

**Document No:** A571990

**Report To: Council**



**Meeting Date:** 31 August 2021

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

## Purpose of Report

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

## Commentary

### 2.1 **Conflicts of Interest**

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

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

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

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

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

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

### 2.7 **Declarations of Interests and Conflicts**

2.8 At the beginning of each triennial council term, elected members are requested to disclose known interests on behalf of themselves (including spouses and partners). It is up to the elected member to judge whether they have any interests to declare. Some elected members may not have any, other elected members may have many.

2.9 As well as this, elected members may decide that they have an interest in a particular issue or item to be discussed at a meeting. There is a standing item on every meeting agenda for elected members to declare conflicts of interest.

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

## Declarations

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

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

<b>Elected Member Name:</b>		
<b>Item(s) of Business on the Order Paper</b>	<b>Reason for Declaration</b>	<b>Type of Conflict</b> Financial Non-Financial Conflict of Roles Pre-Determination
Item No -	•	•



MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

## Local Authority (Members' Interests) Act 1968

- 3.1 The Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authority decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts. This Act deals with two forms of "interest":
1. Pecuniary
  2. Non-pecuniary
- 3.2 **Pecuniary Interest**
- 3.3 The **two** specific rules in the Act are that members cannot:
1. Enter into contracts with their local authority worth more than \$25,000 (including GST) in a financial year unless the Auditor-General approves the contracts (referred to as the contracting rule). Breach of this rule results in automatic disqualification from office; and
  2. Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule). Breach of this rule is a criminal offence and conviction results in automatic disqualification from office
- 3.4 A pecuniary interest is one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision, to declare any interest when appropriate and to ensure that as an elected member you comply with the Act's requirements at all times. The Act generally provides that no person shall be capable of being a member of Council if that person is concerned or interested in any contracts with the Council where the total payments made by the Council in respect of such contracts exceeds \$25,000 in any one financial year.
- 3.5 The Act also provides that an "interest" exists where a member's spouse is involved and/or where a member or their spouse is a major shareholder or have control or management of a company which contracts with Council or where the company has a pecuniary interest in the decision. It may also apply where your family trust has a contract with the Council.
- 3.6 The Act does provide that on application to it the Office of the Auditor General may give specific approval to a member being concerned or interested in a particular contract, in which case the provisions of the Act will not disqualify the Councillor from remaining in office. The approval needs be gained before the contract concerned is entered into.
- 3.7 The Act also requires that a member shall not vote or take part in the discussion of any matter in which he/she has any pecuniary interest, other than an interest in common with the public. This interest is required to be declared by the member and is noted in the minutes.
- 3.8 The Office of the Auditor General is the agency, which oversees this legislation and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test: "Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."
- 3.9 In deciding whether you have a pecuniary interest you should consider the following factors: What is the nature of the decision being made? Do I have a financial interest in that decision – do I have a reasonable expectation of gain or loss of money as a result of making that decision? Is my financial interest one that is in common with the public? Do any of the exceptions in the Act apply to me? Could I apply to the Auditor-General for approval to participate?
- 3.10 Further guidance is provided in the booklet "Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968" which has been provided to 5 elected members. It is important that you pay particular attention to the contents of this booklet as this is one of the few areas of the Council's business where staff do not set out to provide

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pro-active advice and members are personally liable for compliance with the provisions of this Act.

## **3.11 Non-Pecuniary Interest**

3.12 Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is "bias" or pre-determination. Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where:-

- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it (including the Council's debate); or
- The member has a close relationship with an individual or organisation affected by the matter.

3.13 Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is: "Is there, to a reasonable, fair-minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?" If there is, the member should declare their interest and withdraw from the debate and take no further part in the discussion of this item. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council's decision could be at risk. The need for public confidence in the decision-making process is paramount and perception can be an important factor. Again the booklet provided by Office of the Auditor General provides some excellent advice and information on this issue.

## Waitomo District Council Procurement Policy 2018

4.1 The following are extracts from WDC's Procurement Policy:

WDC's procurement activities will be conducted in line with the core Procurement Principles and a decision framework that ensures:

- **Adherence** – all procurement is required and is undertaken in accordance with the Procurement Policy and all other associated WDC Policies and Strategies;
- **Openness** - all procurement is made in an open and transparent manner with full and fair opportunity for all eligible suppliers;
- **Fairness** - all procurement is carried out in a fair manner and decisions are made with impartiality and without bias;
- **Integrity** - all WDC employees and/or authorises third parties undertaking procurement do so ethically, equitably and with behavioural standards of the highest levels;
- **Value for Money** – all procurement considers the costs and benefits over the life of the goods, services and/or works, and in doing so takes into consideration local procurement;
- **Risk** – all procurement considers the risks (commercial and otherwise) and ensures these are managed appropriately;
- **Lawfulness** - all procurement is within the law and meets WDC's legal and organisational obligations;
- **Accountability** - employees and/or authorised third parties and suppliers are accountable for their performance; and
- **Sustainability** - all procurement is environmental and socially sustainable wherever possible, having regard to economic, environmental, and social impacts over their lifecycle.

### **Conflict of Interest and Declarations Policy 2018**

WDC is required to identify, disclose, document and manage employees' conflicts of interest, and to ensure that decisions made on behalf of WDC and the community are fair and free of bias or perceived bias.

Note: the words "decision" and "decisions" should be taken to include recommendations and advice:

- (a) that might significantly influence decisions that will be made by other people; or
- (b) on development of strategies and policies that will guide future WDC decision making on service provision, purchasing, contracting or staff employment.

WDC recognises that the professional and personal interests of employees mean that conflicts of interest sometimes cannot be avoided, and can arise without necessarily establishing a fault. Conflict need not cause difficulties, and can be managed so that the best interests of WDC and its ratepayers, residents or customers are served.

### **DEFINITION OF CONFLICT OF INTEREST**

A **conflict of interest** exists when an employee could be influenced or could be perceived as being influenced by a personal or private interest in **any transaction** while performing their WDC duties and/or responsibilities. A personal or private interest is an interest that may bring benefit to an employee as an individual, or to others associated with the employee i.e. spouse or family member, to whom the employee may later benefit.

A **transaction** includes, but is not limited to:

- (a) the exercise or performance of a function, duty, or power of WDC; or
- (b) an arrangement, agreement, or contract to which WDC is a party; or
- (c) a proposal that WDC enter into an arrangement, agreement, or contract; or
- (d) development of a strategy or policy that will guide future decision making on service provision, purchasing, contracting or staff employment; or
- (e) the consideration of or decision made by or at a meeting of Council or its committees and subcommittees.

A Conflict of Interest may exist where the employee:

- will or may derive a benefit from the transaction – a financial, professional or personal benefit;
- has a financial interest in another party to a transaction;
- is a director, shareholder, officer or trustee of another party to the transaction, or is a person who will or may derive a financial benefit from the transaction;
- has an interest in another party tendering for work which WDC is considering; or
- is the partner, parent, child, spouse, sibling, or close friend of another party to the transaction, or a person who will or may derive a benefit from the transaction; or
- is an affected member or interested party in a proposal considered by Council.

# Managing conflicts of interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life.

Having a conflict of interest does not necessarily mean you have done anything wrong. It all depends on how you manage it.

You need to ask yourself not just whether the interest or relationship means you are biased, but also whether someone looking in from the outside could have reasonable grounds to think you might be.

The “rules” for managing conflicts of interest in the public sector are generally stricter than in the private sector. If you work for a public organisation, the public needs to have confidence that any decisions you make:

- are made impartially and for the right reasons; and
- are not influenced by personal interests or ulterior motives.

Any decisions about conflicts of interest should take into account the core public service values:

- integrity;
- impartiality
- trustworthiness;
- respect; and
- responsiveness.



## Tips for managing conflicts

- Make sure you know what rules apply to you, whether in your employment contract, contract for services, terms of appointment, or any internal policies of the entity you work for.
  - Declare any interests you have that might pose a conflict. This shows you are being open. It will also help the entity you work for avoid putting you in a situation where a conflict might arise, or to manage a conflict if one arises.
  - Follow any rules or guidance provided by the entity you work for when deciding how to manage a conflict.
- As a minimum, declare any conflicts you have as soon as you become aware of them, preferably in writing.
  - Think about what else you might need to do to manage the conflict. Get advice if you need to. Talk to your manager, or if you are on a board, the chairperson.
  - You need to consider ethics as well as legal rules. Just because it's not unlawful to participate, that does not necessarily mean it would be appropriate to participate.

**If in doubt, stay out.**



## When you have to make a decision, ask yourself:

### FINANCIAL

- Do you stand to gain or lose financially from the decision?
- Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?

A situation does not need to involve cash changing hands to be considered a financial interest. A financial interest could, for example, relate to an effect on the value of property.

A financial interest might be direct or indirect. In situations that someone close to you or a business you are involved with has a financial interest, you might be considered to share their interest.

Financial interests are generally treated more strictly than other types of interest. If you have a financial conflict of interest, the law presumes you are biased. This is why you should automatically treat a financial conflict of interest seriously, even if it seems trivial to you.

For some entities in the public sector, there are specific statutory requirements that apply to managing the financial conflicts of interest, which you need to be aware of.

### NON-FINANCIAL

- Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?
- If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?

If you have a conflict of interest, but not one from which you stand to gain or lose financially, the law does not automatically assume you are biased.

This does not necessarily mean a non-financial conflict is less serious than a financial conflict – but there is generally more room for judgement about whether it is acceptable for you to participate.

Questions you need to think about include:

- How close is your relationship with this other person or organisation?
- Will they be directly affected by the decision?
- How seriously will they be affected?

### CONFLICT OF ROLES

Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?

If so:

- Is there a risk that you will be seen to be acting in the interests of entity B rather than entity A?
- If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?

The issue with a conflict of roles is not so much whether you personally have a conflict, but whether the interests of the two organisations conflict.

If you have a conflict of roles, you will need to consider whether it is appropriate for you to participate in the decision-making process “on both sides of the table”. You will also need to think about whether you are going to be in a position to fulfil your obligations to both entities at the same time.



If there is a risk that there might be conflicts at some point during the decision-making process, you should discuss your situation with both entities. This gives each an opportunity to consider the risks from their perspective and decide whether they are comfortable with you participating on both sides.

### PRE-DETERMINATION

Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?

It is accepted that people working for public entities will have their own views on many matters, and, in many cases, might already have views on what the “right answer” to an issue is.

You are not required to approach every decision as though you have given it no prior thought, or have no existing knowledge or opinion. However, you are required to keep an open mind, and you must be prepared to change or adjust your views if the evidence or arguments warrant it.

That means you need to take care that what you do or say does not make it look like you have already made your decision before you have considered all the relevant information and evidence.

## Where to read more

FINANCIAL	NON-FINANCIAL	CONFLICT OF ROLES	PRE-DETERMINATION
Paragraphs 3.7-3.11	Paragraphs 3.12-3.24	Paragraphs 3.25-3.31	Paragraphs 3.32-3.40
Scenarios 3, 5	Scenarios 1, 2, 3, 9, 11	Scenarios 8, 10	Scenarios 4, 7
If you are an elected member of a local council, or a member of the governing body of any other entity to which the Local Authorities (Members' Interests) Act 1968 applies, please also read our Guide on that Act.			

## WAITOMO DISTRICT COUNCIL

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### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 27 JULY 2021 AT 9.00AM

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

**IN ATTENDANCE:** Janis MacDonald and Brian Hanna (Waitomo Sister City Incorporated)

Andy Campbell (Waitomo News)

Chris Ryan, Chief Executive; Michelle Higgie, Manager – Governance Support; Helen Beever, General Manager – Community Services; Alister Duncan, General Manager – Business Support (for part only); Jenelle Burnell, Leader - Communications and Engagement (for part only); Tony Hale, General Manager – Infrastructure Services (for part only) and Nick Murphy, Manager – Programme Delivery (for part only)

<b>1. Council Prayer</b>
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<b>2. Deputation: Waitomo Sister City Incorporated – Multi-Year Community Partnership Grant Application (Janis MacDonald and Brian Hanna)</b>
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Council received a deputation from Waitomo Sister City Incorporated (Janis MacDonald, Chairperson and Brian Hanna, Member) who spoke in support of the Waitomo Sister City Incorporated Strategic Plan 2021-2024 and their Multi-Year Community Partnership Grant Application.

A copy of the Waitomo Sister City Incorporated Strategic Plan 2021-2024 was tabled for members information.

Janis MacDonald and Brian Hanna and the General Manager – Community Services left the meeting at 9:15am.

#### **Resolution**

The Deputation from Waitomo Sister City Incorporated be received.

Marshall/Brodie

Carried

### 3. Declarations of Member Conflicts of Interest

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

<b>Item(s) of Business on the Order Paper</b>	<b>Reason for Declaration</b>	<b>Type of Conflict</b> <i>Financial / Non-Financial / Conflict of Roles / Pre-Determination</i>
Deputation: Waitomo Sister City Incorporated – Multi-Year Community Partnership Grant Application	<ul style="list-style-type: none"> <li>• Cr New Trustee of Waitomo Sister City Incorporated</li> </ul>	Conflict of Roles
Deputation: Waitomo Sister City Incorporated – Multi-Year Community Partnership Grant Application	<ul style="list-style-type: none"> <li>• Deputy Mayor Whitaker Trustee of Waitomo Sister City Incorporated</li> </ul>	Conflict of Roles
Public Excluded: Verbal Progress Report: North King Country Sport and Recreation Centre	<ul style="list-style-type: none"> <li>• Cr New Trustee of Game On Charitable Trust</li> </ul>	Conflict of Roles
Public Excluded: Verbal Progress Report: North King Country Sport and Recreation Centre	<ul style="list-style-type: none"> <li>• Cr Goddard Member of the North King Country Sport and Recreation Centre Steering Group</li> </ul>	No Conflict – Council Representative appointed by Council resolution
Public Excluded: Verbal Progress Report: North King Country Sport and Recreation Centre	<ul style="list-style-type: none"> <li>• Mayor Robertson Member of the North King Country Sport and Recreation Centre Steering Group</li> </ul>	No Conflict – Council Representative appointed by Council resolution

### 4. Confirmation of Minutes – 29 June 2021

#### **Resolution**

The Minutes of the Waitomo District Council meeting of 29 June 2021, including the public excluded portion of the Minutes, be confirmed as a true and correct record.

Robertson/Goddard                      Carried

### 5. Verbal Reports: Elected Member Roles and Responsibilities

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

#### Deputy Mayor Whitaker

1. Citizens Awards
2. Brook Park Meeting
3. Legendary Te Kuiti

#### Cr Marshall

1. Te Kuiti Community House
2. Waitete Rugby Park Working Bee

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## Cr Goddard

1. Benneydale Hall
2. North King Country Sport and Recreation Centre Steering Group

## Cr New

1. Citizens Awards
2. Legendary Te Kuiti
3. Beattie Homes Papakainga Homestead Opening
4. Waitomo Sister City

## Cr Brodie

1. Citizens Awards
2. Tainui Wetere Domain Board
3. LGNZ Zone 2

## Mayor

1. North King Country Sport and Recreation Centre Steering Group
2. LGNZ Annual Conference and AGM
3. Te Kuiti and Districts RSA Lunch
4. Meeting with MP Angela Roberts

### **Resolution**

The verbal reports be received.

Smith/Marshall

Carried

## **6. Mayor's Report: 27 July 2021**

Council considered the Mayor's Report prepared for the 27 July 2021 Council Meeting.

### **Resolution**

The Mayor's Report for the 27 July 2021 Council Meeting be received.

Roberston/Marshall

Carried

## **7. Documents Signed and Sealed – Deed of Assignment of Lease**

Council considered a business paper informing Council of documents signed under the Common Seal of the Council.

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

### **Resolved**

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

Goddard/Marshall

Carried

## **8. Waikato Regional Council – Notification of PM10 Exceedances for Te Kuiti Airshed**

Council considered a business paper informing Council that the Waikato Regional Council has recorded two exceedances of the National Environmental Standards for Air Quality PM<sub>10</sub> Standard this year resulting in the Te Kuiti Airshed losing its compliant status.

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

### **Resolved**

The business paper on Waikato Regional Council – Notification of PM<sub>10</sub> Exceedances for Te Kuiti Airshed be received.

Robertson/Smith Carried

## **9. Annual Dog Control Policy and Practices Report 2021/2022**

Council considered a business paper presenting to Council for consideration and adoption the Waitomo District Council Dog Control Policy and Practices Report 2020/2021 ("the Report").

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

### **Resolved**

- 1 The business paper on Annual Report on Waitomo District Council Dog Control Policy and Practices be received.
- 2 Council adopt the Report on Waitomo District Council Dog Control Policy and Practices 2020/2021 (Doc 541572).

Smith/Goddard Carried

## **10. Progress Report: Reform of the Resource Management Act 1991 – Release of the Natural and Built Environments Bill**

Council considered a business paper providing an overview of the exposure draft of the Natural and Built Environments (NBE) Bill, which is one of the three pieces of legislation that will replace the Resource Management Act 1991, along with the Strategic Planning Act and the Climate Change Adaptation Act.

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

### **Resolved**

- 1 The Progress Report: Reform of the Resource Management Act 1991 – Release of the Natural and Built Environments Bill be received.
- 2 Council agree not to submit on the first phase of the Natural and Built Environments Bill as the key matters relevant to territorial authorities have not been published in this version (i.e. consenting process, monitoring and enforcement, and the natural and built environment plans).

Robertson/Brodie Carried

## **11. Adoption of Inframax Construction Limited Statement of Intent 2021/2022**

Council considered a business paper presenting for adoption the Statement of Intent for Inframax Construction Limited.

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

### **Resolved**

- 1 The business paper on Adoption of Statement of Intent 2021/2022 for Inframax Construction Limited be received.
- 2 Council adopt the Statement of Intent for Inframax Construction Limited.
- 3 The Statements of Intent for Inframax Construction Limited be published on Council's website.

Robertson/Goddard Carried

## **12. Adoption of Waikato Local Authority Shared Services Limited Statement of Intent 2021/2022**

Council considered a business paper presenting for adoption the Statement of Intent for the Waikato Local Authority Shared Services Limited.

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

### **Resolved**

- 1 The business paper on Adoption of Statement of Intent 2021/2022 for Waikato Local Authority Shared Services Limited be received.
- 2 Council adopt the Statement of Intent for Waikato Local Authority Shared Services Limited.
- 3 The Statement of Intent for Waikato Local Authority Shared Services Limited be published on Council's website.

Robertson/Goddard Carried

The General Manager – Infrastructure Services entered the meeting at 9:49am.

The Manager – Programme Delivery entered the meeting at 9:53am.

## **13. Progress Report: Three Waters Reform**

Council considered a business providing a brief on the Three Waters Reform media releases.

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

### **Resolved**

The Progress Report: Three Waters Reform be received.

