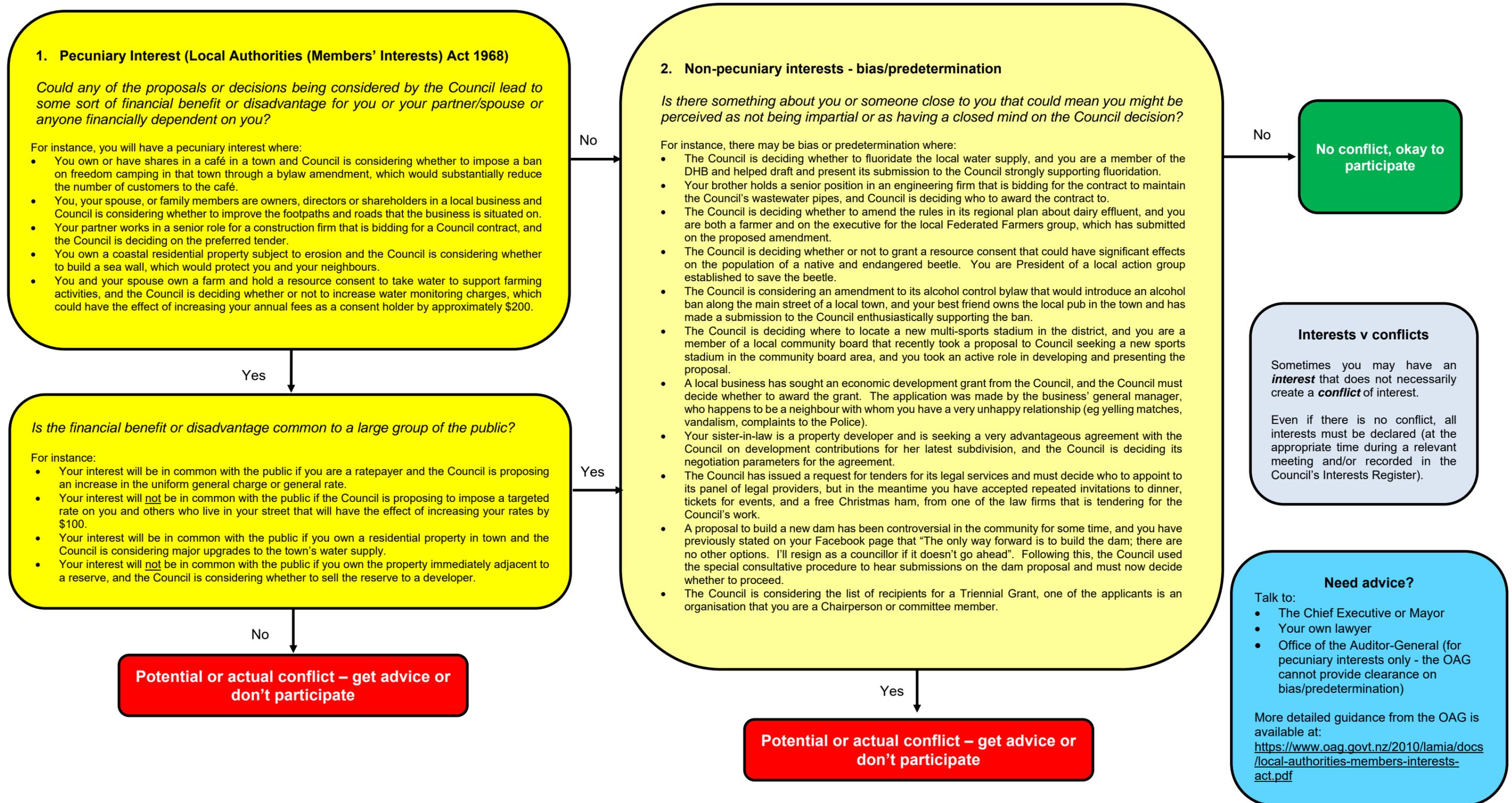
*An annual update of the register will be coordinated and maintained by the Executive Office.*

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

## Before you participate in any Council decision ...

### CONFLICTS OF INTEREST

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



**Remember: If in doubt, stay out!**

## WAITOMO DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 25 JUNE 2019 AT 9.00AM

**PRESENT:** Mayor Brian Hanna, Deputy Mayor Guy Whitaker, Council Members Phil Brodie, Allan Goddard and Sue Smith

**IN ATTENDANCE:** Bill McMaster, Special Project Advisor and Daniel Shen, Senior Policy Advisor (Waikato Regional Council) and John Stewart, Safe Network Programme Manager for Waikato (New Zealand Transport Agency)

Todd Ward (Waitomo News) and Maxine Jacobs (Waikato Times)

Chief Executive; Executive Assistant; General Manager – Infrastructure Services (for part only); Special Projects Coordinator (for part only); General Manager – Environmental Services; Group Manager – Community Services (for part only) and Principal Planner (for part only);

#### 1. Council Prayer

#### 2. Apologies

##### Resolved

The apology from Cr Janene New be received and leave of absence granted.