Robertson/Marshall Carried

**14. Motion to Exclude the Public**

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

**Resolution**

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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
1. Mayors' Taskforce for Jobs Community Recovery Programme 2021/2022	Section 7(2)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 48(1)(a)(i)
2. Verbal Progress Report: North King Country Sport and Recreation Centre	Section 7(2)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 48(1)(a)(i)

- 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 Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Community Services	Portfolio Holder
General Manager – Business Support	Portfolio Holder
Manager – Communications and Engagement	Communications

- 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/Smith      Carried

The meeting closed to the public and at 10:17am.

Andy Campbell (Waitomo News), the General Manager – Infrastructure Strategy, Manager – Programme Delivery, General Manager – Business Support and Manager – Communications and Engagement left the meeting at 10:17am.

The meeting adjourned for morning tea at 10:18am and reconvened at 10:35am.

<b>15. Consideration of Public Excluded Items to be made public following Council's decision taking</b>
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## **Resolution**

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

### **1 Mayor's Taskforce for Jobs: Community Recovery Programme - Tranche 3**

In accordance with Section 7(2)(i) of the Local Government Official Information and Meetings Act 1987 – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations), the Resolutions only for this item of business be made public as follows:

#### *Resolution*

- 1 *The business paper on Mayors' Taskforce for Jobs Community Recovery Programme 2021/2022 be received.*
- 2 *Council agree to participate in the Mayors' Taskforce for Jobs Community Recovery Programme from 1 July 2021 to 30 June 2022 and enter into the Mayors' Taskforce for Jobs Funding Agreement (subject to minor amendments).*
- 3 *Council delegate authority to the Chief Executive to approve the amended Funding Agreement.*
- 4 *Council deviate from the Waitomo District Council Procurement Policy and procure the Mayors' Taskforce for Jobs Community Recovery Programme services by way of Closed Tender.*

*New/Marshall Carried*

### **2 Verbal Progress Report: North King Country Sport and Recreation Centre**

In accordance with Section 7(2)(i) of the Local Government Official Information and Meetings Act 1987 – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations), only Resolution 1 of the Minutes be made public as follows:

#### *Resolution*

- 1 *The Verbal Progress Report: North King Country Sport and Recreation Centre be noted.*

*Marshall/Brodie Carried*

*Brodie/New Carried*

There being no further business the meeting closed at 11:55am

Dated this                      day of                      2021

JOHN ROBERTSON  
**MAYOR**

Confidential Confidential

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Confidential

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Confidential

**Document No:** A542286

**Report To:** Council



**Meeting Date:** 31 August 2021

**Subject:** Local Government Funding Agency - Statement of Intent 2021/2022

**Type:** Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to present the Local Government Funding Agency's Statement of Intent for Council to receive.

## Background

- 2.1 Section 64 of Local Government Act 2002 (LGA 2002) requires the board of all council controlled organisations (CCO) to deliver a draft Statement of Intent (SoI) on or before 1 March in the preceding financial year to which the draft SoI relates.
- 2.2 Council received the Local Government Funding Agency's (LGFA) draft SoI, which was presented and received by Council at its 30 March 2021 meeting.

## Commentary

- 3.1 LGFA has now provided its SoI for information only.
- 3.2 Waitomo District Council (WDC) joined the LGFA as a borrower and guarantor in April 2017. Substantially all its borrowings are now provided from the LGFA.
- 3.3 As a borrower WDC would look to the LGFA as first lender of choice for Council's borrowing requirements. As a guarantor to the LGFA, WDC has an ongoing interest in the financial strength of LGFA.
- 3.4 The performance targets set in the final SOI have had adjustments and these adjustments have not compromised the overall projected financial stability of LGFA.
- 3.5 The adjustment are as follows:
  - The base on-lending margin has been reduced by 5 bps to 15 bps (0.15%) for new borrowing effective 1 July 2021
  - Net Operating Income (NOI) has increased by \$300,000 in the 2021/22 year but reduced by \$5.7 million and \$8.0 million in the subsequent outer years due to the reduction in base on-lending margin and a revision to our forecasting model to correct the previous upward bias in NOI in outer years
  - Expenses have increased by \$100,000 in each of the three years due to increased legal and NZX fees associated with higher issuance and lending volumes

3.6 The financial measures are tabled below:

<b>Measure</b>	<b>Draft SoI 2022</b>	<b>Final SoI 2022</b>	<b>Final SoI 2023</b>	<b>Final SoI 2024</b>
Total Operation Income	\$18.7 million	\$19.1 million	\$18.5 million	\$19.7 million
Annual Issuance and Operating Expenses	\$7.0 million	\$7.2 million	\$7.3 million	\$7.4 million
Total Lending to Participating Borrowers	At Least \$12,874 million	At Least \$13,294 million	At Least \$14,515 million	At Least \$15,623 million

3.7 The non-financial measures are unchanged.

<b>Measure</b>	<b>Draft SoI 2022</b>	<b>Final SoI 2022</b>
Annual Survey	85% Satisfaction	85% Satisfaction
Lending Requests	100% of compliant requests	100% of compliant requests
Market Share	80%	80%
Review Participating Borrowers financial position	100% of Participating Borrowers	100% of Participating Borrowers
Treasury Policy Breaches	Nil	Nil
Refinance existing loans to councils	All loans	All loans
Refinance LGFA Bonds	All bonds	All bonds
Maintain Credit Rating	Equal to New Zealand Government (when rated by same credit rating agency)	Equal to New Zealand Government (when rated by same credit rating agency)

## Suggested Resolutions

- 1 The business paper on Local Government Funding Agency - Statement of Intent 2021/2022 be received.
- 2 The Local Government Funding Agency - Statement of Intent 2021/2022 be received.



ALISTER DUNCAN  
**GENERAL MANAGER BUSINESS SUPPORT**

Attachments:

- 1 Statement of Intent – Local Government Funding Agency (A542287)
- 2 Letter to Shareholder to accompany Statement of Intent 2021/2022 (A542288)



## Statement of Intent 2021/22

### 1. Introduction

This Statement of Intent (SOI) sets out the intentions and expectations of New Zealand Local Government Funding Agency Limited (LGFA).

The LGFA is enabled under the Local Government Borrowing Act 2011 and is a council-controlled organisation (CCO) for the purposes of the Local Government Act 2002.

The SOI is prepared in accordance with section 64(1) of the Local Government Act 2002.

### 2. Nature and scope of activities

LGFA will raise debt funding either domestically and/or offshore in either NZ dollars or foreign currency and provide debt funding to New Zealand local authorities and CCOs and may undertake any other activities considered by the Board of LGFA to be reasonably related or incidentally to, or in connection with, that business.

The LGFA will only lend to Councils and CCOs that enter into all the relevant arrangements with it (such Councils being “Participating Local Authorities” and such Councils and CCOs being “Participating Borrowers”) and comply with the LGFA’s lending policies.

In lending to Participating Borrowers, LGFA will:

- Operate in a manner to ensure LGFA is successful and sustainable in the long-term;
- Educate and inform Participating Local Authorities on matters within the scope of LGFA’s operations;
- Provide excellent service to Participating Borrowers;
- Ensure excellent communication exists and be professional in its dealings with all its stakeholders; and
- Ensure its products and services are delivered in a cost-effective manner.

## 3. Objectives

### Principal Objectives

In accordance with the Local Government Act 2002, in carrying on its business, the principal objectives of LGFA will be to:

- Achieve the shareholder-agreed objectives and performance targets specified in this Statement of Intent;
- Be a good employer;
- Demonstrate social, economic, environmental and cultural responsibility;
- Maintain strong and sound corporate governance;
- Set and model high standards of ethical behaviour; and
- Operate in accordance with sound business practice.

### Primary Objectives

LGFA will optimise the debt funding terms and conditions for Participating Borrowers. Among other things, this includes:

- Providing interest cost savings relative to alternative sources of financing;
- Offering flexible short and long-term lending products that meet Participating Borrowers' borrowing requirements;
- Delivering operational best practice and efficiency for its lending services;
- Ensuring certainty of access to debt markets, subject always to operating in accordance with sound business practice.

LGFA will ensure its asset book remains at a high standard by ensuring it understands each Participating Borrower's financial position, as well as general issues confronting the Local Government sector. Amongst other things, LGFA will:

- Proactively monitor and review each Participating Borrower's financial position, including its financial headroom under LGFA policies;
- Analyse finances at the Council group level where appropriate and report to shareholders;
- Endeavour to meet each Participating Borrower annually, including meeting with elected officials as required, or if requested; and
- Take a proactive role to enhance the financial strength and depth of the local government debt market and work with key central government and local government stakeholders on sector and individual council issues.

## **Additional objectives**

LGFA has the following eight measurable and achievable additional objectives which complement the primary objectives. Performance against these objectives is reported annually.

LGFA will:

1. Maintain LGFA's credit rating equal to the New Zealand Government sovereign rating where both entities are rated by the same Rating Agency.
2. Provide at least 80% of aggregate long-term debt funding to the Local Government sector<sup>1</sup>.
3. Achieve the financial forecasts outlined in section 4 for net interest income and operating expenses, including provision for a shareholder dividend payment in accordance with the approved dividend policy.
4. Meet or exceed the Performance Targets outlined in section 5.
5. Comply with the Health and Safety at Work Act 2015.
6. Comply with the Shareholder Foundation Policies and the Board-approved Treasury Policy at all times.
7. Assist the local government sector with significant matters such as COVID -19 response and the proposed Three Waters Reform Programme.
8. Improve sustainability outcomes within LGFA and assist the local government sector in achieving their sustainability and climate change objectives.

<sup>1</sup> This includes Auckland Council borrowing both in its own name and through LGFA and recognising that the amount of borrowing by Auckland Council from LGFA is restricted by the Foundation Policy covenants.

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## 4. Financial forecasts

LGFA's financial forecasts for the three years to 30 June 2024 are:

### SOI 2022

Comprehensive income \$m	Jun-22	Jun-23	Jun-24
<b>Net Interest income</b>	<b>18.1</b>	<b>17.0</b>	<b>18.2</b>
Other operating income	1.0	1.5	1.5
<b>Total operating income</b>	<b>19.1</b>	<b>18.5</b>	<b>19.7</b>
Approved Issuer Levy	0.6	0.6	0.3
Issuance & onlending costs	2.7	2.7	2.7
Operating overhead	4.4	4.6	4.7
<b>Issuance and operating expenses</b>	<b>7.8</b>	<b>7.9</b>	<b>7.7</b>
<b>P&amp;L</b>	<b>11.3</b>	<b>10.6</b>	<b>11.9</b>

Financial position \$m	Jun-22	Jun-23	Jun-24
Liquid assets portfolio	1,961	2,124	2,324
Loans to local government	13,294	14,515	15,623
Other assets	-	-	-
<b>Total assets</b>	<b>15,255</b>	<b>16,639</b>	<b>17,947</b>
Bonds on issue (ex Treasury stock)	13,975	15,190	16,362
Bills on issue	500	500	500
Borrower notes	256	302	340
Other liabilities	-	-	-
<b>Total liabilities</b>	<b>14,731</b>	<b>15,992</b>	<b>17,202</b>
Capital	25	25	25
Retained earnings	81	92	104
<b>Shareholder equity</b>	<b>106</b>	<b>117</b>	<b>129</b>

Ratios	Jun-22	Jun-23	Jun-24
Liquid assets/funding liabilities	13.8%	13.7%	13.9%
Liquid assets / total assets	12.9%	12.8%	12.9%
Net interest margin	0.14%	0.12%	0.12%
Cost to income ratio	40.7%	42.7%	39.4%
Return on average assets	0.07%	0.06%	0.07%
Shareholder equity/total assets	0.7%	0.7%	0.7%
Shareholder equity + BN/total assets	2.4%	2.5%	2.6%
Asset growth	10.2%	9.1%	7.9%
Loan growth	11.3%	9.2%	7.6%
Return on equity	12.0%	10.0%	10.2%
Capital ratio	11.9%	12.6%	13.1%

Note that there is some forecast uncertainty around the timing of Net Interest Income, Profit and Loss, Total Assets, LG Loans, Bonds and Borrower Notes depending upon council decisions regarding the amount and timing of refinancing of their April 2022, April 2023 and April 2024 loans. LGFA will work with council borrowers to reduce this uncertainty.

The above tables assume gross issuance of LGFA bonds per year of \$2.90 billion (2021/22), \$2.875 billion (2022/23) and \$2.850 billion (2023/24), however the issuance volume will be determined by LGFA at the relevant time by reference to factors including refinancing of existing borrowing by councils and (if applicable) council-controlled organisations, new borrowing by councils and (if applicable) council-controlled organisations and LGFA's own borrowing requirements for liquidity purposes.

No decision has been made as to final issuance volume at this point and will depend upon market conditions.

There has been no allowance made in the forecasts for the impact on councils from the proposed Three Waters Reform Programme.

## 5. Performance targets

LGFA has the following performance targets:

- LGFA's total operating income for the period to:
  - 30 June 2022 will be greater than \$19.1 million.
  - 30 June 2023 will be greater than \$18.5 million.
  - 30 June 2024 will be greater than \$19.7 million.
- LGFA's annual issuance and operating expenses (excluding AIL) for the period to:
  - 30 June 2022 will be less than \$7.2 million.
  - 30 June 2023 will be less than \$7.3 million.
  - 30 June 2024 will be less than \$7.4 million.
- Total lending to Participating Borrowers<sup>2</sup> at:
  - 30 June 2022 will be at least \$13,294 million.
  - 30 June 2023 will be at least \$14,515 million.
  - 30 June 2023 will be at least \$15,623 million.
- Conduct an annual survey of Participating Borrowers who borrow from LGFA and achieve at least an 85% satisfaction score as to the value added by LGFA to the borrowing activities
- Meet all lending requests from Participating Borrowers, where those requests meet LGFA operational

<sup>2</sup> Subject to the forecasting uncertainty noted previously

and covenant requirements.

- Achieve 80% market share of all council borrowing in New Zealand
- Review each Participating Borrower's financial position, its headroom under LGFA policies and arrange to meet each Participating Borrower at least annually.
- No breaches of Treasury Policy, any regulatory or legislative requirements including the Health and Safety at Work Act 2015.
- Successfully refinance existing loans to councils and LGFA bond maturities as they fall due.
- Maintain a credit rating equal to the New Zealand Government Sovereign rating where both entities are rated by the same credit rating agency.

## 6. Dividend policy

LGFA will seek to maximise benefits to Participating Local Authorities as Borrowers rather than Shareholders. Consequently, it is intended to pay a limited dividend to Shareholders.

The Board's policy is to pay a dividend that provides an annual rate of return to Shareholders equal to LGFA fixed rate bond cost of funds plus 2.00% over the medium term.

At all times payment of any dividend will be discretionary and subject to the Board's legal obligations and views on appropriate capital structure.

## 7. Governance

### Board

The Board is responsible for the strategic direction and control of LGFA's activities. The Board guides and monitors the business and affairs of LGFA, in accordance with the Companies Act 1993, the Local Government Act 2002, the Local Government Borrowing Act 2011, the Company's Constitution, the Shareholders' Agreement for LGFA and this SOI.

The Board comprises six directors with five being independent directors and one being a non-independent director.

The Board's approach to governance is to adopt best practice<sup>3</sup> with respect to:

- The operation of the Board.
- The performance of the Board.
- Managing the relationship with the Company's Chief Executive.
- Being accountable to all Shareholders.

All directors are required to comply with a formal Charter.

<sup>3</sup> Best practice as per NZX and Institute of Directors guidelines

The Board will meet on a regular basis and no fewer than 6 times each year.

## **Shareholders' Council**

The Shareholders' Council is made up of between five and ten appointees of the Shareholders (including an appointee from the Crown). The role of the Shareholders' Council is to:

- Review the performance of LGFA and the Board, and report to Shareholders on that performance on a periodic basis.
- Make recommendations to Shareholders as to the appointment, removal, replacement and remuneration of directors.
- Make recommendations to Shareholders as to any changes to policies, or the SOI, requiring their approval.
- Ensure all Shareholders are fully informed on LGFA matters and to coordinate Shareholders on governance decisions.

## **8. Information to be provided to Shareholders**

The Board aims to ensure that Shareholders are informed of all major developments affecting LGFA's state of affairs, while at the same time recognising both LGFA's obligations under NZX Listing Rules and that commercial sensitivity may preclude certain information from being made public.

### **Annual Report**

The LGFA's balance date is 30 June.

By 30 September each year, the Company will produce an Annual Report complying with Sections 67, 68 and 69 of the Local Government Act 2002, the Companies Act 1993 and Financial Reporting Act 2013. The Annual Report will contain the information necessary to enable an informed assessment of the operations of the company, and will include the following information:

- Directors' Report.
- Financial Statements incorporating a Statement of Financial Performance, Statement of Movements in Equity, Statement of Financial Position, Statement of Cashflows, Statement of Accounting Policies and Notes to the Accounts.
- Comparison of the LGFA's performance regarding the objectives and performance targets set out in the SOI, with an explanation of any material variances.
- Auditor's Report on the financial statements and the performance targets.
- Any other information that the directors consider appropriate.

### **Half Yearly Report**

By 28 February each year, the Company will produce a Half Yearly Report complying with Section 66 of

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the Local Government Act 2002. The Half Yearly Report will include the following information:

- Directors' commentary on operations for the relevant six-month period.
- Comparison of LGFA's performance regarding the objectives and performance targets set out in the SOI, with an explanation of any material variances.
- Un-audited half-yearly Financial Statements incorporating a Statement of Financial Performance, Statement of Movements in Equity, Statement of Financial Position and Statement of Cashflows.

## **Quarterly Report**

By 31 January, 30 April, 31 July, and 31 October each year, the Company will produce a Quarterly Report. The Quarterly Report will include the following information:

- Commentary on operations for the relevant quarter, including a summary of borrowing margins charged to Participating Borrower's (in credit rating bands).
- Comparison of LGFA's performance regarding the objectives and performance targets set out in the SOI, with an explanation of any material variances.
- Analysis of the weighted average maturity of LGFA bonds outstanding.
- In the December Quarterly Report only, commentary on the Net Debt/Total Revenue percentage for each Participating Local Authority that has borrowed from LGFA (as at the end of the preceding financial year).
- To the extent known by LGFA, details of all events of review in respect of any Participating Borrower that occurred during the relevant quarter (including steps taken, or proposed to be taken, by LGFA in relation thereto).
- Details of any lending to CCOs during the quarter and the amount of CCO loans outstanding.
- Commentary on sustainability initiatives.

## **Statement of Intent**

By 1 March in each year the Company will deliver to the Shareholders its draft SOI for the following year in the form required by Clause 9(1) of Schedule 8 and Section 64(1) of the Local Government Act 2002.

Having considered any comments from the Shareholders received by 30 April, the Board will deliver the completed SOI to the Shareholders on or before 30 June each year.

## **Shareholder Meetings**

The Board will hold an Annual General Meeting between 30 September and 30 November each year to present the Annual Report to all Shareholders.

The Company will hold a meeting with the Shareholders' Council approximately every six months – prior to the Annual General Meeting and after the Half Yearly Report has been submitted. Other meetings may be held by agreement between the Board and the Shareholders' Council.

## **9. Acquisition/divestment policy**

LGFA will invest in securities in the ordinary course of business. It is expected that these securities will be debt securities. These investments will be governed by LGFA's lending and/or investment policies as approved by the Board and/or Shareholders.

Any subscription, purchase or acquisition by LGFA of shares in a company or organisation will, if not within those investment policies, require Shareholder approval other than as concerns the formation of wholly-owned subsidiaries and the subscription of shares in such wholly-owned subsidiaries.

## **10. Activities for which compensation is sought from Shareholders**

At the request of Shareholders, LGFA may (at its discretion) undertake activities that are not consistent with its normal commercial objectives. Specific financial arrangements will be entered into to meet the full cost of providing such activities.

Currently there are no activities for which compensation will be sought from Shareholders.

## **11. Commercial value of Shareholder's investment**

LGFA will seek to maximise benefits to Participating Local Authorities as Borrowers rather than Shareholders.

Subject to the Board's views on the appropriate capital structure for LGFA, the Board's intention will be to pay a dividend that provides an annual rate of return to Principal Shareholders equal to LGFA fixed rate bond cost of funds plus 2.00% over the medium term.

As the Shareholders will have invested in the LGFA on the basis of this limited dividend, the Board considers that at establishment the commercial value of LGFA is equal to the face value of the Shareholders' paid up Principal Shares - \$25 million.

In the absence of any subsequent share transfers to the observed share transfers on 30 November 2012, the Board considers the current commercial value of LGFA is at least equal to the face value of the Shareholders' paid up Principal Shares of \$25 million. This equates to a value per share of \$1.00.

## **12. Accounting policies**

LGFA has adopted accounting policies that are in accordance with the New Zealand International Financial Reporting Standards and generally accepted accounting practice. A Statement of accounting policies is attached to this SOI.

**The following statement is taken from the Financial Statements presented as part of LGFA's Annual Report 2020 (updated where necessary), accordingly, the statement does not contemplate LGFA lending to CCOs.**

## **ATTACHMENT: Statement of accounting policies**

### **a. Reporting entity**

The New Zealand Local Government Funding Agency Limited (LGFA) is a company registered under the Companies Act 1993 and is subject to the requirements of the Local Government Act 2002.

LGFA is controlled by participating local authorities and is a council-controlled organisation as defined under section 6 of the Local Government Act 2002. LGFA is a limited liability company incorporated and domiciled in New Zealand.

The primary objective of LGFA is to optimise the debt funding terms and conditions for participating local authorities.

The registered address of LGFA is Level 8, City Chambers, 142 Featherston Street, Wellington Central, Wellington 6011.

The financial statements are as at and for the year ended 30 June 2020.

These financial statements were authorised for issue by the Directors on 28 August 2020.

### **b. Statement of compliance**

LGFA is an FMC reporting entity under the Financial Markets Conduct Act 2013 (FMCA). These financial statements have been prepared in accordance with that Act and the Financial Reporting Act 2013. LGFA's bonds are quoted on the NZX Debt Market.

LGFA is a profit orientated entity as defined under the New Zealand Equivalents to International Financial Reporting Standards (NZ IFRS).

The financial statements have been prepared in accordance with New Zealand Generally Accepted Accounting Practice (NZ GAAP) and they comply with NZ IFRS and other applicable Financial Reporting Standard, as appropriate for Tier 1 for-profit entities. The financial statements also comply with International Financial Reporting Standards (IFRS).

### **c. Basis of preparation**

#### **Measurement base**

The financial statements have been prepared on a historical cost basis modified by the revaluation of certain assets and liabilities.

The financial statements are prepared on an accrual basis.

#### **Functional and presentation currency**

The financial statements are presented in New Zealand dollars rounded to the nearest thousand, unless separately identified. The functional currency of LGFA is New Zealand dollars.

#### **Foreign currency conversions**

Transactions denominated in foreign currency are translated into New Zealand dollars using exchange rates applied on the trade date of the transaction.

#### **Changes in accounting policies**

##### **NZ IFRS 16 Leases.**

NZ IFRS 16 became effective from 1 July 2019 and did not have a material impact on the financial statements.

On adoption of NZ IFRS 16, LGFA recognised right-of-use assets and lease liabilities in relation to its property leases which had previously been classified as operating leases under NZ IAS 17 Leases.

In adopting NZ IFRS 16, LGFA elected to use the simplified retrospective approach which does not require restatement of comparative information. The lease liability is recognised at the present value of the remaining lease payments, discounted using LGFA's incremental borrowing rate, with the corresponding right-of-use asset recognised as an equal amount.

The following items in the balance sheet were impacted by the change of accounting on 1 July 2019: Other assets and Other liabilities both increased by \$0.157 million.

Lease payments previously included in other operating expense are now classified to financing and depreciation costs under NZ IFRS 16.

There have been no other changes to accounting policies.

## **Early adoption standards and interpretations**

LGFA has not early adopted any standards.

## **New standards adopted**

NZ IFRS 16 Leases became effective from 1 July 2019.

## **Standards not yet adopted**

LGFA does not consider any standards or interpretations in issue but not yet effective to have a significant impact on its financial statements.

## **d. Financial instruments**

### **Financial assets**

Financial assets, other than derivatives, are recognised initially at fair value plus transaction costs and subsequently measured at amortised cost using the effective interest rate method.

Cash and cash equivalents include cash on hand; cash in transit and bank accounts and deposits with an original maturity of no more than three months.

Purchases and sales of all financial assets are accounted for at trade date.

At each balance date, an expected credit loss assessment is performed for all financial assets and is calculated as either:

- Credit losses that may arise from default events that are possible within the next 12 months, where no significant increase in credit risk has arisen since acquisition of the asset, or
- Credit losses that may arise from default events that are possible over the expected life of the financial asset, where a significant increase in credit risk has arisen since acquisition of the asset.

Impairment losses on financial assets will ordinarily be recognised on initial recognition as a 12-month expected loss allowance and move to a lifetime expected loss allowance if there is a significant deterioration in credit risk since acquisition.

### **Financial liabilities**

Financial liabilities, other than derivatives, are recognised initially at fair value less transaction costs and subsequently measured at amortised cost using the effective interest rate method.

## **Derivatives**

Derivative financial instruments are recognised both initially and subsequently at fair value. They are reported as either assets or liabilities depending on whether the derivative is in a net gain or net loss position respectively.

### **Fair value hedge**

Where a derivative qualifies as a hedge of the exposure to changes in fair value of an asset or liability (fair value hedge) any gain or loss on the derivative is recognised in profit and loss together with any changes in the fair value of the hedged asset or liability.

The carrying amount of the hedged item is adjusted by the fair value gain or loss on the hedged item in respect of the risk being hedged. Effective parts of the hedge are recognised in the same area of profit and loss as the hedged item.

## **e. Other assets**

### **Property, plant and equipment (PPE)**

Items of property, plant and equipment are initially recorded at cost.

Depreciation is charged on a straight-line basis at rates calculated to allocate the cost or valuation of an item of property, plant and equipment, less any estimated residual value, over its remaining useful life.

### **Intangible Assets**

Intangible assets comprise software and project costs incurred for the implementation of the treasury management system. Capitalised computer software costs are amortised on a straight-line basis over the estimated useful life of the software (three to seven years). Costs associated with maintaining computer software are recognised as expenses.

## **f. Other liabilities**

### **Employee entitlements**

Employee entitlements to salaries and wages, annual leave and other similar benefits are recognised in the profit and loss when they accrue to employees.

## **g. Revenue and expenses**

### **Revenue**

#### **Interest income**

Interest income is accrued using the effective interest rate method.

The effective interest rate exactly discounts estimated future cash receipts through the expected life of the financial asset to that asset's net carrying amount. The method applies this rate to the principal outstanding to determine interest income each period.

#### **Expenses**

Expenses are recognised in the period to which they relate.

#### **Interest expense**

Interest expense is accrued using the effective interest rate method.

The effective interest rate exactly discounts estimated future cash payments through the expected life of the financial liability to that liability's net carrying amount. The method applies this rate to the principal outstanding to determine interest expense each period.

## **Income tax**

LGFA is exempt from income tax under Section 14 of the Local Government Borrowing Act 2011.

## **Goods and services tax**

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

The net amount of GST recoverable from, or payable to, the IRD is included as part of receivables or payables in the statement of financial position.

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

Commitments and contingencies are disclosed exclusive of GST.

## **h. Segment reporting**

LGFA operates in one segment being funding of participating local authorities in New Zealand.

## **i. Judgements and estimations**

The preparation of these financial statements requires judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, and income and expenses. For example, the present value of large cash flows that are predicted to occur a long time into the future depends critically on judgements regarding future cash flows, including inflation assumptions and the risk-free discount rate used to calculate present values. Refer note 2a for fair value determination for financial instruments.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised, if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods. Where these judgements significantly affect the amounts recognised in the financial statements they are described below and in the following notes.

30 June 2021

Dear LGFA stakeholder

## **Statement of Intent 2021/22**

Please find attached the Statement of Intent (SOI) for the 2021/22 year.

LGFA remains focused on delivering strong results for our council borrowers and shareholders.

For our borrowing councils we seek to optimize funding terms and conditions by

- Achieving savings in borrowing costs
- Provide longer dated funding and
- Provide certainty of access to markets.

For our shareholders we are focused on

- Delivering a strong financial performance
- Monitoring asset quality and
- Enhancing our approach to treasury and risk management.

The following points regarding the 2021/22 SOI are worth noting

- The SOI performance targets are the same as the previous year's targets except that we have reduced the target for market share to 80% from the prior year 85% target. The 80% target is the same target as the periods before last year.
- There remains some uncertainty within the SOI forecasts relating to the amount of both council loans and LGFA bonds outstanding as this depends upon the magnitude and timing of council borrowing. We have based our forecasts on the Draft Long Term Plans ("LTPs") of our seventy-two council members and the LTPs forecast a significant increase in borrowing in each of the next three years. The actual amount of borrowing will be influenced by the ability of councils to deliver on the capex projections in their LTPs as well as the amount of Central Government assistance in funded capex delivery.
- Given the timeline proposed by DIA for the Three Waters Reform transition, the impact on LGFA is likely to fall in the years beyond the end of the three-year SOI forecast period. However councils' actions in anticipation of the transition may have an impact on their borrowing decisions and that of LGFA during the SOI forecast period.

The changes made to the Final SOI compared to the Draft SOI that you received in February 2021 for comment have been<sup>1</sup>

- We have broadened the objectives to include a focus on sustainability across the organisation and to assist the sector with sustainability.
- We have reduced the base on-lending margin by 5 bps to 15 bps (0.15%) for new borrowing effective 1 July 2021.
- Net Operating Income (NOI) has increased by \$300,000 in the 2021/22 year but reduced by \$5.7 million and \$8.0 million in the subsequent outer years due to the reduction in base on-lending margin and a revision to our forecasting model to correct the previous upward bias in NOI in outer years.
- Expenses have increased by \$100,000 in each of the three years due to increased legal and NZX fees associated with higher issuance and lending volumes.

Please feel free to contact me if you have any questions or require further clarification on anything relating to the SOI or LGFA in general.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Butcher', with a stylized flourish at the end.

Mark Butcher  
Chief Executive

<sup>1</sup> We can provide you with a tracked change version of the Draft and Final SOI documents if you wish.

**Document No:** A571862

**Report To:** Council



**Meeting Date:** 31 August 2021

**Subject:** Review of the Ngā Wai o Waipā Co-Governance Joint Management Agreement

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to brief the Council on the discussion document received from the Waikato Regional Council on the proposed review of the Maniapoto Joint Management Agreement (JMA) and seek Council's endorsement of the JMA review process.

## Background

- 2.1 The Nga Wai O Maniapoto (Waipa River) Act 2012 (the Act) provides for a JMA for the co-management of Waipa River and its catchment to be developed between Council and the Maniapoto Maori Trust Board (MMTB).
- 2.2 To assist with the JMA process Council agreed in June 2012 to the establishment of the Nga Wai O Waipa Co-Governance Forum involving all local authorities<sup>1</sup> (whose boundaries fall within the legislated boundaries provided for in the Act) as a collective and the MMTB.
- 2.3 It was agreed by all parties that the collaborative approach would provide a number of efficiencies and provide a coordinated model for the management of the Waipa River and its catchment.
- 2.4 On 3 April 2013, the local authorities and MMTB agreed to enter into one collective JMA pursuant to the Act.
- 2.5 The current JMA provides a framework for local authorities and MMTB to work together to carry out the functions, duties and powers provided for and to give effect to the Act.

## Commentary

### 3.1 WHY IS THE JMA BEING REVIEWED?

- 3.2 Clause 11.2 of the JMA requires that:

*The initial review of this Agreement will take place no later than two years from the Commencement Date and biennially thereafter with all parties.*

- 3.3 The first and only review of the JMA was undertaken in 2017 (attached as **Appendix 1**). No changes were made to the JMA as part of the 2017 review.
- 3.4 The primary objective of this review is to assess the effectiveness of current JMA arrangements and to identify areas where its effectiveness can be improved. It has been jointly led by MMTB and the Waikato Regional Council (WRC) in collaboration with the four territorial authorities.

<sup>1</sup> Waitomo District Council, Otorohanga District Council, Waikato District Council, Waipa District Council and Waikato Regional Council.

## **3.5 FINDINGS FROM THE 2017 REVIEW**

- 3.4 The key finding of the 2017 review were that there continues to be overwhelming support for the JMA as an instrument from which to strengthen and build better and more effective partnership relationships.
- 3.5 Within its current form, opportunities for improving how we work together under the Maniapoto JMA centre around three themes:
1. reviewing matters covered in the Maniapoto JMA under Clause 16 - Other Matters;
  2. streamlining our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing; and
  3. improving how MMTB is informed about and involved in resource consenting, monitoring and enforcement
- 3.6 However, challenges remain, nonetheless. One such challenge is to continue to build capacity and capability so all parties can take the opportunities to make improvements.
- 3.7 A further challenge was reviewing and extending the matters covered by the Maniapoto JMA under Clause 16 and ensuring any changes "cover no other subject matter than matters relating to the Waipa River" under section 18 of the Act.
- 3.8 The ongoing challenge, above all else, is to remain focused on the overarching purpose of this instrument which is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.

## **3.6 PROCESS FOR REVIEWING THE JMA**

- 3.9 The WRC has prepared a discussion document with the support of MMTB, and this is enclosed as **Appendix 2**. It concludes that given the 2017 review found that no amendments to the Maniapoto JMA were required, a qualitative process is unnecessary. Instead, it is more reasonable and efficient to focus on JMA performance via a quantitative review, along with an assessment to determine how effective the provisions are to enable the delivery of the National Policy Statement for Freshwater Management (NPSFM).

The proposed approach to reviewing the JMA:

1. Meet with relevant staff from partner organisations to discuss the strategy on how to conduct the review.
  2. Advise the Co-Governance Committee of the commencement of a review of the JMA and confirm the scope and focus of the review.
  3. Assess key clauses and their effectiveness against the JMA Obligations Report.
  4. Assess key clauses and their effectiveness against the National Policy Statement for Freshwater Management particularly obligations to involve tangata whenua in freshwater management.
  5. Report assessment outcomes at the next Co-Governance Committee meeting. Draft changes to the JMA if necessary and seek approval at the following Co-Governance Committee meeting.
- 3.10 The guiding principles for the review are to identify activities that are now business as usual, or no longer relevant, or no longer a priority for either party, enhance provisions of value to partners, meet statutory obligations, consistency between JMA where appropriate and possible to do so, use clear, unambiguous language.

## 3.7 TIMELINE FOR THE REVIEW OF THE JMA

- 6th August 2021 – Share Draft Discussion document and Obligations Report with Maniapoto and seek confirmation as to the approach for the review.
- 6th August 2021 – Make contact with each DC, and identify contact person, discuss the process, then share draft discussion document and obligations report.
- 17th August 2021 – Obtain confirmation from all parties as to approach that will be taken and timeframes<sup>2</sup>.
- 13th September 2021 – Inform Co-Governance Committee of start of review, approach, etc.
- 15th October 2021 – All parties assess key clauses and their effectiveness against the JMA Obligations Report. Identify any amendments.
- 15th October 2021 – WRC on behalf of all parties, assess key clauses and their effectiveness against the National Policy Statement for Freshwater Management particularly obligations to involve tangata whenua in freshwater management.
- 15th November 2021 - WRC to collate all responses/feedback/amendments and create revised draft agreement. Identify where necessary any overlapping amendments/additions and socialise / negotiate wording on clauses with parties. Circulate the revised agreement with all parties.
- 15th December 2021 – All parties confirm.
- February/March 2022 – Provide the revised agreement at the Co-Governance Committee meeting and seek approval at the following Co-Governance Committee meeting.

## **Analysis of Options**

- 4.1 Given the collaborative model that Council elected to be part of in 2012, the most feasible option is for Council to proceed with the agreed process and timeframe for reviewing the JMA. Council is a party to the JMA, and as such is required to participate in any review process. Council could elect a 'do nothing' approach, but this would be seen as contrary to the intent of the agreement.
- 4.2 If Council chooses to participate in the review there are a number of options available to ensure the engagement is comprehensive and honours the principles of the JMA. These include:
- a) An elected members lead approach. This would require Council to resolve to appoint 1 or more elected members to attend the meetings, and then report back on any major decisions.
  - b) An elected member and a staff member. This would require Council to resolve to appoint 1 elected member and one Council staff member (the Council staff member would be the General Manager – Strategy and Environment) to attend the meetings, and then report back on any major decisions.
  - c) Council to resolve to agree to appoint the General Manager Strategy and Environment as the Council representative at the meetings, and the General Manager – Strategy and Environment will then report back to Council on any major decisions.

<sup>2</sup> The Acting General Manager – Strategy and Environment has contacted WRC and advised them that the closest full Council meeting that this could be considered at was not until 31 August 2021. WRC subsequently advised that the timeframe for confirmation from Council may be extended until 13 September 2021.

## Considerations

### 5.1 **RISK**

5.2 There are no risks associated with its decision.

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

5.4 A decision by Council to undertake the option specified in 4.1 above will not be inconsistent with any of Council's plans or policies.

### 5.5 **SIGNIFICANCE AND COMMUNITY VIEWS**

5.6 This decision is not a significant decision pursuant to Council's Significance and Engagement Policy.

## Recommendation

6.1 It is recommended that Council agree to the process of reviewing the JMA following the timeframes provided for in the Discussion document.