Brodie/Goddard Carried

#### 3. Deputation: Waikato Regional Council and the New Zealand Transport Agency - Regional Speed Management Planning and Implementation

Council received a Deputation from Bill McMaster, Special Project Advisor and Daniel Shen, Senior Policy Advisor (Waikato Regional Council) and Junine Stewart, Safe Network Programme Manager for Waikato (New Zealand Transport Agency) on regional speed management planning and implementation and seeking Council's feedback.

Bill McMaster, Special Project Advisor and Daniel Shen, Senior Policy Advisor (Waikato Regional Council) and John Stewart, Safe Network Programme Manager for Waikato (New Zealand Transport Agency) left the meeting at 9.49am.

##### Resolution

The Deputation from Waikato Regional Council and New Zealand Transport Agency on Regional Speed Management Planning and Implementation be received.

Brodie/Whitaker Carried

General Manager – Infrastructure Services (for part only); Greg Boyle, Special Projects Coordinator (for part only); General Manager – Environmental Services left the meeting at 9.50am.

#### 4. Declarations of Member Conflicts of Interest

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

##### Mayor Hanna

| Item of Business on Agenda       | Reason for Declaration         | Interest / Conflict    |
|----------------------------------|--------------------------------|------------------------|
| • Sport Waikato Quarterly Report | Trustee on Sport Waikato Board | Interest – No Conflict |

##### Deputy Mayor Whitaker

| Item of Business on Agenda                           | Reason for Declaration                     | Interest / Conflict    |
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| • Receipt of Brook Park Incorporated Society Minutes | Trustee on Brook Park Incorporated Society | Interest – No Conflict |

#### 5. Verbal Reports: Individual Councillor Roles and Responsibilities

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

##### Cr Brodie

- Zone 2
- Tainui Wetere Domain Board
- Rural and Provincial Meeting
- Piopio Bus Shed Opening
- Waipa Catchment Committee
- St Helens Domain Board Meeting

##### Cr Goddard

- Destination Pureora
- King Country River Care
- Benneydale Hall
- Civil Defence and Emergency Management Committee

##### Cr Smith

- Tere Waitomo
- Waitomo Museum
- Rural and Provincial Meeting

##### Deputy Mayor Whitaker

- Zone 2
- Legendary Te Kuiti Meeting
- Rural and Provincial Meeting
- Waitomo Sister City – Tatsuno Trip

Mayor Hanna

- NZTA Regional Stakeholder Meeting
- Rural and Provincial Meeting
- Waitomo Sister City – Tatsuno Trip

**Resolution**

The verbal reports be received.

Whitaker/Smith                      Carried

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| <b>6. Confirmation of Minutes – 28 May 2019</b> |
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**Resolution**

The Minutes of the Waitomo District Council meeting of 28 May 2019, including the public excluded portion, be confirmed as a true and correct record.

Brodie/Goddard                      Carried

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| <b>7. Receipt of Brook Park Incorporated Society Minutes: 10 June 2019</b> |
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Council considered a business paper providing information relating to the 10 June 2019 Brook Park Incorporated Society Meetings.

The Deputy Mayor expanded verbally on the business paper and answered Members questions.

**Resolution**

The business paper on Brook Park Incorporated Society: Minutes of 10 June 2019 be received.

Whitaker/Smith                      Carried

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| <b>8. Sport Waikato Quarterly Report (January to March 2019)</b> |
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Council considered a business paper presenting Sport Waikato's Quarterly Report for the period January to March 2019.

**Resolution**

The Sport Waikato Quarterly Report (January to March 2019) be received.

Brodie/Smith                      Carried

The Group Manager – Community Services entered the meeting at 10.09am.

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| <b>9. Waitomo District Youth Council</b> |
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Council considered a business paper providing a brief on the Waitomo District Youth Council Work Programme for the 2019 cohort and to present an amended Draft Terms of Reference for Council's consideration and approval.

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

**Resolution**

- 1 The business paper on Waitomo District Youth Council be received.
- 2 Council approve the Waitomo District Youth Council Draft Terms of Reference.

Goddard/Brodie          Carried

The Group Manager – Community Services left the meeting at 10.15am.

The meeting adjourned for morning teat at 10.15am and reconvened at 10.27am

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| <b>10. Financial Report to 31 May 2019</b> |
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Council considered a business paper presenting the financial results for the period ended 31 May 2019.

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

**Resolution**

The business paper on Financial Report for the period ended 31 May 2019 be received.

Brodie/Whitaker          Carried

The General Manager – Strategy and Environment entered the meeting at 10.52am.

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| <b>11. Proposed Amendments to the Freedom Camping Bylaw and the Dog Control Bylaw pursuant to Section 156(2) of the Local Government Act 2002</b> |
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Council considered a business paper seeking a decision from Council to make minor amendments to the Freedom Camping Bylaw 2018 and Dog Control Bylaw 2015 pursuant to section 156(2) of the Local Government Act 2002 (LGA).