## Suggested Resolutions

- 1 The business paper on Review of the Ngā Wai o Waipā Co-Governance Joint Management Agreement be received.
- 2 Council agree to participate in the JMA review process following the timeline outlined in the Discussion Document attached as **Appendix 2**.
  - (a) 3 Council agree to one of the following options for participating in the JMA review process. Council resolves to appoint 1 or more elected members to attend the meetings, and then report back on any major decisions.
  - (b) Council resolves to appoint 1 elected member and the General Manager – Strategy and Environment to attend the meetings, and report back on any major decisions.
  - (c) Council resolves to appoint the General Manager Strategy and Environment as the Council representative at the meetings, and the General Manager – Strategy and Environment will report back to Council on any major decisions.



ALEX BELL

**ACTING GENERAL MANAGER – STRATEGY AND ENVIRONMENT**

26 August 2021

Attachments:

- 1 Maniapoto Joint Management Agreement Review 2017
- 2 Draft discussion document on the Maniapoto Joint Management Agreement

## DRAFT JOINT MANAGEMENT AGREEMENT REVIEW 2017



Maniapoto Māori Trust Board  
Otorohanga District Council  
Waikato District Council  
Waikato Regional Council  
Waipa District Council  
Waitomo District Council



*Abstract*

*This draft report presents the preliminary findings of the review of the Joint Management Agreement between the Maniapoto Māori Trust Board, the Waikato Regional Council and the associated District Councils*

Authored by MMTB and WRC

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## Executive Summary

The purpose of this report is to provide the parties to the Maniapoto Joint Management Agreement (“the Maniapoto JMA”) - an agreement between the Maniapoto Māori Trust Board (“MMTB”) and five local authorities<sup>1</sup> - with a preliminary draft of the key finding and associated themes that were identified by the JMA review (“the review”).

The Maniapoto JMA provides a framework for local authorities and MMTB to work together to carry out the functions, duties and powers provided for and to give effect to the Ngā Wai o Waipā River Act 2012 (the Waipa River Act).

The primary objective of the review is to assess the effectiveness of current Maniapoto JMA arrangements and to identify areas where its effectiveness can be improved. It has been jointly led by MMTB and the Waikato Regional Council (WRC) in collaboration with the four territorial authorities.

This report will be discussed at the next co-management (bi-annual operational) meeting. It will then be tabled for discussion at the next meeting of the Maniapoto Māori Trust Board and at the next Ngā Wai o Waipā Co-Governance Forum (“co-governance committee”).

The key finding of the review is that there continues to be overwhelming support for the Maniapoto JMA as an instrument from which to strengthen and build better and more effective partnership relationships.

Within its current form, opportunities for improving how we work together under the Maniapoto JMA centre around three themes:

1. reviewing matters covered in the Maniapoto JMA under *Clause 16 - Other Matters*;
2. streamlining our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing; and
3. improving how MMTB is informed about and involved in resource consenting, monitoring and enforcement

Challenges remain, nonetheless. One such challenge is to continue to build capacity and capability so all parties can take the opportunities to make improvements.

A further challenge may arise when reviewing and extending the matters covered by the Maniapoto JMA under *Clause 16* and ensuring any changes “*cover no other subject matter than matters relating to the Waipa River*” under section 18 of the Waipā River Act.

The ongoing challenge, above all else, is to remain focused on the overarching purpose of this instrument which is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.

<sup>1</sup> The local authorities who are party to the Maniapoto JMA are: the Waikato Regional Council, Waikato District Council, Waipā District Council, Waitomo District Council and the Otorohanga District Council (“the local authorities”).

## Recommendations

It is recommended that all parties to the Maniapoto JMA:

**Note** that no amendments to the Maniapoto JMA are required.

**Agree** to utilise the Maniapoto JMA, in its current form, as an instrument from which to strengthen and build better and more effective partnership relationships across our organisations by taking the opportunities to:

- a. review matters covered in the Maniapoto JMA under *Clause 16 - Other Matters*;
- b. streamline our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing;
- c. improve how MMTB is informed about and involved in resource consenting, monitoring and enforcement.

## 1 Background

On 27 September 2010, Maniapoto, through the Maniapoto Māori Trust Board (MMTB) and the Crown signed a deed in relation to co-governance and co-management of the Waipa River (the “Maniapoto Deed”) with the overarching purpose to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.

The Waipa River Act was enacted to give effect to the Maniapoto Deed. On 3 April 2013, the local authorities and MMTB agreed to enter into one collective Joint Management Agreement pursuant to the Waipa River Act. The collective agreement is known as the Maniapoto JMA.

## 2 How the review was undertaken

The review process and design was developed by the regional council with support from MMTB and the report co-authored by both parties.

A series of semi-structured ‘kanohi-ki-te-kanohi’ interviews / conversations was conducted by WRC and MMTB (See Appendix A – Letter of invitation).

A list of questions to guide these ‘conversations’ was developed and agreed to by both partners (See Appendix B – Review questions).

MMTB and WRC identified staff and governance representatives involved in the implementation of the JMA. The Mayors of each of the District Councils were invited to be interviewed. In some instances the interview was carried out with a delegate of the Mayor.

Some of the WRC staff and councillors preferred to provide generic responses that related to all of WRC’s JMA agreements, rather than just to the MMTB JMA.

The interviews were undertaken by Tai-ranga-whenua staff. The review questions were provided in advance to the participants and formed the basis for discussions. However, any other matters in the JMA could be discussed and were not limited to the review questions. A summarised record of these discussions was taken by Tai-ranga-whenua (See Appendix C - Responses and Commentary). Each participant reviewed their record and provided feedback for update before it was finalized.

This report contains a summary of the four key themes highlighted by participants. The themes reflect the combined perspectives of representatives of all the partners interviewed.

Quotes from the participants have been outlined in section four to highlight key points to support the themes.

## 3 Key finding

**There continues to be overwhelming support for the Maniapoto JMA as an instrument from which to strengthen and build better and more effective partnership relationships**

There is overwhelming support for the JMA as an instrument that gives effect to Ngā Wai o Waipā River Act 2012 and the overarching purpose to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia. MMTB and councils have a strong legislative foundation and best practice benchmark to give effect to Treaty partnerships and to strengthen opportunities to expand working relationships and arrangements going forward.

# File 1 - Page 42

The challenge is to utilise opportunities to make the relationship more effective and strategic to deliver collective and community outcomes to clean up the Waipā River.

The following three themes complement the key finding above and includes:

1. reviewing matters covered in the Maniapoto JMA under *Clause 16 - Other Matters*
2. streamlining our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing
3. improving how MMTB is informed about and involved in resource consenting, monitoring and enforcement

The next section highlights the key points from the participants for the three associated themes.

## 4 Associated themes

### 4.1 Review matters covered in the Maniapoto JMA

Section 2 of the JMA outlines the scope of the agreement for the councils and MMTB to work together in carrying out the functions, duties and powers provided for in and to give effect to the Waipa River Act. The main matters include: Section 5 Monitoring and Enforcement, Section 6 RMA Planning Documents, Section 7 Resource Consents.

It is also important to bear in mind that when considering extending the matters covered by the JMA under Clause 16, Section 18 of the Waipā River Act states that the agreement “*must cover no other subject matter than matters relating to the Waipa River and activities within its catchment affecting the Waipa River*”

That may mean that other matters like geographic change from catchment to rohe, or including additional iwi aspirations for economic and social advancement outside the catchment area, for example, may need to be discussed and determined using an alternative instrument.

Participants noted that the JMA can be extended to include other matters as part of the enduring relationship and provided for in section 16 ‘Other Matters’.

Participants also noted the opportunity to assess extending matters to include community, economic and environmental projects that align to iwi aspirations. These matters may require all parties to what matters fall within the scope of the JMA and how other aspects might in future be accommodated.

### 4.2 Focus JMA meetings on strategic outcomes, shared projects and better information sharing

Participants sought to see meetings become more strategic, more outcome focussed and less report driven. Te Ture Whaimana is the long term vision to clean up the Waikato and Waipa Rivers.

The JMA meetings can be utilised to promote collaborative projects that align to MMTB and council work programmes to achieve the overarching purpose of the JMA.

It was also important to participants to have a clear and concise way to demonstrate joint successes to allow others to see the results of the combined activities.

Identify opportunities to meet in both formal (minuted meetings) and informal ways (workshops, pre-meeting discussions).

Councils to maintain a shared understanding of MMTB goals and aspirations.

Councils to also understand iwi decision-making processes and the challenges for engagement and consultation with whānau, hapū, marae and RMC's. There is an opportunity to co-ordinate staff training across councils to better understand MMTB internal engagement and consultation processes. It is also important to have sufficient lead in times to ensure proactive participation in council processes, JMA and responsibilities.

An effective and growing partnership places more demand on MMTB and council resources (capacity and capability) and both Parties need to take this into account when implementing the JMA. There are opportunities to grow capacity and capability in collaboration with co-governance partners.

Participants suggested holding an iwi collective forum as a potential option that may be more efficient and effective to address common issues. However, any iwi collective approach would need to provide for individual iwi input. The collective forum could come to a consensus view quickly then each partner would seek ratification from their respective boards.

#### 4.3 Improving how MMTB is informed about and involved in resource consents, monitoring and enforcement.

Early engagement and consultation with tāngata whenua on resource consents is important to participants because it enables effective participation by all interested parties ahead of the consent lodgement.

The monitoring and enforcement reports provided for in the JMA should be simplified and in future look to incorporate agreed aspects of mātauranga Māori. A programme of work is underway to look at these aspects.

Participants identified that Parties need to work together and do joint planning activities to help inform decision making going forward, which may include improved co-ordination across councils to align work programmes.

Participants noted that a simple and easy to understand reporting framework for key activities should be developed to show the status of each action. As actions are completed, new actions will be added and progressed. This aspect refers to extending and improving the use of the current Implementation Plan.

## 5 Participants feedback

### 5.1 The JMA is a legislative instrument that provides a best practice benchmark to give effect to Treaty partnerships and to grow an enduring and effective relationship

This key theme relates to the **scope** (Clause 2), the **principles** (Clause 4), **RMA planning** documents (Clause 6) **information sharing** (Clause 13), and **other matters** (Clause 16)

Operational staff consider the JMA an excellent relationship agreement and planning tool to align activities. It guides them in timetabling meetings correctly and focusing on the required points of discussion.

*The JMA is an excellent document. It covers the 5 councils and gives opportunities for all the councils to talk to each other. This will facilitate better alignment between the councils particularly in regard to planning activities. The document is well worded and trending in the right direction. WRC has shown good leadership in regard to this document. It is believed that all councils are interested in doing the best job they can in upholding the intent of the document.*

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*The JMA is already good, why create another document? The JMA provides the basis of having the conversation.*

*(Operational interviews MMTB)*

The JMA fosters strengthening collaborative relationships and decision making in planning processes.

*Having 5 mayors is good, it is more effective and efficient rather than just having one. The principles in the JMA are really good, there are a lot of them A-M. The scope of the JMA is okay, the purpose is okay.*

*(Governance interviews MMTB)*

Healthy Rivers Wai Ora has been groundbreaking in its collaborative approach. Iwi involvement has been instrumental in shaping the plan change which all stems back to our JMA relationships.

*Co-governance is a best practice approach to working with iwi in a local government setting. The Healthy Rivers project has been a constructive endeavor and a good model of engagement, though some reflection needs to occur due to all the "noise" being generated by those that were part of the process at the Collaborative Stakeholders Group table. What is needed now is to codify those practices into normal business operations. From here, what does co-governance and co-management look like? How can it become the default BAU approach to working together?*

*Māori can hold their heads up high in regard to how they have handled their involvement in the Healthy Rivers project. The concept of having an iwi collective voice has its merits and is a useful forum to have. However you cannot discard the fact that individual groups hold mana whenua over their lands and that their input and agreement is vital.*

*(Operational interviews MMTB)*

The JMA is central to how we work together, staff need to utilize and enhance what is currently in the JMA.

*The focus of the JMA is on the river catchment area. Section 16 talked about other matters, working with councils, coming under the scope, utilizing them is what we are talking about. The things that we have raised so far are within the scope of the JMA and we just have to see them done better. It is not necessary to change the scope of the JMA. We went over this, this morning before the WRC got here and one of the concerns is recognizing that those things are there. The things we want are there already and we just want to build on it and can do things better as well.*

*(Governance interviews MMTB)*

It is important for MMTB to promote community outcomes.

*"If it's good for Maniapoto, then it's good for the community". MMTB need to work in conjunction with all the councils so that it has a good attempt at changing the conversation. For councils to engage the iwi especially in regard to preparing individual plans that can blend together into the Regional Waikato Plan. This is where planning now for the 2018 year for better monitoring and enforcement activities can be carried out and locked in. It will also enable MMTB to promote it within its region.*

*(Operational interviews MMTB)*

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## 5.1.1 Maximising opportunities in the JMA to be more effective

The generally held view is that the JMA's are doing what they were designed to do, but we are all still going through a maturing phase. They provide good structure and due process to guide each party as to the statutory activities required. All parties desire to align priorities and seek to engage in projects that are beneficial for the river, the iwi and the wider community.

There is opportunity to (by mutual agreement) extend the agreement to cover other matters and activities including research opportunities, joint projects, secondments and internships.

*By all the JMA partners working together (MMTB, WRC and the mayors) we can create significant opportunity by standing united. The mana that this group could have to promote positive change is tremendous. We just haven't used it. We can work together on the District Plans, Long Term Plans, the Regional & Coastal Plan, then stand united when the plans come out.*

*(Operational interviews MMTB)*

The Healthy River Wai Ora approach provides a model for increasing effective iwi involvement into council strategy, policy and planning. It has informed the approach now being taken for the Regional and Coastal Plan Review, for example. Nonetheless, for MMTB some capacity and capability barriers remain.

There is a strong desire to see governance focusing on strategy and joint priority activities. Relationship building is seen as a mechanism to improve outcomes. MMTB operational staff members want to be more engaged with many aspects of WRC operational activity. To date, the JMA has been the most common arrangement for formalising our relationships. It is envisaged that WRC will grow further relationships with different iwi, marae and hapū, as it is acknowledged that successful

*WRC-Māori relationships cannot be based solely on strict adherence to legislative requirements. They require councils to appreciate both the role of tangata whenua in their community, and the value their extensive local knowledge can add to achieving positive community outcomes.*

*(Governance interviews WRC)*

It is recognised that while hapū, marae or iwi have given mandate to a wider group with entities like MMTB, they as tangata whenua over their local area and WRC needs to engage at that level when appropriate.

## 5.1.2 Sharing the JMA story

Better communications and information sharing can assist parties to share our successes and inform our communities. Raising public awareness of the benefits the JMA provides, while also letting people give feedback helps gain public confidence and promotes trust.

*Following the JMA interviews, we aim to improve our reporting style, by celebrating when milestones are met, and communicating these successes to the council and wider community. We have simplified the reporting of information on operational activities by listing the activities with due date and a status indicator using traffic light style reporting (i.e. red, amber, and green).*

*(Governance interviews WRC)*

## 5.2 Review matters covered by the Maniapoto JMA.

The relevant clauses of the JMA that this finding relates to include but are not limited to the **scope** (Clause 2), the **principles** (Clause 4), and **other matters** (Clause 16).

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A general view of the district councils is that they are minor players within the JMA. This is because the greatest majority of the business as usual activity generated through the JMA is between WRC and MMTB. However they have all expressed their councils desire to work co-operatively.

*Parties have a commitment to engaging but there are sometimes constraints on how much attention is put into certain activities. JMA's are a good timetabling tool for engagement to work towards.*

*The JMA operates on good faith and co-operation by all parties*

*The JMA has initiated more engagement between the council and Maniapoto  
(Governance interview District Councils)*

*We mayors and trustees should be inspiring change. Using the Implementation Plan to review and monitor what effect we are having. There is opportunity to improve in this area. How do we enhance and improve and go forward. This agreement is in perpetuity. Can we publise that we are standing united and send this message out to the community? We are all talking the same language. The Waikato Plan...one plan, one region, one voice. This has a water component. There is a lot of opportunity for collaboration and working smarter together.*

*(Governance interview MMTB)*

*There is benefit in extending the JMA in certain areas. Maniapoto have three regional councils in their rohe (Waikato, Taranaki, and Whanganui). The JMA with the Waikato Regional Council only covers the Waipa River and its catchment area. It would seem better to have a JMA that covered their entire rohe rather that have multiple relationships covering different matters.*

*All the council's need to be keeping up with changes as the come along. As Maniapoto move in to a post settlement environment, there will be changes to the faces around the table and in the way business is carried out as the change occurs.*

*Using the JMA should see all parties taking a more measured approach to our future activities. The JMA seeks to redress the imbalance of the past. It is important to remember that partnership should be a partnership.*

*(Operational interview MMTB)*

## 5.3 Focus JMA meetings on strategic outcomes, shared projects and better information sharing

Governor participants noted that there needs to be improvements to meeting practices and procedures. Meetings are not codified in the JMA clauses but rather follow a best practice approach that has developed over time.

There is flexibility in the JMA for both Parties to be innovative and improve the implementation of meetings.

### 5.3.1 How and when we meet

*The JMA and its meetings and arrangements are new and evolving over time. It is taking some time for people to begin operating in this new environment. However they are not the ultimate decision making body. Thus need to be careful they don't become just catch-up and discussion sessions. Supportive of rotating venue, different council hosting, etc.*

*(Governance interviews Waitomo DC)*

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*Meetings that are held on marae are very resource consuming. It can be difficult for council staff to put aside a whole day and travel to/from a marae for a two hour meeting.*

*(Governance interviews Otorohanga DC)*

*Like the way an ex-WRC staff member prepared for JMA meetings. Find out more information, etc. She would call a pre-meeting of managers to talk about topics, help prepare the mayors for the co-governance meeting*

*(Governance interviews Waikato DC)*

## 5.3.2 What we talk about

*Meetings are not outcome focused. They can be mechanical and largely taken up with reporting and reactive matters, not strategic.*

*(Governance interviews WRC)*

*The perspective is that the meetings lack productive outcomes. Ideally the meetings should focus on achieving a shared vision of how we are going to meet the visions outlined in the principles. They strongly believe that the Waikato River Authority should be engaged as well, because they are evaluating and funding priority activity in the catchment.*

*If the staff are carrying out all the activities and keeping the operational side flowing, then the governance side can set the strategy/goals, etc. This needs to be the focus going forward.*

*(Operational Interviews, Waipa DC)*

Co-governance meetings should not be the only vehicle for governance discussions. There is opportunity to have pre-meeting discussions and workshops. Meetings should have a more strategic focus, perhaps starting off with a workshop session in morning and finishing with a formal meeting. Progress reporting could also adapt to using a traffic light approach (i.e. red, amber, and green). This new style of meeting should be trialed during our first set of meetings.

*Co-governance meetings should focus on 3 strategic objectives.*

*(Governance interviews WRC)*

*The meetings have been useful for sharing information and providing updates on Maniapoto projects, Healthy Rivers, resource consents and plan reviews being undertaken by JMA partners. I believe there is an opportunity to utilise the forums more effectively, and I like the idea of a collective project approach.*

*(Governance interviews WRC)*

*Early engagement regarding upcoming activities is necessary. It should be not only the Regional Council doing this but it rests on us (MMTB) to do this as well. To some extent we need to be watching the world as a whole rather than little isolated silos. Weo and I have both been advocates for early engagement, it takes away the surprises.*

*(Governance interviews MMTB)*

Participants suggested that co-governance meetings could focus on 3 strategic objectives annually or over the term of office. Have more frequent meetings (2 or more co-governance meetings per annum) where the focus is on agreeing to shared outcomes and tracking their progress.

## 5.4 Opportunities to improve resource consenting, monitoring and enforcement involvement

The relevant clauses of the JMA that this finding relates to include but are not limited to **monitoring and enforcement** (Clause 5), **resource consenting** (Clause 7) **information sharing** (Clause 13) and **communication** (Clause 14).

## 5.4.1 Iwi involved in monitoring and enforcement activities

Participants noted the importance of capacity and capability building for iwi members to be involved in regional council monitoring and enforcement activities.

In its present form the JMA and its provisions provides a form of assurance/guidance to ensure that obligations are being met, and actions are undertaken. This platform can be used to foster better monitoring and enforcement procedures.

*In regard to monitoring and enforcement, how can iwi get that engagement and see results in a measureable way in regard to implementing meaningful measures. In regard to the work areas that are being tackled there are questions being asked like...“Are we moving the needle? Are we moving the right needle?”*

*(Operational interview MMTB)*

## 5.4.2 Empowering tangata whenua

Participants suggested exploring training initiatives for iwi members to deliver council operational level activities, such as being able to respond to incidents as iwi enforcement officers.

*It is expected that more opportunities will arise out of Healthy Rivers Wai Ora work to outsource/devolve monitoring and compliance to third party (e.g. iwi authorities) however “the days of honorary are gone”*

*Local people can be employed and held accountable to provide locally based monitoring and enforcement activities. We should be factoring in these matters and doing better planning, smarter planning. We see Healthy Rivers as a huge opportunity. We are all going to require more staff to manage these farm plans. There will need to be monitoring and ensuring compliance is actually happening. There will be a requirement but the river iwi can play a major part here.*

*(Governance interview MMTB)*

*Maniapoto are implementing two WRA funded projects this year; Cultural Health Indicators pilot and Tuhonohono – connecting people and place with mātauranga. The CHI is a one year project, it is location specific and relates to Te Korapatu Marae and the Mangaokewa Stream. Tuhonohono is being implemented in the Waipa catchment with kura Māori, kōhanga reo and Marae hapori over the next three years.*

*(Operational interviews MMTB)*

## 5.4.3 Being involved in the resource consent process is fundamental

Resource consent applications have the potential to affect cultural values and interests in the rohe and are an important RMA matter for MMTB. Improvements in engagement and consultation processes on resource consent applications is important.

*Knowing the biggest concern with RUD is around resourcing and compliance, it has always been numbers on the ground. If we could have that conversation with council we could say...what about engaging with our iwi? Is it possible for iwi staff to be employed gainfully to do that, to ensure that the rules of resource consents are actually fulfilled? Regional Marae Committees initially have supported the applicants to get the consent and we know we can work with the applicants, have the conversations and gain their trust, their understanding. To participate in the resource consent process is to have our 5 cents worth.*

*(Governance interview MMTB)*

## 6 Summary

The primary objective of the review is to assess the effectiveness of current Maniapoto JMA arrangements and to identify areas where we can improve its effectiveness. It has been jointly led by the MMTB and the Waikato Regional Council in collaboration with the four territorial authorities.

**This report will be discussed at the next co-management (bi-annual operational) meeting. It will then be tabled for discussion at the next meeting of the Maniapoto Māori Trust Board and at the next Co-Governance Forum meeting on 1 May 2017.**

The key finding of the review is that there continues to be overwhelming support for the Maniapoto JMA as an instrument from which to strengthen and build better and more effective partnership relationships.

Opportunities for improving how we work together centre around three themes:

1. reviewing matters covered in the Maniapoto JMA under *Clause 16 - Other Matters*
2. streamlining our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing
3. improving how MMTB is informed about and involved in resource consenting, monitoring and enforcement

Challenges remain, nonetheless. One such challenge is to continue to build capacity and capability so all parties can take the opportunities to make improvements.

A further challenge may arise when reviewing and extending the matters covered by the Maniapoto JMA under *Clause 16* and ensuring any changes “*cover no other subject matter than matters relating to the Waipa River*” under section 18 of the Waipā River Act.

The ongoing challenge, above all else, is to remain focused on the overarching purpose of this instrument which is to restore and maintain the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations and the care and protection of the mana tuku iho o Waiwaia.

### 6.1 Recommendations

It is recommended that all parties to the Maniapoto JMA:

**Note** that no amendments to the Maniapoto JMA are required

**Agree** to utilise the Maniapoto JMA, in its current form, as an instrument from which to strengthen and build better and more effective partnership relationships across our organisations by taking the opportunities to:

- a. review matters covered in the Maniapoto JMA under *Clause 16 - Other Matters*
- b. streamline our collaborative work programme by focusing on strategic outcomes, shared projects and better information sharing
- c. improve how MMTB is informed about and involved in resource consenting, monitoring and enforcement

## Appendices

Appendix A - Letter of Invitation (Maniapoto Māori Trust Board, District Councils)

Appendix B - Review Questions

Appendix C - Responses and Commentary

## Appendix A - Letters of invitation (MMTB and District Councils)

Attention: Janise Eketone  
Maniapoto Māori Trust Board  
PO Box 36  
Te Kuiti 3941  
12 December 2016

E te rangatira, tēnā koe,  
Tēnā hoki koe i ō tātou tini mate e hingahinga haere nei. Kua karangatia ō tātou pūkōrero, kua tangohia atu ngā manu tīoriori, kua pāngia ō tātou mate e te ringa kaha o aituā. Nō reira, waiho rātou ki a rātou, ko tātou ki a tātou, tēnā anō koe.

### **RE: Waikato Regional Council & Maniapoto Māori Trust Board Joint Management Agreement Review**

The purpose of this letter is to seek your participation in a combined review of our Joint Management Agreement. The review will assist in gaining an understanding of how the Agreement is currently operating. Our preference would be to have one-on-one conversations, with a cross-section of governance, senior leadership and operational staff. In this manner we would gain a range of perspectives on the agreement. However if you would prefer to respond in writing or have a different approach then please let us know. We are flexible on these matters and seek your input on what will work best for you.

The review will be focussed at a high level but there is also a set of technical questions that are topical and pertinent to the review. We have attached the full list of questions we are seeking to discuss. We would welcome your input into these.

If your preference is for one on one interviews, could you please advise who will represent your organisation in these? We can then schedule interviews, either via phone or kanohi-ki-te-kanohi for approximately 30-60 minutes. Our preference is to hold the interview and/or have responses to the questions in the new year and complete the process by mid-February 2017.

Waikato Regional Council will provide the same list of questions to its staff and governance. Individual verbal interviews subsequently captured in writing will be shared with the interviewee for review prior to finalisation. The results of all interviews with representatives of MMTB will be collated into a single report. The report will form a starting point for discussions between the parties. We look forward to working with you on this important mahi. If you have any questions, feel free to contact Michael Carey at Phone: 64+ 021530483

Kāore e kume roatia te kōrero, heoi anō, noho pai mai i roto i ngā manaakitanga katoa.

Naku iti nei na

Melissa King-Howell  
Pou Tuhono - Tai-ranga-whenua

# File 1 - Page 52

Attention: Brian Hanna  
Waitomo District Council  
PO Box 404  
Te Kuiti 3941

12 December 2016

Hello,

## **RE: Joint Council & Maniapoto Maori Trust Board Joint Management Agreement Review**

The purpose of this letter is to seek your participation in a combined review of our Joint Management Agreement. The review will assist in gaining an understanding of how the Agreement is currently operating. Our preference would be to have a one-on-one conversations with the most appropriate staff member. In this manner he/she could provide the best perspectives on the agreement on your behalf. However if you would prefer to respond in writing or have a different approach then please let us know. We are flexible on these matters and seek your input on what will work best for you.

The review will be focussed at a high level but there is also a few technical questions that are topical and pertinent to the review. We have attached the full list of questions we are seeking to discuss. We would welcome your input into these.

If your preference is for a one on one interview, could you please advise who will represent your organisation in these? We can then schedule the interview, either via phone or face-to-face for approximately 30-60 minutes. Our preference is to hold the interview and/or have responses to the questions in the new year and complete the process by mid-February 2017.

Waikato Regional Council will provide the same list of questions to its staff and governance. Individual verbal interviews subsequently captured in writing will be shared with the interviewee for review prior to finalisation. The results of all interviews your staff and with representatives of MMTB will be collated into a single report. The report will form a starting point for discussions between the parties. We look forward to working with you on this important work. If you have any questions, feel free to contact Michael Carey at Phone: 64+ 021530483

Naku iti nei na

Melissa King-Howell  
**Pou Tuhono - Tai-ranga-whenua**

# File 1 - Page 53

Attention: Jim Mylchreest  
Waipa District Council  
Private Bag 2402  
Te Awamutu 3840

12 December 2016

Hello,

## **RE: Joint Council & Maniapoto Maori Trust Board Joint Management Agreement Review**

The purpose of this letter is to seek your participation in a combined review of our Joint Management Agreement. The review will assist in gaining an understanding of how the Agreement is currently operating. Our preference would be to have a one-on-one conversations with the most appropriate staff member. In this manner he/she could provide the best perspectives on the agreement on your behalf. However if you would prefer to respond in writing or have a different approach then please let us know. We are flexible on these matters and seek your input on what will work best for you.

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Naku iti nei na

Melissa King-Howell  
**Pou Tuhono - Tai-ranga-whenua**

# File 1 - Page 54

Attention: Gavin Ion  
Waikato District Council  
Private Bag 544  
Ngaruawahia 3742

12 December 2016

Hello,

## **RE: Joint Council & Maniapoto Maori Trust Board Joint Management Agreement Review**

The purpose of this letter is to seek your participation in a combined review of our Joint Management Agreement. The review will assist in gaining an understanding of how the Agreement is currently operating. Our preference would be to have a one-on-one conversations with the most appropriate staff member. In this manner he/she could provide the best perspectives on the agreement on your behalf. However if you would prefer to respond in writing or have a different approach then please let us know. We are flexible on these matters and seek your input on what will work best for you.

The review will be focussed at a high level but there is also a few technical questions that are topical and pertinent to the review. We have attached the full list of questions we are seeking to discuss. We would welcome your input into these.

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Waikato Regional Council will provide the same list of questions to its staff and governance. Individual verbal interviews subsequently captured in writing will be shared with the interviewee for review prior to finalisation. The results of all interviews your staff and with representatives of MMTB will be collated into a single report. The report will form a starting point for discussions between the parties. We look forward to working with you on this important work. If you have any questions, feel free to contact Michael Carey at Phone: 64+ 021530483

Naku iti nei na

Melissa King-Howell  
**Pou Tuhono - Tai-ranga-whenua**

Attention: Andrew Loe  
Otorohanga District Council  
PO Box 11  
Otorohanga 3940

12 December 2016

Hello,

**RE: Joint Council & Maniapoto Maori Trust Board Joint Management Agreement Review**

The purpose of this letter is to seek your participation in a combined review of our Joint Management Agreement. The review will assist in gaining an understanding of how the Agreement is currently operating. Our preference would be to have a one-on-one conversations with the most appropriate staff member. In this manner he/she could provide the best perspectives on the agreement on your behalf. However if you would prefer to respond in writing or have a different approach then please let us know. We are flexible on these matters and seek your input on what will work best for you.

The review will be focussed at a high level but there is also a few technical questions that are topical and pertinent to the review. We have attached the full list of questions we are seeking to discuss. We would welcome your input into these.

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Waikato Regional Council will provide the same list of questions to its staff and governance. Individual verbal interviews subsequently captured in writing will be shared with the interviewee for review prior to finalisation. The results of all interviews your staff and with representatives of MMTB will be collated into a single report. The report will form a starting point for discussions between the parties. We look forward to working with you on this important work. If you have any questions, feel free to contact Michael Carey at Phone: 64+ 021530483

Naku iti nei na

Melissa King-Howell  
**Pou Tuhono - Tai-ranga-whenua**

## Appendix B - Review questions

These are the questions posed to interviewees of which they answered the ones relevant to their role and experience.

- In relation to *Section 2: Scope of Agreement*, can you please explain the extent to which the various points of the Agreement are being addressed.
- In relation to *Section 4: Principles*, can you please comment on which ones are being met and are there any that need more attention.
- Are the meetings and arrangements acceptable in their current form? Are there any limitations/difficulties? Have they been helpful in assisting the partners to have a better relationship? Do you have any further comments?
- In relation to *Section 5 Monitoring and Enforcement*, please comment on the process, for how the Parties work together in Environmental Monitoring Joint Planning and the Collecting and Reporting of Environmental Information.
- This question relates to *Schedule 6 RMA Planning Documents Processes*. Have we effectively met the provisions and timeframes set out in table 1 in respect to healthy rivers?
- In relation to *Section 7 Resource Consent*, please comment on the effectiveness of *Criteria / Procedure to implement section 23(1) of the Waipa River Act*.

## Appendix C - Responses and commentary

Governance people interviewed were: Tipa Mahuta (WRC), Weo Maag (MMTB), Peter Buckley (WRC), Ray Wi (MMTB), Gabrielle Morgan-Logan (MMTB) and Paula Southgate (WRC), Brian Hanna (Waitomo DC).

Operational people interviewed were: Tipene Wilson (MMTB), Ngahuia Herangi (MMTB); Neville Williams; Clare Crickett; Dominique Noiton; Mark Brockelsby; Michael Carey; and Toni Dobson (all WRC), Marae Tukere (Waikato DC); Andrew Loe (Rotorohanga DC); Gary Knighton (Waipa DC).

### Governance interviews

#### **Weo Maag (Trustee, MMTB)**

As well as WRC doing a review we need to look at how we perform. Having 5 mayors is good, it is more effective and efficient rather than just having one. The principles in the JMA are really good, there are a lot of them A-M. The scope of the JMA is okay, the purpose is okay.

How well did we do that helps give effect to the legislation?

Section 21 of the Act allows us to have the conversation with council around monitoring and enforcement. Knowing the biggest concern with RUD is around resourcing and compliance, it has always been numbers on the ground. If we could have that conversation with council we could say...what about engaging with our iwi? Is it possible for iwi staff to be employed gainfully to do that, to ensure that the rules of resource consents are actually fulfilled? Regional Marae Committees initially have supported the applicants to get the consent and we know we can work with the applicants, have the conversations and gain their trust, their understanding. To participate in the resource consent process is to have our opportunity for input and to put our case across. Before co-governance MMTB worked with the Waitomo District Council regarding consenting matters. We can demonstrate how we can work together in a co-governance, co-management way. Iwi and the council worked together and obtained \$3.6m in funding support from the minister (Tony Ryall) that went into the upgrade of the waste water treatment plant. That's co-governance / co-management already in action before the JMA.

We want to put something in place around monitoring and enforcement. How do we know that the controls and measures being put in place are working and effective? This is where section 5 of the JMA comes into play.

Healthy Rivers plan change is all around early engagement and knowing we are a joint working party. Thus the JMA involving the Mayors, the WRC and MMTB is no different to the joint working party known as HRWO. The mayors all need to be onboard as they will all be party to the plan change. If we are being appraised on matters along the way, then we are able to inform the constituents. I'm not sure that we can currently say we have that. Regardless of the rights or wrong, it is about how we can improve along the way. About one and a half years ago I brought it up that both committees need to be aligned.

We mayors and trustees should be inspiring change. Using the Implementation Plan to review and monitor what effect we are having. There is opportunity to improve in this area. How do we enhance and improve and go forward. This agreement is in perpetuity. Can we publicise that we are standing united and send this message out to the community? We are all talking the same language. The Waikato Plan...one plan, one region, one voice. This has a water component. There is a lot of opportunity for collaboration and working smarter together.

Employment opportunity in the JMA through section 21 has been there. Back in 2008 we had discussions with WRC and said "the days of honorary are gone". Local people can be employed and held accountable to provide locally based monitoring and enforcement activities. We should be

factoring in these matters and doing better planning, smarter planning. We see Healthy Rivers as a huge opportunity. We are all going to require more staff to manage these farm plans. There will need to be monitoring and ensuring compliance is actually happening. There will be a requirement but the river iwi can play a major part here. The 5 CEOs all need to get together with iwi to determine the goal and how do we get there? If we all had to put \$50k in (like we did with HRWO \$20k) to actually employ some people to put up a submission to the board. First of all we need to find some common ground and agree on it. Implementing HRWO, we are all part and parcel of this. Ray Wi has reminded people that Maniapoto are a partner in this. We are in this together.

A key thing for the Waikato River Authority (WRA) about reviewing the Vision & Strategy is whether or not there needs to be any amendments to the legislation. It doesn't mean we want to change the legislation about this or that but it is about how we participate in that. Although allowed for in legislation, the WRA never established targets and methods, knowing that other instruments were going to give effect to water improvement quality (among 4 other objectives). It is a better practical sense to let that process go ahead, allow it to take place. Ideally we should all be working together to be aligned, HRWO creating targets, aligning the scorecards.

In early discussions it was re-enforced that the rivers are equal. The Waipa River is not a tributary of the Waikato River. They are equal. With the Vision & Strategy it goes all the way up to Pekepeke, at the same time knowing that Maniapoto can establish its own objectives for the Waipa River. It is a piece of work that still needs to be achieved. Although we have the Maniapoto Priorities, it is not quite the same as having our own set objectives. It is all about improving the quality and integrity of the waters that flow into the Waipa River.

Working collaboratively through joint funding has got to be a no-brainer. Until we have the qualified people we need to work collaboratively to put together the science. MMTB needs to play catch-up. We will get there in time. This is where internships are a positive approach. In time we hope to have all these qualified young people. With HRWO the submissions process might even bolster the outcome.

By all the JMA partners working together (MMTB, WRC and the mayors) we can create significant opportunity by standing united. The mana that this group could have to promote positive change is tremendous. We just haven't used it. We can work together on the District Plans, Long Term Plans, the Regional & Coastal Plan, then stand united when the plans come out. How can we give more mana to this forum? How can the forum be used as a tool to inspire people and demonstrate leadership?