The General Manager – Strategy and Environment and Chief Executive expanded verbally on the business paper and answered Members questions.

**Resolution**

- 1 The business paper on Proposed Amendments to the Freedom Camping Bylaw and the Dog Control Bylaw pursuant to Section 156(2) of the Local Government Act 2002 be received.
- 2 Council's Dog Control Bylaw and Freedom Camping Bylaw be amended as follows:

**Dog Control Bylaw**

- (a) Clause 4.1 and Schedule 1 (Maps) of the Waitomo District Dog Control Bylaw 2015 be amended to remove Mangaokewa Scenic Reserve from the list of approved Dog Exercise Areas.

**Freedom Camping Bylaw**

- (a) Schedule 1, Schedule 2 and Schedule 3 of the Freedom Camping Bylaw 2018 be amended to remove Mangaokewa Scenic Reserve from the list of Restricted Areas for camping.
  - (b) The Area Specific Restriction for Rora Street North in Schedule 2 of the Freedom Camping Bylaw 2018 be amended to remove non-self-contained vehicles from the Area Specific Restriction.
- 3 This resolution be publicly notified as required by Section 156(2) of the Local Government Act 2002.

Whitaker/Smith          Carried

**12. Delegations Register - Update**

Council considered a business paper presenting for consideration and adoption a revised Delegations Register, updated to reflect amendments to a range of position titles.

The General Manager – Strategy and Environment and Chief Executive expanded verbally on the business paper and answered Members questions.

**Resolution**

- 1 The business paper on Delegations Register - Update be received.
- 2 The delegations to Council Committees, the Chief Executive, and named roles as contained in the proposed Waitomo District Council Delegations Register (Doc No. A432695), pursuant to the Local Government Act 2002, the Local Government (Rating) Act 2002 and the Resource Management Act 1991, be adopted and shall replace and supersede the Delegations Register 1.2 with immediate effect.

Whitaker/Smith          Carried

The Principal Planner entered the meeting at 11.10am.



**Document No:** A438443

**Report To:** Council



**Meeting Date:** 30 July 2019

**Subject:** 2019 Aspiring Leaders Forum

## Purpose of Report

- 1.1 The purpose of this business paper is to present to Council a report prepared by the Mayor's 2019 Aspiring Leader Delegate on the 2019 Aspiring Leaders Forum (Forum).

## Background

### 2.1 About the Aspiring Leaders Forum

- 2.2 The Forum believes that good leadership requires more than an impressive resume and a strong personality; there must be something in you that can justify the loyalty and commitment of those who follow. The philosophy of Forum *on faith and values* is that serving others is the best foundation for meaningful lives, healthy communities and leadership. The Forum aims to explore the personal character foundations of integrity, humility, commitment, courage and aroha – all of which enable us to live for something greater than self-interest.

### 2.3 Who Is Involved

- 2.4 The Forum was created about 13 years ago from a desire by political, business and community leaders to take a proactive approach in developing the next generation of leaders. A large community of volunteers across New Zealand is involved in serving the Forum year to year, working alongside part-time office staff. The Board of The New Zealand Leaders' Trust governs the Forum.

### 2.5 Beyond the Forum

- 2.6 The Forum is a catalytic event that brings together a hundred-plus young people each year. However, the conversations, friendships and call to action do not stop with the end of the Forum event. The ever-growing alumni community is invited to stay engaged with other projects organised by the New Zealand Leaders' Trust and by fellow alumni.

### 2.7 Vision

- To challenge and inspire young leaders to think proactively about leadership.
- To encourage aspiring leaders to examine the faith and values that inform their approach to leadership.
- To invest in young leaders by offering them life-changing experiences and mentoring.

- To help establish relationships between Aotearoa New Zealand's current and future leaders.
- To provide opportunities for meaningful cross-cultural interaction.
- To see an increase in active community service across Aotearoa New Zealand.

2.8 Each year the Forum brings together a diverse and gifted group of young people and its leaders to discuss leadership from a narrative point of view.

2.9 The Forum is about encouraging young people to become better leaders in their sphere of influence – be it community, arts, business, politics or sport.

2.10 Over four days participants will discuss why faith and values are foundational, by informing and developing one's character and one's leadership.

### **2.11 Delegate Nomination Criteria**

2.12 All young adults that attend the Forum must be nominated by someone who believes in them and are aged between 18 – 26 years old.

- 1 Delegates must be nominated to attend.
- 2 Delegates must be aged between 18 – 26.
- 3 Delegates need to exhibit leadership in their sphere of influence.  
(Note: Not all of the delegates will be involved in formal studies and some may not fit into a conventional model of leadership.)
- 4 Delegates need to be open to discuss how their faith and values inform their understanding of leadership.
- 5 Nominators require an individualised link to nominate (please contact the forum office to be registered as a nominator).
- 6 Nominators can nominate only three nominee's per year.
- 7 Sponsorship of nominee attendance is encouraged but not compulsory.