## **Ray Wi (Trustee, MMTB)**

Early engagement regarding upcoming activities is necessary. It should be not only the Regional Council doing this but it rests on us (MMTB) to do this as well. To some extent we need to be watching the world as a whole rather than little isolated silos. Weo and I have both been advocates for early engagement, it takes away the surprises.

From what I have seen and heard the principles and scope of the JMA seem to be okay.

The focus of the JMA is on the river catchment area. Section 16 talked about other matters, working with councils, coming under the scope, utilizing them is what we are talking about. The things that we have raised so far are within the scope of the JMA and we just have to see them done better. It is not necessary to change the scope of the JMA. We went over this, this morning before the WRC got here and one of the concerns is recognizing that those things are there. The things we want are there already and we just want to build on it and can do things better as well.

We sat at our meeting this morning and discussed the implemental plan. Basically you can say that the JMA is a vehicle by which we as governors would interact with each other and come to all the strategic agreements and how are we going to do this? In order to get that vehicle to get anywhere we need the drivers and the operational team are the drivers. If we are not doing things in the way

we should, we get the front wheels going this way and the back wheels going the other way and the governors standing on the side of the road saying “What the heck are you fellas doing?”

One point was that we planned to meet twice a year but only met once. That has been complicated by the triennial elections and putting that aside, we need to say “come on you guys, we got to get to the table to talk.” The Implementation Plan and the activities that fall out from that are a darn good place to start. We saw it, we discussed it and said yes, let’s do it.

## **Tipa Mahuta (Councillor, Ngā Hau e Whā Constituency, WRC)**

SCOPE: First time iwi were afforded this mechanism – a lot got forced in. Since then we have managed to prioritise them. Iwi instrumental in shaping and influencing Healthy Rivers. The Waikato Tainui JMA was first iteration so a few things were wedged in, possibly could have been more focused. Deals with river and catchment, does not cover, biodiversity, geothermal, etc. Iwi were influential in creation of 5 individual JMAs. Purest legal scope included. Key is it’s a relationship document. JMA’s cornerstone is more about the relationship.

PRINCIPLES: Too many principles, lots put down on paper. Not prioritised. Hinged around statutory responsibilities – apart from good faith principle. Important that Iwi have individuality in JMA’s. In and around how business is conducted. Healthy Rivers. Acknowledged collective voice of iwi (rather than just as individuals). Nice to have iwi come together as a collective voice. Still learning a lot as we go along. Relationship with iwi needs to be more than a JMA – need to go beyond that.

OBJECTIVES: Overall recognition and concept, yes have met them.

MEETINGS: Meetings not outcome focused. Can be mechanical and reporting and reactive, not strategic. Requests come from iwi for reports on certain topics, science/policy react. Could do reporting separately, use meeting to discuss where next priorities are. Need to align, what do you want out of the meeting, what are the desired outcomes. Upper Waikato Integrated Management Plan was not developed but there was lots of discussion around it. Need to drive meetings around outcomes.

HRWO: Success in engaging iwi technical advisor in Healthy Rivers planning. Key success from HRWO is “Iwi Technical Advisor”. The cost was shared 50% by WRC and 10% each by Iwi. Able to raise funding matter and come to consensus because the relationship had been built and matured.

## **Peter Buckley (former Councillor and Chairperson, WRC)**

Relationship building, social dialogue is important, so be proactive, call in and visit when passing. Chairperson must realise their role is crucial to building relationships with iwi partners, so must get the chairperson on side, supporting. Make sure JMA’s/iwi partnerships take precedence over government meetings in Wellington. When having three way discussions with WRC, Iwi, Crown: the Crown was very focused on what they wanted, not flexible. They had decided what the goal is and wanted to go in a straight line to achieve it. But there are many ways to achieve the same goal – and sometimes a convoluted way to get there overlaps better with other group’s aspirations. WRC and Iwi had to talk together to look at what areas they could each reach consensus over.

The best decisions are never made in haste. Allow 6 months for an iwi to consider an important issue. Remember that each iwi operate/function differently. Need to be aware of all the politics and issues that are going on, inter-relationships etc., but don’t get involved in it. Need to be able to smooth the water, advance the key issues without getting in the middle. Go and visit smaller groups to start building relationships, understand their issues, concerns before they are asking for JMAs. Mission statement is ... for the whole of the community, not just big JMA iwi. Don’t treat small iwi any less – so . . . the Chair should go.

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Having the 2 Māori councillors has certainly changed the flavor of council (for the better). If we didn't have Māori constituencies we would have had a statutory board (like the Auckland IMSB) thrust upon us and we didn't want the cost of that. WRC only went for two, but we should have got an extra one through act of parliament (BOP got three Māori seats). Reasons we should have had 3 constituencies: Because of the sheer size of the area of the region.

Our area is far too big and should be split into three more manageable parts – say Hauraki/Waikato Tainui and the rest. Because of the Treaty - boards can have between 8-14 members but ideally we should have 8-9 general seats and 3 iwi seats. Everyone involved in some manner of engagement with Māori should know who to talk to, how to talk with them. Wānanga are important, need to get across to the councillors how things operate in Te Ao Māori, education. Recommends this being included as an agenda item on one of the standing committees, that way it's compulsory to attend (1hr). Tai-ranga-whenua is very important part of the organisation to be engaged and leading these matters.

### **Paula Southgate (former Councillor and Chairperson, WRC)**

Currently many of the JMAs tend to be "report heavy" meetings. Although visionary statements are important, JMA co-governance meetings ought to shift toward setting and realising tangible outcomes as well. Aim to improve our reporting style, by celebrating when milestones are met, and communicating these successes to the council and wider community. Suggest each JMA focus on 3 strategic objectives annually or over the term of office. Have more frequent meetings (2 or more co-governance meetings per annum) where the focus is on agreeing to shared outcomes and tracking their progress. Simplify the reporting by using traffic light style reporting (i.e. red, amber, green).

Co-chairing needs greater clarity around roles and share responsibilities of each chair as at times it has been difficult to determine who does what, and it tends to default to more leadership shown from hosting chair. Allow more time for lunch conversations, where protocols are relaxed (not minuted) and individuals can engage more freely with one another. Encourage where possible the sharing of resources. Encourage and support council and iwi partner relationships with our territorial authority's counterparts.

Not every councillor fully understands the JMA agreements, their objectives and possible benefits. Investigate the possibility of using a "buddy system" within each JMA committee, iwi partner representative and local councillor. To build up relationship and understanding, to grow mutual respect for one another and one another's perspectives, include local site visits, to link with local TA counterparts.

Observed that council wānanga have dropped off – notion of making them part of a standing committee discussed. Important that the WRC Chair and JMA leaders should do professional training development, including mihi and waiata. Encourage some cultural awareness training important as councillors do not always "connect" with iwi. Step through protocols in a non-confrontational, entertaining way (CD of waiata, booklet and other information for use by councillors in their own time and pace). Perhaps a pan-tribal dinner.

Where possible foster pan-tribal agreements or processes. Seek alignment of projects across JMA partners (including TA counterparts). Create relationship building opportunities where we are talking to each other on occasions beyond just when there are problems (i.e. positive involvement in issues at front end).

### **Brian Hanna (Mayor, Waitomo District Council)**

There have been no applications made to the WDC since the JMA was put in place in relation to the Waipa River and activities within its catchment affecting the Waipa River. The JMA has initiated more engagement between the council and Maniapoto. No resource consent applications have been received or processed in relation to the Waipa River and activities within its catchment affecting the Waipa River. As regards planning, in the time of the JMA, the WDC plan has not been reviewed so no

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consultation has occurred in regard to that, consultation will occur as per the requirements of the JMA during the District Plan Review.

Believe the scope is as set out in the act and that we cannot vary the scope without legislation.

**PRINCIPLES:** Appropriate weight is given to the river act and is used when processing consents. Also the Maniapoto Environmental plan is considered as well. The JMA operates on good faith and co-operation by all parties. Believe that the Waipa River Integrated River Management Plan is something that the Waipa Zone Committee is working on.

**MEETINGS & ARRANGEMENTS:** The JMA and its meetings and arrangements are new and evolving over time. It is taking some time for people to begin operating in this new environment. However they are not the ultimate decision making body. Thus need to be careful they don't become just catch-up and discussion sessions. Supportive of rotating venue, different council hosting, etc.

**MONITORING & ENFORCEMENT:** Waikato Regional Council most involved and responsible for the monitoring activities in the region.

**RMA PLANNING:** As regards planning, in the time of the JMA, the WDC plan has not been reviewed, and no plan changes have occurred, so no consultation has occurred in regard to that. Biggest impact has been with all parties' involvement in Healthy Rivers Wai Ora project.

**RESOURCE CONSENTING:** There have been no applications made to the WDC since the JMA was put in place in relation to matters covered by the JMA. No resource consent applications have been received or processed in relation to matters covered by the JMA. Section 23(b) - Under JMA it would be limited to activities that take place on the surface of the water. 7.2.2 processes are followed

## **Gary Knighton (Waipa District Council)**

**SCOPE OF AGREEMENT:** The agreement covers the arrangements between Maniapoto, Waipa District Council and the other nominated partners. These are shared arrangements, each contributing in their own fashion. Waipa District Council is not just working with Maniapoto in the area. It also liaises with other groups like Ngāti Hikairo, Pūrekireki marae, Ngāti Apakura, Ngāti, Koroki Kahukura etc. In many instances Maniapoto will defer certain discussions to be conducted directly with a marae or hapu group. Examples of such activity include the peat lakes. All of Area C and part of Area A as regards to the catchment of the Waipa River is identified in Schedule 1 of the JMA.

Waipa District Council does not do much monitoring or enforcement, it is not an area that the local council deal with. The council does engage with iwi regarding planning activities. All variations and notice go to iwi for consideration. Submissions are sought to LTP's and APs, appointments to standing committees, close involvement to District Plan production, a standing committee of the Council in addition to formal JMA meetings. The only consents that council deal with (in this context) are those associated with the surface of the river. There are very few of these type of requests received. Overall the observation is that the Waipa District Council believe they are working within the JMA requirements of the "Scope of Agreement", and also have a raft of consultative and engagement arrangements in place which extend beyond the scope of the JMA.

**PRINCIPLES:** There are 17 principles listed within section 4 of the JMA. The council believes it is working together in good faith towards those principles. It notes that as yet the development of the "Waipa Integrated River Management Plan" has not yet occurred. This is acknowledged by all parties and the creation of this was deferred until it could be effectively addressed and resourced by all parties. The Maniapoto Iwi launched their updated Maniapoto Environmental Management Plan in March of 2016. Maniapoto staff plan to visit the council to present to staff on these matters. The council has not had any issues raised by iwi regarding failure to fulfil its obligations.

**CO-MANAGEMENT MEETINGS AND ARRANGEMENTS:** The perspective of Waipa District Council staff attending these meetings is that they seem to be a "feel good" meeting. They fulfil a statutory

requirement but seem to be more an opportunity for each group to talk about something water related that they have done. The perspective is that the meetings lack productive outcomes. Ideally the meetings should focus on achieving a shared vision of how we are going to meet the visions outlined in the principles.

They strongly believe that the Waikato River Authority should be engaged as well, because they are evaluating and funding priority activity in the catchment, ie developing a plan, funding arrangements with WRA and working with Council to marshal resources through the LTP to deliver a collective vision involving riparian strips, access to heritage sites, water and waste water solutions.

Should the Waikato River Authority prioritisation of work be directly aligned to council's plans? Yes...let's push this please.

Maybe the meetings should allow time to workshop these matters, have a facilitator leading it and seeking to reach agreement on priority jobs. How productive can these meeting become? What are staff doing, are they doing the pre-work in enough time prior to the meeting? Maybe we should be looking at cross JMA forums where all JMA partners are involved. Waipa District Council is meeting its obligations with this JMA. It is noticeable that in another JMA that Waipa District Council has with a different iwi partner, there hasn't been a meeting between them in three years. The key is not what the councillors/trustees are doing, it is what is being done by council/trust board staff who are doing the work and interacting. If the staff are carrying out all the activities and keeping the operational side flowing, then the governance side can set the strategy/goals, etc. This needs to be the focus going forward.

Co-governance meetings are at least held annually. Operational meetings should be at a greater frequency of 2+ per annum.

Funding for projects could also be sought from Mighty River Power who engage in river development. Engage with them to obtain alignment.

Waipa District Council has three JMA's (Maniapoto, Raukawa, Waikato-Tainui)

SECTION 5 MONITORING: There are two aspects to this. The Waipa District Council is not involved in monitoring and enforcement activities on the river, as this is carried out by the regional council. There is involvement in regard to monitoring the planning activities and making this available to the public.

SECTION 6 RMA: Waipa District Council are committed to early engagement with Maniapoto. It continues to develop its ways of working in an early engagement arrangement. Before Waipa District Council advertise anything we get a view from Iwi on the matters.

SECTION & RESOURCE CONSENTS: The Waipa District Council only deals with consents that are those associated with the surface of the river. It receives very few requests.

## **Andrew Loe (Otorohanga District Council)**

OVERVIEW: Both the Maniapoto Māori Trust Board and the Otorohanga District Council are resource lean. Need to prioritise where the most effort and attention is placed. Both parties have a commitment to engaging but there are sometimes constraints on how much attention is put into certain activities. JMA's are a good timetabling tool for engagement to work towards. Setting dates can be difficult and sometimes a meeting will get postponed. Believe that iwi are now (or becoming) big investors and large agricultural players within their regions. Would be nice to think that they would engage the councils in early planning for their chosen activities. Because they are becoming major financial and commercial investors, the councils need to be mindful of this when engaging iwi in planning and policy matters to ensure there are no conflicts of interest. Iwi need to be open about their proposals. Councils can get an indication through the IEMPs but not always seeing commercial ventures until they are public.

**SCOPE:** It would be difficult for district councils to increase the work/activities or scope of the JMA. The councils are not scaled to be able to take on extra duties. Historically the council has been decreasing in size. Now council is in a growth period due to the massive expansion of Waikeria Prison and other projects like possible dairy factory

**PRINCIPLES:** Adhering to the principles is generally happening particularly at a staff level.

**MEETINGS & ARRANGEMENTS:** Meetings that are held on marae are very resource consuming. It can be difficult for council staff to put aside a whole day and travel to/from a marae for a two hour meeting. The Otorohanga District Council is involved in two JMAs and the tone of each is different. With Maniapoto they have a very big presence in Otorohanga DC area, whereas Raukawa only have small area of interest/overlap. Thus Raukawa would not normally share a lot of interest in ODC activities outside their overlap. Councils need to be mindful of the weighting of influence of an iwi, compared to the scale of presence within the council boundaries. Large meetings with multiple representatives from each party reporting on prior activity may not be the most productive way to progress the JMA, particularly if these focus on short-comings associated with certain activities.

Some Iwi are keen to see additional matters introduced within the scope of the JMAs. Councils are already catering to iwi as rate payers, so councils need to be mindful of how much influence is exerted. It is the rate payers who fund the council's activities, so they need to be the focus of receiving benefits which will include iwi members as ratepayers and residents of the District.

Current resources and funding are already fully committed to existing projects activities. The rates and tax that people within district pay needs to be transparently allocated for that districts purposes.

**MONITORING / PLANNING / CONSENTING:** The Otorohanga District Council takes every chance to engage with iwi where appropriate. Because of limitations on ODCs activities under JMA (small player compared to some other JMA partners) the engagement is only at a low level compared to that of others. Usually the scale of the interaction is small.

## **Marae Tukere (Waikato District Council)**

**SCOPE OF AGREEMENT:** The Waikato District Council is only a minor player in this JMA, our input is more observational as not much activity at our end of the Waipa river yet. The river comes into the Waikato District Council area at Whatawhata to Ngaruawahia.

We have engaged with Maniapoto to visit WDC and give presentations on their IEMP plus history. WDC representatives have attended each JMA hui. Certain staff at WDC are putting in concerted effort to make all WDC staff/planners aware of treaty, acts, history, etc, and provide staff with an understanding of mana whakahaere and mana o te awa. To educate them to consider this aspect when doing council activities of consenting and monitoring, etc. There have as yet been no instances of ability to do joint monitoring iwi involvement in council monitoring.

**PRINCIPLES:** Some councillors are still coming to grips with effective and meaningful engagement with iwi, simple gestures like correct pronunciation would go a long way.

### **MEETINGS & ARRANGEMENTS:**

Like the way an ex-WRC staff member prepared for JMA meetings. Find out more information, etc. She would call a pre-meeting of managers to talk about topics, help prepare the mayors for the co-governance meeting.

## Operational interviews

### **Tipene Wilson (Manahautū – Whanake Taiao, MMTB)**

The JMA is an excellent document. Tipene was involved in the JMA. It covers the 5 councils and gives opportunities for all the councils to talk to each other and with Maniapoto. This will facilitate better alignment between the councils particularly in regard to planning activities. The document is well worded and trending in the right direction. WRC has shown good leadership in regard to this document. It is believed that all councils are interested in doing the best job they can in upholding the intent of the document.

All parties have suffered somewhat in the capacity and capability constraints and it has been observed that the Tai-ranga-whenua unit has been understaffed a lot of the time.

The Implementation Plan is a good initiative. It is important to have specific things to focus on. In the past we have been trying to do too many things at the same time. We should concentrate on drilling down into the key actions on the plan rather than trying to do all things at once. Monitoring and enforcement is an area that could benefit from more attention being given to it. All iwi would like more engagement in this area. However the effort and resourcing required to undertake monitoring and enforcement should not be underestimated. For example, Maniapoto understand that Waitomo District Council has no monitoring and enforcement person and relies mainly upon reports of breaches of consents. This makes it hard to progress matters that arise with them.

The \$1m funding provided by the government is not effective in enabling iwi to gear up to being fully engaged on these matters. The funding allows iwi to have a seat at the co-management table but not to fully resource the information and analysis required to ensure that the person(s) at the table are fully informed and able to meaningfully participate. Iwi are being forced to follow the 80/20 rule and do what they can to focus on the priority areas. In regard to monitoring and enforcement, how can iwi get that engagement and see results in a measureable way in regard to implementing meaningful measures. In regard to the work areas that are being tackled there are questions being asked like...“Are we moving the needle? Are we moving the right needle?”

Co-governance is a best practice approach to working with iwi in a local government setting. The Healthy Rivers project has been a constructive endeavor and a good model of engagement, though some reflection needs to occur due to all the “noise” being generated by those that were part of the process at the Collaborative Stakeholder Group table. What is needed now is to codify those practices into normal business operations. From here, what does co-governance and co-management look like? How can it become the default BAU approach to working together?