### **2.13 Mayoral Nominees**

2.14 While the Forum is an annual event, Mayor Hanna does not aim to nominate a delegate every year, unless he identifies an outstanding nominee who he wishes to sponsor.

2.15 Sophie Macdonald is Mayor Hanna's fourth nominee during his nine year reign as Mayor. Previous delegates nominated by Mayor Hanna are:

- |      |                 |
|------|-----------------|
| 2011 | Te Ingo Ngaia   |
| 2012 | Simone Holland  |
| 2013 | Te Miri Takarai |

## Commentary

- 3.1 Mayor Hanna identified Sophie Macdonald as an outstanding youth representative for Waitomo and approached her seeking her interest in attending the 2019 Forum and she was happy to accept Mayor Hanna's nomination to attend as a Delegate.
- 3.2 Sophie Macdonald was Head Girl at Te Kuiti High School in 2016 and is currently in her third year at Victoria University studying a conjoint Bachelor of Commerce and Arts degree, majoring in Political Science, Philosophy, Public Policy and Anthropology.
- 3.3 Sophie has also returned to Te Kuiti High School on occasion as to speak and mentor current students.
- 3.4 Attached to and forming part of this business paper is a copy of a brief on the 2019 Aspiring Leaders Forum which Sophie Macdonald has provided Mayor Hanna, together with a few photos of the 2019 Forum event.
- 3.5 Mayor Hanna will expand verbally on this business paper at the Council meeting.

## Suggested Resolutions

The business paper on 2019 Aspiring Leaders Forum be received.



MICHELLE HIGGIE

**MANAGER – GOVERNANCE SUPPORT**

Attachment: 2019 Aspiring Leaders report from Sophie Macdonald.

## Aspiring Leaders Forum – 2019

My attendance to the 2019 Aspiring Leaders Forum (ALF) was an amazing opportunity to connect with like minded youths, listen to inspiring stories and work on understanding my personal values that determine how I lead in various contexts.

The speakers that came to the the forum spoke about really salient, but difficult, issues that are of particular relevance to up and coming leaders in an increasingly multicultural and complex society. These speakers engaged in and prompted critical conversations around topics such as identity and belonging, navigating cultural identity, resilience, and on their personal plights and overall incredible stories of resilience, love, hope, and mana. These stories ranged from grassroots youth work, through to human rights activism, to law battles, being kind, the ethics of humanitarian aid, and understanding identity as individuals who come from multiple cultures.

The underpinning messages were that having an understanding of your personal values is critical in providing a framework against which you can compare your actions as a leader. Having a strong conception of who you are and what you believe in is crucial becoming a leader who will be able to create positive change in you community.

Not only were the speakers amazing, but the events that were held fostered a sense of community and achievement. We spent a full day cleaning up the Porirua harbor and planting hundreds of trees for the council that will hopefully aid in maintaining a clean and healthy habitat for seaside dwellers and clean waterways. Our last night together was spent line-dancing to a live band and gorging on delicious food.

One particular workshop which had a very profound impact upon all participants was based around emotional vulnerability, active listening and healthy relationships. We had met our groups only the day before, and this workshop allowed all of us to share personal struggles that we had been through, to open up and become vulnerable. This was incredibly crucial in facilitating friendships with one another that I'm sure will continue for a long time. Not only that, but it taught us tools to be better listeners and helpers for those around us.

A full day in parliament allowed for open and honest engagement with politicians to gain a deeper understanding of the inner-workings of the NZ government; this included casual question time with politicians in their offices, observing question time in the chamber, and an open-panel discussion with politicians about any topic that the ALF members put forth. This experience was incredibly valuable to me as someone who studies political science and public policy; it gave me a greater understanding of the context that these fields operate within.

If I were to give any feedback to potential future ALF attendees, it would be that the experience is an overall incredibly fulfilling and wholesome one, with creating a community at the heart of it. It is not a 'five steps to being a good leader' event; it is one that calls into question the 'why' of your leadership and community involvement.

To Brian and the council; thank-you so much for this amazing opportunity! I've learnt innumerable lessons, heard inspiring stories and met amazing people – thank-you, thank-you, thank-you!











**Document No:** A4348294

**Report To:** Council



**Meeting Date:** 30 July 2019

**Subject:** Receipt of Brook Park Incorporated:  
Minutes – 8 July 2019

**Type:** Information Only

## Purpose of Report

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

## Local Government Act S.11A Considerations

- 2.1 There are no Section 11A of the Local Government Act considerations relating to this business paper.