MMTB has a 40 year plan that embodies the aspirations of the iwi and will be looking to measure its success against that plan. Maniapoto see local authorities as key partners in advancing the 40 year plan.

The iwi would like to see that it has an influence on matters. It would like to see that its members have the opportunity to train to become commissioners and then actually sit on hearings. One of the MMTB board members was recently sat on a hearing panel and it would be good to see more of this in the future.

MMTB recently carried out their own internal JMA review as part of their JMA, Accords review. What came from that was the confirmation that there needs to be more capacity and capability building of iwi members. That from this getting engagement with councils and business can drive better outcomes for Maniapoto and for the region. “If it’s good for Maniapoto, then it’s good for the community”. MMTB need to work in conjunction with all the councils so that it has a good attempt at changing the conversation. For councils to engage the iwi especially in regard to preparing individual plans that can blend together into the Regional Waikato Plan. This is where planning now

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for the 2018 year for better monitoring and enforcement activities can be carried out and locked in. It will also enable MMTB to promote it within its region.

In regards to the activity that is carried out to improve the water quality in the Waipa and Waikato Rivers, this needs to be thought through correctly. It is acknowledge that a lot of sediment is carried downstream by the Waipa River. Maybe that is the area that needs the greatest focus/targeting right away. Maybe the Waikato River Authority might need to fund that work in priority to other activities on the Waikato River to get the best overall results.

Maybe that the WRC needs to look at the EPA model for how it resources the Tai-ranga-whenua unit. Within the EPA they have the Kaupapa Kura Taiao team which aims to ensure that Māori perspectives including the Treaty of Waitangi are incorporated internally and externally within the EPA. They provide support and advice to iwi and applicants during the engagement process and raise awareness with iwi on how to engage and participate in the decision making processes of the EPA. They use project champions within each area of the EPA. A goal of the WRC could be that the success of the Tai-ranga-whenua unit is that if they did a perfect job, then they would not be needed. That correct engagement with Māori is a business-as-usual activity.

An important aspect going forward is the inclusion and valuing of mātauranga Māori. This is linked to the work going on to identify cultural health indicators.

There are currently two seats on the WRC Board that are allocated to two Māori Constituencies. These two positions will be up for review prior to the next set of elections. From an iwi perspective the answer to the question of do we need them is..."That cannot be a serious question?" It would seem ridiculous to go to a referendum to decide this matter. In order for Māori to obtain an equitable allocation of resources and to get an equitable outcome, then Māori need to have specific seats allocated to them. It is also important to have the existing convention of appointing one of the Māori Councillors as the Deputy Chairman.

Māori can hold their heads up high in regard to how they have handled their involvement in the Healthy Rivers project. The concept of having an iwi collective voice has its merits and is a useful forum to have. However you cannot discard the fact that individual groups hold mana whenua over their lands and that their input and agreement is vital. The Future Proof project has a good model for iwi engagement. It has been done well, is a good model and has been a reasonably painless exercise to work through. As well as the iwi consultation, it has left the door open for other groups to come in.

Would like to see the best practice model extended across the whole of the Maniapoto Rohe. WRC is already doing this now with the likes of the West Coast Liaison Sub-Committee. This is fostering rangatira-to-rangatira arrangements. This has not required anything being added to the JMA as a document, nor has it required extra resources, but it has been adopted as it is best practice and it working.

There is benefit in extending the JMA in certain areas. Maniapoto have three regional councils in their rohe (Waikato, Taranaki, and Whanganui). The JMA with the Waikato Regional Council only covers the Waipa River and its catchment area. It would seem better to have a JMA that covered their entire rohe rather that have multiple relationships covering different matters.

The Waikato Plan is a great initiative to get aligned planning within the region. Iwi rate it as an A-/B+ initiative and is a demonstration of why it is not necessary to change the existing JMA, "The JMA is already good, why create another document?" The JMA provides the basis of having the conversation.

All the council's need to be keeping up with changes as the come along. As Maniapoto move in to a post settlement environment, there will be changes to the faces around the table and in the way business is carried out as the change occurs.

Using the JMA should see all parties taking a more measured approach to our future activities. The JMA seeks to redress the imbalance of the past. It is important to remember that partnership should be a partnership.

## **Ngahuia Herangi (Senior Project Manager, MMTB)**

SCOPE: It is not uncommon for our JMA partners to present on the various points eg. Monitoring and enforcement activities to our quarterly advisory group hui. Typically the focus of presentations extends beyond the Waipā catchment, to the Maniapoto rohe. I'm confident that relationships have been formed, and that there is a presence in the various forums. I'm unable to comment on how effective the points are being addressed on the other hand. If there is a genuine interest and willingness to engage with Maniapoto, perhaps a monitoring framework could be developed to capture progress. Unless this is the intention of the "Implementation Plan"?

PRINCIPLES: From my perspective, relationships with our JMA partners vary from council to council. In terms of my work with Waikato Regional Council staff, they have shown to be pro-active and lead the way in terms of giving effect to the following principles.

- The Maniapoto Iwi Environmental Management Plan
- Commit to work together in good faith and a spirit of co-operation
- Commit to open, honest and transparent communication
- Ensure early engagement and "no-surprises" approach

Having good relationships with council staff is key to achieving successful outcomes that are reciprocal and meaningful

MEETINGS & ARRANGEMENTS: The meetings have been useful for sharing information and providing updates on Maniapoto projects, Healthy Rivers, resource consents and plan reviews being undertaken by JMA partners. I believe there is an opportunity to utilise the forums more effectively, and I like the idea of a collective project approach.

Maniapoto are implementing two WRA funded projects this year; Cultural Health Indicators pilot and Tuhonohono – connecting people and place with mātauranga. The CHI is a one year project, it is location specific and relates to Te Korapatu Marae and the Mangaokewa Stream. Tuhonohono is being implemented in the Waipa catchment with kura Māori, kōhanga reo and Marae hapori over the next three years.

## **Dominique Noiton (Manager(SAS))**

MONITORING & ENFORCEMENT: Maniapoto has obtained funding support to develop cultural health indicator. Two students from Maniapoto have been employed over the holiday period to work within the SAS/Monitoring fields. This is both a capacity building exercise plus an educational opportunity.

## **Neville Williams (Director, Community and Services (CaS))**

SCOPE: Yes, we should look to extend scope in-line with our aspirations, in line with future scope of JMA. Work on a project that extends outcomes beyond what is in JMA. Example – methodology to be engaged in long term plan program.

PRINCIPLES: We endeavor to work to the principles. Have made every attempt to realise aspiration. If they have not met it's not so much as intended but more due to timing or resources available.

OBJECTIVES: Intent is there. Endeavour to do this on every occasion. No reason to believe we are working counter to the objectives.

MEETINGS: Seem more administrative and not necessarily strategic. Lost opportunity. HRWO, okay from a JMA perspective. Uncertain whether this process would be the same in future.

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## **Clare Crickett (Director, Integrated Catchment Management (ICM))**

JMA provides strong principles on working together. In addition to the principles in the agreement there is the statutory aspects that must be met. The JMA provided assurance to Clare on the following things - evidence that meetings were taking place, checking mutually agreed arrangements were taking place, able to see if appropriate conversations were taking place.

## **Mark Brockelsby (Senior Advisor, Resource Use)**

The process has generally been effective in facilitating engagement. The criteria have been built into our consent processing procedures and are effective in that they provide for consideration of Maniapoto views and interests in relation to various aspects of process decision-making, without generally impacting on statutory timeframe compliance. In regards to the resource consent monitoring and enforcement procedures, this section requires biannual meetings to discuss, or discuss and agree on various monitoring-related matters. It has been effective in that biannual meetings have been undertaken and those matters have been discussed.

## **Mali Ahipene (Manager, Democracy Services, CaS)**

SCOPE: HRWO has been a mechanism to consult on planning matters. Thinking about the committee set up and processes, each JMA is specific to one iwi but we need to consult with all iwi. No guidance in JMA about how to interact with all parties.

PRINCIPLES: Genuine efforts by council to meet the principles of the JMA. Just to highlight how far the council has come, when originally setting up the co-governance committees and associated processes a unique set of standing orders were developed. Some provisions in the standing orders were directed towards dispute resolution and consensus decision making. These provisions are more stringent than the model standing orders council normally operates under. Possibly done because of the uncertainty of how council and Iwi would work together. Each joint co-governance committee has a unique set of TOR/SO for each Iwi partner. Ideally we would use the same processes for everyone.

OBJECTIVES: Genuine efforts by council to meet the objectives of the JMA.

MEETINGS AND ARRANGEMENTS: Good that we have two Māori councillors who have knowledge of Māori issues and can bring that knowledge into the meetings. Perhaps moving to a more workshop kind of session, more relaxed, not council heavy on reports, etc. Need to consider how Iwi feel about that. Are the current meetings too formal? The purpose of the committee is to focus on ensuring the JMA is upheld, not necessarily having lots of FYI reports and recommendations fronted to them. Should be forward looking, thinking strategically. If we had multiple councils in JMA then need to balance that with equal number of Iwi trustees. If an issue arose that needed further discussion, could set up a working committee to discuss and report back. Iwi can get frustrated that their capacity restraints make it difficult for them to be as engaged as they would prefer. WRC has processes and procedures that it needs to follow to carry out its function properly. Local Government Information and Meetings Act. Good that both parties establish relationships between each other. Key relationships. Should communicate with Iwi on an individual basis rather than communicate to all with same message. Send 1:1 letters.

## **Michael Carey (Kaiwhakarite, Tai-ranga-whenua, CaS)**

ENGAGEMENT: The WRC has multiple JMAs and MoU's and will continue to enter into more as time progresses. The issue then arises, how can we manage all these relationships with large numbers of iwi/hapū within a council's boundaries, pan-iwi and hapū advisory committees and forums? How do you determine if you should have one iwi representative on this project or all iwi reps?

CAPACITY: Iwi and hapū have mixed ability to engage. Some iwi authorities have expressed a desire to devolve engagement on day-to-day resource management issues to hapū so they can focus on

high-level engagement and policy development. Some hapū choose to operate independently from their iwi authority. Many small and medium-sized Māori groups do not have the administrative capacity to engage. Iwi stated that they have to be selective about which issues they engage in due to a lack of resources. They identified a lack of staff with relevant technical expertise as the biggest capability issue they face. They need to develop their strategic direction to prioritise when and what they engage in. Iwi liaison staff in the council, need to get the resourcing correct, aligned with increasing ability of general staff on how interactions work

**FUNDING:** Need to assist newly elected councillors to be aware of the council's legislative responsibilities to Māori. Councils need to be prepared in future for iwi to charge for professional advice. Iwi or hapū environmental management plans do receive financial support. There are few cost-recovery processes in place to help iwi meet their RMA responsibilities. Some iwi recover varying amounts of their costs by invoicing resource consent applicants for preparing impact assessments in relation to their consent. Also need to consider how best to engage with Waikato River Authority and its pool of funding.

**Toni Dobson (Senior Legal Advisor, CEO's Office)**

**SCOPE:** Yes, meeting it in monitoring and enforcement, HRWO, resource consents, and customary activities. Possibly better to have two committees, Waipa River Iwi Committee, Waikato River Iwi Committee.

**PRINCIPLES:** WRC have been open, on-time, good intent. WRC has progressed to dual language signage. A pillar of the WRC is strategic partnership. The JMA has help shape the strategic direction. WRC getting cultural changes coming in.

**MEETINGS:** Good to have two meetings as one co-governance meeting not enough. Need them for relationship building, information, flowing both directions. The co-governance committee need to know projects that are underway, ongoing, what is happening, what progress is being made, how do you manage success.

## NWOW-JMA Review Draft Discussion Document

The purpose of this document is to initiate discussion on how to proceed with the review of the NWOW JMA document. It suggests a way forward for all parties to consider and input into.

<p>Why are we doing this</p>	<p>There is a requirement within the JMA to carry out this exercise. Clause 11.2 states that....The initial review of this Agreement will take place no later than two years from the Commencement Date and biennially thereafter with all parties.</p> <p>As it stands, we carried out the first review in 2017 and we are now in the process of doing the second review.</p> <p>The outcome of this review will be either confirmation of the wording in the current agreement or a modified agreement to use going forward. With a new additional JMA to be developed at a future point in time (to cover the area of Maniapoto's takiwa not already covered by this JMA) we would use this as a template for that.</p>
<p>Possible way forward</p>	<p>The proposal is that...</p> <ul style="list-style-type: none"> <li>• this discussion document outlines a possible way forward, timelines, etc.</li> <li>• We use this to seek input from all parties on the approach</li> <li>• All parties will need to participate</li> <li>• If any changes to the JMA are proposed then they will need to be unanimously agreed to by all parties</li> <li>• All parties commit to engaging according to the agreed timeline</li> </ul>
<p>Approach:</p>	<p>Given the 2017 review finding that no amendments to the Maniapoto JMA were required, a qualitative process is unnecessary. Instead, it is more reasonable and efficient to focus on JMA performance via a quantitative review, along with an assessment to determine how effective the provisions are to enable the delivery of the National Policy Statement for Freshwater Management (NPSFM).</p> <p>Approach:</p> <ol style="list-style-type: none"> <li>1. Meet with relevant staff from partner organisations to discuss the strategy on how to conduct the review.</li> <li>2. Advise the Co-Governance Committee of the commencement of a review of the JMA and confirm the scope and focus of the review.</li> <li>3. Assess key clauses and their effectiveness against the JMA Obligations Report.</li> <li>4. Assess key clauses and their effectiveness against the National Policy Statement for Freshwater Management particularly obligations to involve tangata whenua in freshwater management.</li> <li>5. Report assessment outcomes at the next Co-Governance Committee meeting. Draft changes to the JMA if necessary and seek approval at the following Co-Governance Committee meeting.</li> </ol> <p>Guiding principles: identify activities that are now business as usual, or no longer relevant, or no longer a priority for either party, enhance provisions of value to partners, meet statutory obligations, consistency between JMA where appropriate and possible to do so, use clear, unambiguous language.</p>

<p>Using Obligations Report</p>	<p>Using the JMA Obligations Report</p> <ul style="list-style-type: none"> <li>• The JMA consists of points of principle and intentions in regard to working together, and defined obligations that are set out.</li> <li>• We leave those principals/intentions as they are</li> <li>• We focus just on seeing if there is any changes to be made to any of the obligations in the JMA.</li> <li>• These clauses that state an Obligation are listed in the Obligation Report.</li> <li>• Each party checks through the obligation report, assesses its performance against the clause and indicates if...the obligation is relevant to them, if they are meeting the obligation, if it needs amending or it could/should be changed.</li> </ul> <p>This is a more technical review and is focused more on the persons delivering on the obligations in the JMA. Thus each party would need to identify within their organisation, as to who would participate in the process of assessing its performance against the clause. This approach is more deemed more straight forward to collate and summarise as it deals with specific clauses.</p> <p>The Obligations Report provided, has been populated with preliminary wording on how each aspect is progressing (from WRC's perspective). WRC will be reviewing this wording plus adding in any provisional suggestions on any changes to clauses. We need each other party (Waipa DC, Otorohanga DC, Waitomo DC, Waikato DC and Maniapoto) to input their perspective on the actual delivery/actions to each obligation. This should be high-lighted in a different colour along with any request for a wording change to any clause.</p>
<p>Proposed Timeframes</p>	<p>Estimated dates indicating the action will be completed by  <b>NOTE: All the dates of this document are To Be Confirmed</b></p> <p>6<sup>th</sup> August 2021 – Share Draft Discussion document and Obligations Report with Maniapoto, seek confirmation as to the approach for the review</p> <p>6<sup>th</sup> August 2021 – Make contact with each DC, and identify contact person, discuss the process, then share draft discussion document and obligations report</p> <p>17<sup>th</sup> August 2021 – Obtain confirmation from all parties as to approach that will be taken and timeframes</p> <p>13<sup>th</sup> September 2021 – Inform Co-Governance Committee of start of review, approach, etc</p> <p>15<sup>th</sup> October 2021 – All parties assess key clauses and their effectiveness against the JMA Obligations Report. Identify any amendments.</p> <p>15<sup>th</sup> October 2021 – WRC on behalf of all parties, assess key clauses and their effectiveness against the National Policy Statement for Freshwater Management particularly obligations to involve tangata whenua in freshwater management.</p>

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	<p>15<sup>th</sup> November 2021 - WRC to collate all responses/feedback/amendments and create revised draft agreement. Identify where necessary any overlapping amendments/additions and socialise / negotiate wording on clauses with parties. Circulate the revised agreement with all parties</p> <p>15<sup>th</sup> December 2021 – All parties confirm</p> <p>February/March 2022 – Provide the revised agreement at the next Co-Governance Committee meeting seek approval at the following Co-Governance Committee meeting.</p>
Supporting documents	<p>Obligations Report JMA Review Report 2017</p>

**Document No:** A571570

**Report To:** Council



**Meeting Date:** 31 August 2021

**Subject:** Adoption of Statement of Proposal for Consultation on Council's Dangerous and Insanitary Buildings Policy Review

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present the Statement of Proposal to Council for consideration and adoption to enable public consultation on the proposed changes to the Dangerous and Insanitary Buildings Policy.

## Background

- 2.1 Section 131 of the Building Act 2004 (the Act) requires Council to adopt a policy on dangerous and insanitary buildings within its district.
- 2.2 The Policy must state –
  - a) The approach that the Council will take in performing its functions under this Part (of the Building Act), and
  - b) The Council's priorities in performing those functions, and
  - c) How the policy will apply to dangerous, affected, insanitary and heritage buildings.
- 2.3 Section 132 of the Act states that the policy must be reviewed every 5 years and can only be amended or replaced in accordance with the special consultative procedure.
- 2.4 Section 132A(2) states that Council must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of the policy.
- 2.5 The Dangerous and Insanitary Buildings Policy was first introduced in 2006 and last reviewed in 2016.
- 2.6 This scheduled review of the Dangerous and Insanitary Buildings Policy has provided the opportunity to streamline and enhance the Policy in addition to meetings the review requirements of Section 132A(2) of the Act.

## Commentary

- 3.1 At the Council Workshop on 17 August 2021 elected members were presented with the track changed Draft Policy on Dangerous and Insanitary Buildings and the proposed amendments.
- 3.2 The Statement of Proposal containing the summary of information including the amended draft policy is attached to and forms part of this business paper.
- 3.3 The following amendments have been made to the policy presented at the workshop. No further amendments were suggested during the workshop.
- 3.4 **PROPOSED AMENDMENTS**
- 3.5 Creation of an introduction section that outlines why Council is required to have this policy.

- 3.6 The purpose and scope section has been extended to;
- include 'affected' buildings – as require by the Act
  - provide clarity on what Council wishes to achieve through the policy.
- 3.7 Expanded the definition section to include key terminology used within the policy.
- 3.8 Amended the policy to incorporate 'affected' buildings within all the policy settings.
- 3.9 Transferred the policy into the new Council policy template.