## Background

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

- iv) *To preserve the integrity of Brook Park*
3. *The Constitution of the Friends of Brook Park shall provide for Council representation on the Society's Committee, and to enable the representative to veto any decision that is not in the best interests of the park or the community.*
  4. *Council will dissolve the Brook Park Advisory Committee on the successful establishment of the Friends of Brook Park.*
- 3.8 During 2011 WDC advertised several times seeking interested persons to join the committee with limited success. Council considered that a Leadership Work Group consisting of three Council members would be beneficial to provide political leadership and assist in getting the FBP established and in December 2011 Council established the Brook Park Leadership Work Group.
- 3.9 The FBP Group was finally established early in 2012 with numbers fluctuating as more members of the public become interested in the future of the park. By mid-2012 the group was incorporated as "Brook Park Incorporated" (BPI) to administer the day to day operations/development of Brook Park.
- 3.10 Brook Park is operated as a farm park, with a grazing licence granted by WDC to a lessee. The Reserves Act 1977 states that any lease or agreement on reserve land has to be granted by the administering body, which in this case is the Waitomo District Council. Therefore BPI cannot lease these grazing rights to another entity or individual.
- 3.11 With the administering body being WDC and the consequent income stream for the grazing lease being part of WDC's reserve income (between \$2000-\$4000), there was little opportunity for BPI to achieve a sustainable income stream for minor works and administration. The income derived by BPI at that time was by way of subscription donation (\$10 per member) and any successful grant applications for specific projects.
- 3.12 To improve the financial viability and robustness of the BPI, in October 2012 a Memorandum of Understanding (MOU) between WDC and BPI was developed and approved. Council also agreed to provide an annual grant to BPI for operational management of the reserve, equivalent to the annual derived lease income.

### Commentary

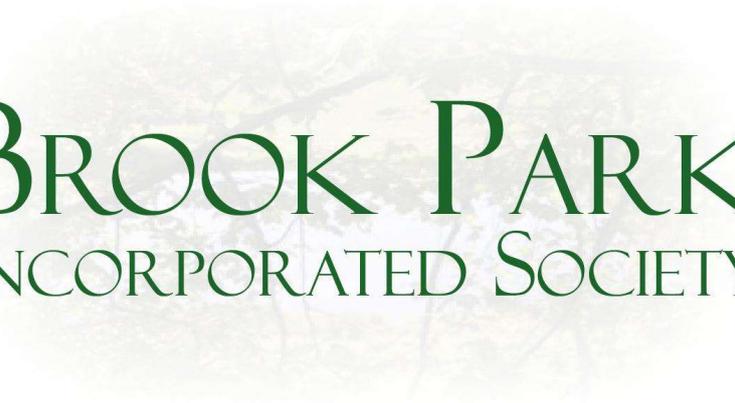
- 4.1 Since early in 2014, BPI has kept WDC informed of progress in the day to day operations/development of Brook Park by providing copies of its monthly meeting Minutes.
- 4.2 Attached to and forming part of this business paper is a copy of the BPI unconfirmed Minutes of 8 July 2019.

### Suggested Resolution

The business paper Brook Park Incorporated: Minutes of 8 July 2019 be received.



MICHELLE HIGGIE  
**EXECUTIVE OFFICER**



**BROOK PARK**  
INCORPORATED SOCIETY

**Meeting Minutes**  
Monday 8 July 2019  
5.30 pm

Council Chambers  
Queen Street  
**TE KUITI**

**BROOK PARK INCORPORATED SOCIETY**

**THE MINUTES OF THE MEETING OF THE BROOK PARK INCORPORATED SOCIETY  
HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON MONDAY 8 July  
2019 COMMENCING AT 5.30 PM**

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**MINUTES**

**Attendance:** Guy Whitaker, Gerald Kay, Neil Brooks, Phillip Houghton, Graeme Churston, Jane Murray, Helen Sinclair, Sue Wagstaff.

**Apologies** – Dawn Anselmi , Glyn Meads, Elly Kroef, Andrea Hanna, Sheralee Buchanan , Rob Buckley - Accepted-M/S Neil/ Graeme.

**Confirmation of Minutes of 10 June**

That minutes of previous meeting be accepted as a true and accurate record. M/S Phillip/ Gerald

**Matters Arising from Minutes-** Nil

**Financial Report**

Opening Balance \$19 872

Closing Balance \$16 154

Term investment: \$ 10 335.

No accounts to pay.

Subs due from: Elly, Dawn, Sue-unless already paid.

Accounts to be sent to Smith / Mitchell accountants.

M/S Phillip/ Neil 'That a further \$10 000 be invested for 6 months'. Agreed.

Report accepted . M/S- Phillip/ Neil

**Correspondence**

Inward- E- ' Girls and Berries' re selling food at Guy Fawkes event.

Robin Charteris resignation accepted. Neil to email Robin to thank him for his service to the team.

Outwards-Thank you emails as per Agenda.

M/S Guy / Jane-'That Inwards Correspondence be accepted and the Outwards approved.' Agreed.

**Maintenance/Fencing**

Todd has been reminded that the Memorial Grove fencing needed doing.

Trees to be removed first as they're seen to be a safety hazard . Guy to talk to Troy Sircombe.

Park stocking rates discussed.

**MOU-** Guy reported back from the WDC meeting. MOU draft to come to us when completed-timeline unknown

**Weed Control**

Graeme/ Gerald have been spraying.

**Disc Golf**

L.abour Weekend event will be over the three days.

60-70 competitors expected.

Plan for the event to come from Simon to cover: catering, our involvement, parking...

Tee pads and score cards ordered.

Some maintenance, eg tree pruning, required before the event.

Wedding clash discussed, and decided that planning of events, including a system of inclusion/ exclusion, should be included in the MOU.

**General Business**

**Guy Fawkes**

Fire to be placed in a similar place to 2018.

Date chosen Sat 16 November.

Guy to contact pyrotechnician and Cloudy Ngatai, re date and availability.

**Rotary Rotunda Sign**

Was there consultation with WDC or us, before this was put up? Guy to follow up.

**Park access**

Gate locked due to Health and Safety concerns, so no vehicle access except for members – see Guy for a key.

Meeting closed: 6.35 pm

**Next meeting:** Monday 5 August

Neil Brooks

Secretary

**Document No:** A438308

**Report To:** Council



**Meeting Date:** 30 July 2019

**Subject:** Documents Signed under Council's Common Seal

## Purpose of Report

- 1.1 The purpose of this business paper is to inform Council of documents signed under the Common Seal of the Council.

## Commentary

- 2.1 As set out in Council's Policy on Use of the Council Seal, all bylaws made by the Council are to be authenticated or signed on behalf of the Council by way of affixing the Common Seal. A copy of the Policy on Use of the Council Seal (Doc A388449) is attached to and forms part of this business paper.
- 2.2 The Policy also provides that a schedule listing the documents to which the Common Seal has been applied is provided to the next scheduled meeting of Council so that Council may ratify the sealing and pass an appropriate resolution to record the same.
- 2.3 Council at its meeting on 25 June 2019 considered a business paper seeking a decision to make minor amendments to the Freedom Camping Bylaw 2018 and Dog Control Bylaw 2015 pursuant to section 156(2) of the Local Government Act 2002 (LGA) and resolved that the Dog Control Bylaw and Freedom Camping Bylaw be amended as follows:

### ***Dog Control Bylaw***

- (a) *Clause 4.1 and Schedule 1 (Maps) of the Waitomo District Dog Control Bylaw 2015 be amended to remove Mangaokewa Scenic Reserve from the list of approved Dog Exercise Areas.*

### ***Freedom Camping Bylaw***

- (a) *Schedule 1, Schedule 2 and Schedule 3 of the Freedom Camping Bylaw 2018 be amended to remove Mangaokewa Scenic Reserve from the list of Restricted Areas for camping.*
- (b) *The Area Specific Restriction for Rora Street North in Schedule 2 of the Freedom Camping Bylaw 2018 be amended to remove non-self-contained vehicles from the Area Specific Restriction.*

- 2.4 The amended Dog Control and Freedom Camping Bylaws have been signed under Seal by the Mayor and Chief Executive.

2.5 Listed below are the WDC Bylaws signed under Council's Common Seal. Copies of these Bylaws are available on WDC's Website.

- Dog Control Bylaw
- Freedom Camping
- Land Transport
- Public Amenities
- Public Health and Safety
- Public Places Bylaw
- Solid Waste
- Trade Waste Bylaw
- Water Services

### Suggested Resolutions

The business paper on Documents Signed and Sealed under Council's Common Seal be received.



MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

Attachment: Policy on Use of the Council Seal (Doc A388449)



# Policy Use of Council Seal 2018

|                |             |
|----------------|-------------|
| Policy Adopted |             |
| Last Review    | <b>2018</b> |
| Next Review    | <b>2023</b> |

## 1.0 Objective

- 1.1 To set out the limitations on the use of the Council Seal (also known as the 'Common Seal').

## 2.0 Policy

- 2.1 The Common Seal of the Waitomo District Council must be affixed to the following documents as required by law:
- a) A written warrant under section 174(1) of the Local Government Act 2002
  - b) A conveyance, transfer or lease under section 345(1)(a) of the Local Government Act 1974.
  - c) A memorandum of transfer or lease under section 80 of the Local Government (Rating) Act 2002.
  - d) The approval of a policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991.
- 2.2 The following documents are to be authenticated or signed on behalf of the Council by way of affixing the Common Seal:
- a) Any bylaws made by the Council.
  - b) Consent to a dealing where Council has a Land Charge imposed under the Statutory Land Charges Registration Act 1928 and where such dealing does not affect the priority of substance of Council's Statutory Land Charge. (A partial release, where part of the land is sold but the charge remains, would still be a matter for Council's discretion).
  - c) Bonds for roading construction in subdivision development.
- 2.3 The Common Seal may be affixed to any document referred to in clauses 2.1 or 2.2 subject to the following requirements:
- a) The affixing of the Common Seal to any document is either to be in accordance with the requirements of a resolution from Council or a Council Committee, or undertaken by an officer acting under delegated authority (i.e. sealing documents under delegation pursuant to a particular Act); and
  - b) A schedule listing the documents to which the Common Seal has been applied is provided to the next scheduled meeting of Council so that Council may ratify the sealing and pass an appropriate resolution to record the same.
- 2.4 The Chief Executive shall be responsible for managing the security and use of the Common Seal.