## Analysis of Options

### 4.1 **OPTIONS**

4.2 The reasonably practicable options related to the adoption of the proposed policy are:

Option 1: Adopt the Statement of Proposal for consultation (recommended)

Option 2: Status quo, continue with the current policy.

4.3 Option 1, if approved, would require Council to commence consultation for the proposed changes to the Dangerous and Insanitary Buildings policy to be undertaken as outlined below.

4.4 Staff do not recommend Option 2 as the proposed changes are required under the Building Act 2004 Section 132A(2).

## Considerations

### 5.1 **RISK**

5.2 Council must amend the policy to take into account affected buildings to comply with Section 132A(2) of the Building Act 2004 to meet legislative requirements.

### 5.3 **PUBLIC CONSULTATION**

5.4 The proposed changes to the Dangerous and Insanitary Buildings Policy, can only be made after the public consultation using the special consultative procedure as provided in section 83 of the Local Government Act 2002.

5.5 Section 83 of the LGA process will involve;

- The development and adoption by of a statement of proposal for consultation
- Consultation period of one month;
- An opportunity for people wishing to present their views to Council in person; and
- Council consideration of any submissions, and subsequent adoption of the policy.

5.6 The proposed timeframes for the consultation and adoption process are set out below.

<b>Timeframes for consultation</b>	
<b>Consultation Period</b>	8 September– 8 October 2021
<b>Council Meeting</b> Hearings and Deliberations	19 October 2021
<b>Council Meeting</b> Adopt the Final Policy	26 October 2021

5.7 The Statement of Proposal and Submission Form will be available on the WDC website, Waitomo District Library and Te Kuiti i-SITE. Public notice will also be given in the King Country News. Waitomo District Council Facebook page will also be used to notify the public regarding the consultation.

5.8 **SIGNIFICANCE AND COMMUNITY VIEWS**

5.9 Adoption of option 1 will trigger Council's Significance and Engagement Policy. Community views are proposed to be sought on the proposed changes to the Dangerous and Insanitary Buildings Policy.

## **Recommendation**

6.1 Council adopts the Statement of Proposal for public consultation.

## **Suggested Resolutions**

- 1 The business paper on "Adoption of Statement of Proposal for Consultation on Council's Dangerous and Insanitary Buildings Policy Review" be received.
- 2 Council adopts the Statement of Proposal for the proposed amendments to the Dangerous and Insanitary Buildings Policy for public consultation from 8 September to 8 October 2021.



CHARMAINE ELLERY  
**MANAGER STRATEGY AND POLICY**

25 August 2021

Attachment: Statement of Proposal for 2021/22 Fees and Charges Schedule (A569198)

# STATEMENT OF PROPOSAL

## Review of Dangerous and Insanitary Buildings Policy

### Waitomo District Council



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## PURPOSE

Waitomo District Council's (Council) vision is to be a vibrant District. Council policies to support this vision and the community outcomes.

The purpose of the Dangerous and Insanitary Buildings Policy is to:

- Reduce the potential risk posed to residents in the District by dangerous, affected and insanitary buildings;
- Provide a clear framework of how Council will manage dangerous, affected, and insanitary buildings.

## BACKGROUND

Section 131 of the Building Act 2004 (the Act) requires Council to adopt a policy on dangerous and insanitary buildings within its district.

The Policy must state –

- The approach that the Council will take in performing its functions under this Part (of the Building Act), and
- The Council's priorities in performing those functions, and
- How the policy will apply to dangerous, affected, insanitary and heritage buildings.
- Section 132 of the Act states that the policy must be reviewed every 5 years and can only be amended or replaced in accordance with the special consultative procedure.
- Section 132A (2) states that Council must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of the policy.

## REASON FOR PROPOSAL

The Dangerous and Insanitary Buildings Policy was first introduced in 2006 and last reviewed in 2016. Council is required to review its current Dangerous and Insanitary Building Policy now. This scheduled review of the

Dangerous and Insanitary Buildings Policy has provided the opportunity to streamline and enhance the Policy in addition to meeting the review requirements of Section 132A (2) of the Act to make our communities safer.

Council want's your feedback on the changes proposed to this policy.

### Key dates

WHEN	WHAT
8 September 2021	Submissions open
8 October 2021	Submissions close
19 October 2021	Hearings (should people wish to speak to their submissions)
19 October 2021	Deliberations – Council discusses feedback from the community and changes are agreed to if appropriate
26 October 2021	Council adopts the final Policy

**This Statement of Proposal has been prepared to fulfil the requirements of section 83 and 87 of the Local Government Act 2002 (LGA).**



## WHAT WE ARE PROPOSING

Council is committed to ensuring that Waitomo District is a safe place to live, visit and work in. Council has reviewed and updated its existing Dangerous and Insanitary Building Policy as required under the Act and is seeking your views.

This is a proposal to adopt the Waitomo District Council Dangerous and Insanitary Buildings Policy 2021 and revoke and replace the Dangerous and Insanitary Buildings Policy 2016.

### **Summary of Key changes**

The policy remains largely unchanged, however the following key changes have been made in order to provide more clarity, to comply with the Act and make the policy more user friendly.

- An introduction to the policy has been created to explain the reason why Council is required to have this policy.
- The purpose and scope of the policy has been extended to include 'affected' buildings, as this is a requirement of the Act. The purpose and scope have also been streamlined to provide clarity on what Council wishes to achieve through the policy.
- The Definitions section has been expanded to include key terminology used within the policy.

**Waitomo District Council**  
**Proposed Dangerous and**  
**Insanitary Buildings Policy**

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First adopted	<b>25 July 2006</b>
Last Reviewed	<b>2016</b>
Review Date	<b>25 July 2021</b>
Associated documents	<b>N/A</b>
Responsibility	<b>GM Strategy and Environment</b>

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## Introduction | Kupu Arataki

The provisions of the Building Act 2004 (the Act) reflect the governments concern with the safety of the public in buildings and in terms of dangerous and insanitary buildings, the need to reduce the danger to the public posed by such buildings. The Act also requires the Policy to state the Council's policy approach regarding affected buildings, which are buildings adjacent to, adjoining or nearby to a dangerous building or dam.

The Building Act 2004 leaves it up to each territorial authority to determine the approach to be taken to the management of dangerous and insanitary buildings. The approach can either be active or passive.

## Purpose and scope | Te aronga me te korahi

~~This document sets out WDC's policies in relation to dangerous and insanitary buildings, in particular this of policy contains:~~

1. **The purpose of this policy is to:**
  - Reduce the potential risk posed to residents in the District by dangerous, affected and insanitary buildings; and
  - Provide a clear framework for how Council will manage dangerous, affected, insanitary and heritage buildings.
2. **The policy sets out:**
  - The approach Waitomo District Council takes in performing its functions under the Building Act 2004;
  - Waitomo District Council priorities in performing those functions; and
  - How the policy applies to dangerous, affected, insanitary and heritage buildings
3. This policy applies to all buildings within the Waitomo District Council territorial authority district.

## Definitions | Ngā whakamāramatanga

### **Affected Building**

Defined in s121A of the Act;

A building is an affected building for the purpose of this Act if it is adjacent to, adjoining, or nearby:

- (a) A dangerous building as defined in section 121; or
- (b) A dangerous dam within the meaning of section 153.

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### **Authorised officer**

has the same meaning as section 222 of the Act, as follows: means an officer of a territorial authority to whom either or both of the following applies:

- (a) he or she is authorised to carry out inspections; or
  - (b) he or she is authorised to enter the land –
    - (i) by this Act; or
    - (ii) by an order of the District Court made under section 227.
-

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<b><u>Building owner</u></b>	<p><u>Defined in section 7 of the Act;</u></p> <p><u>Owner in relation to any land or buildings on the land,</u></p> <p>(a) <u>means the person who –</u></p> <ul style="list-style-type: none"><li>(i) <u>is entitled to the rack rent from the land; or</u></li><li>(ii) <u>would be so entitled if the land were let to a tenant at a rack rent; and</u></li></ul> <p>(b) <u>includes –</u></p> <ul style="list-style-type: none"><li>(i) <u>the owner of the fee simple of the land; and</u></li></ul> <p><u>for the purposes of sections 32,44,92, 97 and 176 (c) any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.</u></p>
<b>Council</b>	Means the Waitomo District Council
<b>Dangerous Building</b>	<p>Defined in section 121 of the Act;</p> <p>(1) A building is dangerous for the purposes of this Act if;</p> <ul style="list-style-type: none"><li>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause –<ul style="list-style-type: none"><li>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</li><li>(ii) damage to other property; or</li></ul></li><li>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</li></ul> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority:</p> <ul style="list-style-type: none"><li>(a) May seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and</li></ul> <p>If the advice is sought, must have due regard to the advice</p>
<b>Heritage Building</b>	<p>Defined in section 7 of the Act;</p> <p>Means a building that is included on:</p> <ul style="list-style-type: none"><li>(a) the New Zealand Heritage List / Rarangi Korero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</li></ul> <p>the National Historic Landmarks / Ngaa Manawhenua o Aotearoa me onaa korero Tuturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>

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<b><u>Immediate danger</u></b>	<u>Defined in section 129 of the Act;</u> <u>(1) This section applied if, because of the state of the building;</u> <u>(a) Immediate danger to the safety of people is likely in terms of section 121 or 123; or</u> <u>Immediate action is necessary to fix insanitary conditions.</u>
<b>Insanitary Building</b>	Defined in section 123 of the Act; A building is insanitary for the purposes of this act if the building; (a) Is offensive or likely to be injurious to health because; (i) of how it is situated or constructed; or (ii) it is in a state of disrepair; or (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or (c) does not have a supply of potable water that is adequate for its intended use; or  does not have sanitary facilities that are adequate for its intended use.
<b><u>Property file and register</u></b>	<u>A record of legal information the Council is required to maintain in terms of section 216 of the Act.</u>
<b><u>Territorial Authority</u></b>	<u>Within the context of this policy means Waitomo District Council.</u>
<b><u>The Act</u></b>	<u>The Building Act 2004</u>

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## Policy | Kaupapa here

4. Council will not actively inspect all buildings within the District but will make it a priority to quickly and efficiently respond to information received regarding potentially dangerous, **affected or** ~~and~~ insanitary buildings.
5. When Council receives information from any person that indicates that a building is potentially dangerous, **affected** or insanitary it will assess the building in order to determine whether or not it is a dangerous, **affected building** or an insanitary building. This will involve (but not be limited to):
  - a) Checking the details of the property against Council records;
  - b) An authorised officer undertaking a full and extensive inspection of the building;
  - c) Where necessary, seeking advice from the NZ Fire Service; and
  - d) Preparing an inspection record.

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6. Where a building is determined to be a dangerous, affected building or an insanitary building, Council will work with the building owners to find a mutually acceptable plan of action before exercising its powers under the Act. Council will however, exercise its statutory powers under the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be negotiated with the building owner.
7. In forming its view as to the work or action that is required to be carried out on the building to prevent it from remaining an insanitary building or a dangerous or affected building, or where Council needs to prioritise work on buildings, the following issues will be taken into account:
  - a) The size of the building;
  - b) The complexity of the building;
  - c) The location of the building in relation to other buildings, public places and natural hazards;
  - d) The life of the building;
  - e) How often people visit the building;
  - f) How many people spend time in the building;
  - g) How many people spend time in the vicinity of the building;
  - h) The current or likely future use of the building;
  - i) The reasonable practicality of any work concerned; and
  - j) Any other matters Council considers may be relevant, taking into account the particular set of circumstances.
8. The owner of a building which is determined to be a dangerous, affected building or an insanitary building, will bear all costs incurred in meeting the requirements of the Act. These costs include assessment and enforcement costs incurred by Council.
9. This policy applies to heritage buildings in the same way it applies to all other buildings.
10. Where a heritage building is potentially a dangerous, affected building or an insanitary building, Council may seek advice from Heritage New Zealand Pouhere Taonga.
11. Council will retain all information relating to dangerous, affected building and insanitary buildings on the relevant property file. This includes a copy of the inspection record and any action taken.



# Submission Form

## Draft Dangerous and Insanitary Buildings Policy 2021

**Submissions close 5pm 8 October 2021**

Sub No.

*For office use only*

You can share your views by:

- Completing this submission form and returning it to us by:
  - Visiting our office on Queen Street, Te Kuiti
  - emailing it to: [haveyoursay@waitomo.govt.nz](mailto:haveyoursay@waitomo.govt.nz) (scan and pdf or take a photo)
  - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visiting our website: [waitomo.govt.nz/consultation](http://waitomo.govt.nz/consultation) and fill an online submission form

<b>Full Name:</b>	
<b>Organisation:</b> <i>(if responding on behalf of)</i>	
<b>Phone:</b> <i>(home/mobile)</i>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Email:</b>	

*The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.*

**I wish to speak to Council about my submission.**

*(Hearings are scheduled for 19 October 2021. We will contact you to arrange a time.)*

Yes  No

### YOUR FEEDBACK

Please give us your feedback on the Draft Dangerous and Insanitary Buildings Policy 2021

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**Document No:** A570548

**Report To:** Council



**Meeting Date:** 31 August 2021

**Subject:** **2021 Community Events Fund – Consideration of Funding Application**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is for Council to consider the 2021 Community Events Fund Application and to allocate funding.

## Background

- 2.1 In July 2021 Council adopted the Community and Partnerships Fund (CPF) Policy, previously named the Community Development Fund Policy. The Policy has been renamed to align with the new Waitomo District Council Group of Activities which came into effect on 1 July 2021.
- 2.2 The Community Events Fund (CEF) forms part of Waitomo District Council's (WDC) broader Community and Partnerships Fund.
- 2.3 The Community and Partnerships Fund aims to ensure that projects undertaken make a positive contribution to achieving WDC's strategic community outcomes.
- 2.4 Applications will be considered that:
  - Align and support WDC's Community Outcomes
  - Contribute to and support the Vibrant Safe Waitomo Strategy
  - Strengthen participation across diverse communities
  - Work collaboratively across the community sectors
  - Facilitate and support strong and sustainable partnerships
- 2.5 The Community Events Fund supports community organisations that wish to partner with Council for the delivery of District events, such as the Waitomo District Christmas Parade and The Great New Zealand Muster.
- 2.6 Consideration will also be given to community-led events or cultural celebrations open to the wider community participation.

## Commentary

- 3.1 The assessment and allocation of the CPF is at the discretion of the elected members.
- 3.2 The amount available for allocation is \$25,000.00.
- 3.3 One application was received, as follows:
  1. Ngati Maniapoto Marae Pact Trust - Te Kuiti Kaumatua/Seniors Ball
- 3.4 To maintain the integrity of the assessment process, elected members independently completed an application assessment for the application. The assessment was undertaken in accordance with the CPF Policy.

- 3.5 At a Workshop held on 17 August 2021, Council reviewed and discussed the application. The average score and a recommended grant value independently assigned by elected members was reviewed to reach agreed funding allocation.

## Considerations

### 4.1 **RISK**

- 4.2 If Council does not consider the application to the Community Events Fund, it will not be meeting its obligation under the Community and Partnerships Fund Policy.

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

- 4.4 The consideration of the funding application has been undertaken consistently in accordance with the Community and Partnerships Fund Policy.

### 4.5 **SIGNIFICANCE AND COMMUNITY VIEWS**

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

## Suggested Resolutions

1. The business paper on 2021 Community Events Fund – Consideration of Funding Application be received.
2. Council approve /not approve the allocation of a Community Events Fund Grant and associated conditions, where applicable, as follows:

Name of Applicant	Allocation
1. Ngati Maniapoto Marae Pact Trust	\$2,181.50



HELEN BEEVER  
**GENERAL MANAGER – COMMUNITY SERVICES**

24 August 2021

**Document No:** A571980

**Report To: Council**



**Meeting Date:** 31 August 2021

**Subject:** Mayor's Report

Council will in this meeting consider a recommendation from the Steering Group of the proposed King Country Indoor Sport and Recreation Centre.

This project has been in the making since 2015. In 2018 the last Council made a grant of \$1.5 million that has yet to be advanced. Conditions were subsequently attached to our grant by the current Council to protect ratepayers.

Most will know that I have publicly expressed concerns over the years about the proposed Centre's business case and sustainability of operations. In my experience community projects like this need to be set up well, with all risks identified and understood before they proceed. Once given the construction go ahead, project management with experience needs to be put in place. Without these disciplines they can become a financial burden on stakeholders.

The Ministry of Education reviewed the proposed project and in December 2020 advised of their concerns – advising that they could not support the business case "...as it is currently proposed."

This led to the setting up of a Steering Group to explore alternative ways to deliver this Centre. Councillor Goddard and I have been members of this Steering Group along with other stakeholders.

After four months of work the Steering Group is making a recommendation to Council that will be tabled in a public excluded session. It is important that at the conclusion of this session we advise the community where this project sits – what the recommendation is and if it is to proceed, how risks will be managed.

Given the Ministry of Education's concerns, much of the Steering Group's focus has been on understanding the project's risks and determining ways to mitigate them. This has involved a thorough review of the business case, including its underlying assumptions, reviewing the building plans, reviewing the costs and funding model, and considering alternative options around the operating model.

The project has been endorsed as a sub-regional priority in the Waikato Regional Sports Facility Plan and the National Indoor Sport Facilities Strategy. The substantial support and involvement we've seen from members of the Steering Group representing regional and national organisations has reflected the importance that they place on these plans and strategies.

I want to acknowledge the work of all members on the Steering Group, and in particular those who belong to the national and regional bodies who have given so much of their time to supporting it through the Steering Group process. I note the efforts of Sport NZ, Jamie Delich, of Sport Waikato, Matthew Cooper, and of the Ministry of Education, Peter Hannam. And as importantly, I thank Independent Chair Steve Bramley for his leadership.

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

JOHN ROBERTSON, QSO

**MAYOR**

**Document No:** A572006

**Report To: Council**



**Meeting Date:** 31 August 2021

**Subject:** **Motion to Exclude the Public for the Consideration of Council Business**

**Type:** Decision Required

## Purpose

- 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.
- 1.2 Council may choose whether or not to consider any of the items listed below in the public or public excluded portion of the meeting.

## Commentary

- 2.1 Section 48 of the Local Government Official Information and Meetings Act 1987 gives the right, by resolution, to exclude the public from the whole or any part of the proceedings of any meeting, only on one or more of the grounds contained within that Section.

## Suggested Resolutions

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 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
1. North King Country Sport and Recreation Centre	Section 7(2)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 48(1)(a)(i)

- 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 Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Community 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.

A handwritten signature in blue ink, appearing to read 'Michelle Higgie', with a stylized, cursive script.

MICHELLE HIGGIE

**MANAGER – GOVERNANCE SUPPORT**