**Document No:** A421290

**Report To:** Council



**Meeting Date:** 26 February 2019

**Subject:** Progress Report: Civic Financial Services Ltd – Sale of the Civic Assurance House

**Type:** Information Only

### Purpose of Report

- 1.1 The purpose of this business paper is to provide a progress report on Civic Financial Services Ltd (CFS) sale of the Civic Assurance building located in the Wellington CBD.

### Background

- 2.1 Attached to and forming part of this business paper as background information is a copy of the Progress Report considered by Council at its February 2019 Council meeting.

### Commentary

- 3.1 CFS have now advised that a price has been accepted of \$10.115 million with settlement being 15 August 2019. This is significantly higher than the valuation range of \$7.5 to \$8.1 million received for the building in 2017.
- 3.2 WDC's holding of 16,940 shares approximates to a special dividend of \$14,182.94 plus \$5,515.59 imputation credits as set out in the attached letter from CFS (Doc A435301).
- 3.3 A further progress report will be presented to the Council once the sale has settled the payout has been received.

### Suggested Resolution

The Progress Report: Civic Financial Services Ltd – Sale of the Civic Assurance House be received.

A handwritten signature in blue ink, appearing to read "Michelle Higgie".

MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

Attachments:

- 1 Council Business Paper – February 2019
- 2 Letter from CFS - Update on Sale of Civic Assurance House (#A435301)

Chris Ryan  
 Chief Executive  
 Waitomo District Council  
 PO Box 404  
 TE KUITI 3941

27 June 2019

Dear Chris

### **Civic Financial Services - Sale of Civic Assurance House**

The seismic strengthening work on the building was completed in March 2019. This work enabled the building to receive an NBS rating of 70%. The building was taken to market in May 2019 and I am pleased to advise that a price that the Board considered represents market value has been achieved.

The price received was \$10.115 million with settlement being 15 August 2019. This price is significantly higher than the valuation range of \$7.5 to \$8.1 million received for the building in 2017. Civic has incurred selling costs of \$696,520. These costs being:

|   |           |
|---|-----------|
| • Commission / Marketing                        | \$184,685 |
| • Legal   | \$ 33,155 |
| • Increase NBS Rating (refer <b>Note</b> below) | \$140,267 |
| • Asbestos (refer <b>Note</b> below)            | \$136,140 |
| • Base Fit Out (refer <b>Note</b> below)        | \$202,273 |
|   | \$696,520 |

#### **Note**

Civic resolved to undertake seismic work to ensure that the building maintained an NBS rating of 50%. This work cost \$596,975 and has been funded from Civic's existing funds. Civic also resolved to undertake further work to increase the marketability of the building. This work being:

- Seismic work required to increase the NBS rating from 50% to 70%
- Remove / seal asbestos in stairwells and toilets
- Undertake base fit out for a vacant portion of the building

The extra work carried out to increase the building's marketability and value cost \$478,680 and has been classified as a selling cost.

The Board has resolved to distribute \$9,418,480 (\$10,115,000 - \$696,520) by way of special dividend to shareholders. This equates to 83.72 cents per share.

For Waitomo District Council's holding of 16,940 shares that approximates to a special dividend of \$14,182.94 plus \$5,515.59 imputation credits. This is a 23.12% increase and compares favourably to the estimated dividend of \$11,519.20 as advised to you in June 2017. These imputation credits fully offset the amount of tax that the shareholders would otherwise be liable to pay on this dividend

We will be in a position to pay this special dividend on the 19<sup>th</sup> August. Can you please provide us with details of the bank account you would like this dividend to be paid into.

Yours sincerely,

A handwritten signature in blue ink that reads "Ian Brown". The signature is written in a cursive style with a horizontal line under the name.

Ian Brown  
Chief Executive

Email: [ian.brown@civicfs.co.nz](mailto:ian.brown@civicfs.co.nz)

**Document No:** A421290

**Report To:** Council



**Meeting Date:** 26 February 2019

**Subject:** Progress Report: Civic Financial Services Ltd – Sale of the Civic Assurance House

**Type:** Information Only

### Purpose of Report

- 1.1 The purpose of this business paper is to inform Council of the update received from Civic Financial Services Ltd (CFS) on the sale of the Civic Assurance building located at Wellington CBD.

### Background

- 2.1 CFS is owned by local government (and Waitomo District Council is a shareholder) and supplies local government with a range of financial services. Prior to 1 March 2017, it traded under the name of Civic Assurance. It has been trading for over 50 years and is owned by Local Government (72 out of 78 New Zealand Councils, plus TrustPower holding 1.22% at 31 December 2017, are shareholders of Civic).
- 2.2 The core function of CFS is to provide long term risk financing solutions to the local government sector.
- 2.3 At the Special General Meeting held on 5 October 2017, the shareholders voted in favour (98.9%) to sell the Civic Assurance House (a ten-storey building in Wellington's CBD).
- 2.4 Shareholders were advised at that time that the building had an earthquake rating of 50% New Building Standard (NBS).
- 2.5 As communicated to Council in the Statement of Intent in April 2018, CFS advised that work was required to earthquake strengthen the non-structural south and west boundary walls of Civic Assurance House before taking the building to market. This work was scheduled to be completed by the end of the first quarter of 2019 at which time, if a satisfactory sale price can be obtained, the proceeds net of selling costs will be distributed to shareholders via a special dividend.

### Commentary

- 3.1 CFS have advised in their latest update (letter from CFS enclosed as Attachment 1) that the strengthening work on the south and west boundaries is well underway and scheduled to be completed by 31 March 2019.
- 3.2 CFA further advise that engineers involved in the strengthening work have confirmed that further work to effectively detach the western side of the building from where it joins the footpath on level three of the building would achieve a 70% NBS rating for the property.

- 3.3 The Board felt that undertaking the necessary work to ensure an earthquake rating of 70% would result in increased buyer interest when the property is placed on the market.
- 3.4 This additional work is expected to be completed by 31 March 2019. CFS have stated that once the strengthening project is completed, a sales and marketing campaign will take place, followed by negotiation and settlement.
- 3.5 It is expected that the pay out of the special dividend to the shareholders will happen sometime during the third quarter of 2019.

### Suggested Resolution

The Progress Report: Civic Financial Services Ltd – Sale of the Civic Assurance House be received.



VIBHUTI CHOPRA  
**GROUP MANAGER – CORPORATE SERVICES**

18 February 2019

Attachment: 1. Letter from CFS - Update on Sale of Civic Assurance House (#A418486)

Chris Ryan  
Waitomo District Council  
Chief Executive  
PO Box 404  
TE KUITI 3941

RECEIVED  
16 JAN 2019  
WAITOMO DISTRICT  
COUNCIL

14 January 2018

Dear Chris

### Update of Sale of Civic Assurance House

This letter is to provide you with an update on the progress that is being made on the proposed sale of Civic Assurance House.

#### Background

At the Special General Meeting held on 5 October 2017 there was overwhelming support from our shareholders to sell Civic Assurance House. At that time, we advised shareholders that the building had an earthquake rating of 50% NBS. Following the Special General Meeting, as part of the sale process it was decided to have the seismic assessment of the building reviewed. This review identified that if strengthening work was not carried out on the south and west boundary walls the earthquake rating for the building would be less than 50% NBS. Having taken professional advice, your Board decided to complete the strengthening work to ensure an NBS rating of at least 50% was confirmed before taking the building to market.

#### Progress of strengthening work

This strengthening work on the south and west boundary walls is well under way and is scheduled to be completed by 31 March 2019. It would have been completed earlier but we had to dovetail the strengthening work alongside some asbestos related work that was required to be completed within the affected south and west boundary walls.

#### We will now achieve a 70% NBS rating for the building

Civic Assurance House is a ten-storey building at the north end of Lambton Quay in the Wellington CBD. The main entrance of the building is on Lambton Quay with another smaller entrance on level three which provides access to and from The Terrace. As such the building is joined to The Terrace footpath along its level three west boundary wall.

The engineers who are overseeing the project have confirmed that the strengthening work to the non-structural south and west boundary will achieve an NBS rating of at least 50%. In addition to this they have confirmed that if we make a cut where the building joins the footpath on level three along The Terrace, i.e. detach the western side of the building from The Terrace footpath the building will achieve an NBS rating of 70%.

Having again taken professional advice your Board decided to complete this additional work prior to taking the building to market. This additional work will also be completed by 31 March 2019 at which time the building will be put on the market with an NBS rating of 70% rather than the lower 50%.

#### **Payment of Special Dividend**

As communicated to you in the Statement of Intent in April of last year, if a satisfactory price for the building can be obtained the proceeds net of selling costs will be distributed to shareholders via a special dividend. It is felt that having undertaken the necessary work to ensure an earthquake rating of 70% for the building will result in increased buyer interest when the property is placed on the market.

#### **Timeline of the sale process**

We have been advised, and we agree the best time to take the property to market is after the strengthening work is complete and we are delivering a complete package with an NBS rating of 70%. Therefore, this will commence as soon after 31 March 2019 as can be arranged. Following through a sales and marketing campaign, and then negotiation and settlement period we expect we could be paying out the special dividend to our shareholders sometime during the third quarter of 2019.

Your sincerely



**Ian Brown**  
Chief Executive  
ian.brown@civicfs.co.nz