

**Document No:** A661220

**Report To:** Council



**Meeting Date:** 31 October 2023

**Subject:** **Presentation: Waitomo Caves Discovery Centre – Reporting against Multi-Year Community Partnership Grant Agreement**

**Type:** Information Only

## Purpose

- 1.1 The purpose of this business paper is to advise that Dr Bridget Mosley, Museum Director, Waitomo Caves Discovery Centre will attend the meeting at 9.00am to present and speak to the Waitomo Caves Discovery Centre's Multi-Year Community Partnership Grant Agreement.

## Background

- 2.1 During preparation of the 2021-2031 Ten Year Plan, Council confirmed its continued support with existing Partnership/Service Level Agreements. These arrangements reflect a multi-partner approach to working collaboratively with regional partners, for the betterment of the community.
- 2.2 Waitomo Caves Discovery Centre (WCDC) supports arts, culture and heritage in the Waitomo District by operating a museum which focuses on the Waitomo areas community, landscape, environment and history. WCDC also provides services for the i-SITE Visitor Information Centre located in Waitomo Caves Village.
- 2.3 The 2021-2024 Community Partnership Grant Agreement between the parties provides that reporting to Council will take place twice a year with a focus on the key performance indicators below:
  - To provide counter/phone enquiry and booking activities for visitors to the Waitomo Village.
  - To provide and maintain a website, distribute brochures and provide signage and advertising that promotes the Waitomo Caves Discovery Centre.
  - To develop and promote the existing museum.
  - To provide training to local guides on the Waitomo District attractions.
  - To participate in regional and local tourism groups and advocate for Waitomo Caves and the Waitomo District.
  - To provide information promoting attractions of the Waitomo District.
  - To provide information relating to the heritage of the Waitomo Caves region.
  - To archive, document and store items of heritage value.
  - To provide the Ministry of Education Learning Experiences outside of the classroom. a
  - To provide access to public facilities including four public toilets, one of which will be open 24 hours per day, and access to 3 rubbish receptacles through the grounds.

## Suggested Resolution

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

A handwritten signature in blue ink that reads "H BEEVER".

HELEN BEEVER

**GENERAL MANAGER – COMMUNITY SERVICES**

## **Community Partnership Grant Agreement 2021 – 2024**

### **Waitomo District Council & the Waitomo Caves Museum Society Incorporated – Annual Report for 2023**

Under the terms of our Community Partnership Grant Agreement, the Waitomo Caves Museum Society is required to provide a written report twice a year to the Waitomo District Council, focusing on the key performance indicators identified in the agreement and the associated outcomes.

This report is for the period up to end of June 2023 and has been submitted by the Director of the Waitomo Caves Museum / Waitomo Discovery Centre.

It focuses on the Key Performance Indicators detailed in the agreement:

- To provide counter/phone enquiry and booking activities for visitors to the Waitomo Village;
- To provide and maintain a website, distribute brochures and provide signage and advertising that promotes Waitomo;
- To develop and promote the existing museum;
- To provide training to local guides on the Waitomo District attractions;
- To participate in regional and local tourism groups and advocate for Waitomo Caves and the Waitomo District;
- To provide information promoting attractions of the Waitomo District;
- To provide information relating to the heritage of the Waitomo Caves region;
- To archive, document and store items of heritage value;
- To provide the Ministry of Education Learning Experiences outside of the classroom;
- To provide access to public facilities including four public toilets, one of which will be open 24 hours per day, and access to 3 rubbish receptacles through the grounds.

## Reporting on the KPIs of the Community Partnership Grant Agreement

KPI
To provide counter/phone enquiry and booking activities for visitors to the Waitomo Village.

We are required to provide accurate and objective information on activities in a timely manner and be courteous and professional when dealing with all enquiries. The best demonstration of this is in online reviews and we have provided examples below.

Our customer satisfaction ratings on Trip Advisor and Google reflect an average score of greater than 4.5 / 5, exceeding the KPI of our Community Partnership Grant Agreement.

We were particularly happy with the review which called us “Possibly the best i-site we've had the pleasure to visit and we've been around New Zealand!”



**Fabulous**

Aug 2023 • Friends

Friendly staff. She is so welcome for all the guests. A nice experience here too. 10/10. You won't disappoint



**Excellent staff in here**

Aug 2023 • Friends

Very very friendly reception! Very helpful and easy to talk. Felt real kiwi in hereeeeeeeeeee! And can enjoy NZ as well



**Waitomo Caves i-site museum - don't miss out!**

Jun 2023 • Couples

What a little gem the museum at the Waitomo Caves i-site is! It's very informative, has a variety of display methods, accessible for all ages, sustains your interest and gives a fascinating insight into the amazing below ground landscape. Highly recommend spending 45-60 minutes taking a look.



## A holiday full of great holes

Jul 2023 • Family

Between caving & ziplining I recommend a side trip to the Museum. Just like a cave it is much bigger on the inside than it appears on the outside, packed with great info & displays to add to your experiences including both geological and human local history. Why any one wants to crawl in to small flooded spaces deep under ground I'll never know but make sure you catch the short films in the cinema to get a taste of that experience.



**Roro JM**

7 reviews · 2 photos

★★★★★ 5 months ago

Possibly the best i-site we've had the pleasure to visit and we've been around New Zealand! Thank you to the very kind lady for accomodating the kids with a newly discovered oyster fossil. The biggest bivalve we've ever seen! 🥰  
Check it out, now!



**Troy Spence**

Local Guide · 33 reviews · 1 photo

★★★★★ 4 months ago

Wet weekend in Waitomo, done the caves, a 4yo and 5yo to entertain... what next?? Bring on Waitomo caves Museum for almost 2 hours of entertainment! There is just not that much to do around Waitomo on a wet day... But this place is the gem we were looking/hoping for - small footprint but big entertainment factor and some great local insight and very knowledgable recommendations too.



**Virginie Deligeard**

1 review · 1 photo

★★★★★ 2 months ago

Charming little museum with large projection room, geological explanation, moa skeletons and for the young and the most daring: "challenge the cave crawl" !!!! (you can actually crawl through a narrow tunnel) Interesting and fun!

Our KPI for enquiry and booking activities was previously to be available for a minimum 8 hours each day, for 364 days of the year. This requirement has been updated in the existing agreement to take into account Covid-19 and the upgrades to the entrance and exhibition area which are in progress.

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The Waitomo Caves Museum has been closed for 22 days in the previous year, primarily relating to being unable to open as staff members were isolating with Covid-19.

Two other instances related to times when staff were unable to make rostered hours and cover was not able to be located at short notice - a minor family crisis and a tree fallen down over the driveway in one of the big storms, making it impossible to leave the property for two days.

Please note that even when the museum is closed, information is available to visitors via external brochure displays and the website.

<b>KPI</b>
To develop and promote the existing museum.
To archive, document and store items of heritage value.

<b>KPI</b>
To provide and maintain a website, distribute brochures and provide signage and advertising that promotes the Waitomo Caves Discovery Centre
To provide information relating to the heritage of the Waitomo Caves region.
To provide information promoting attractions of the Waitomo District.

The website for the Waitomo Caves Visitor Information Centre has been updated and is live. Upgrading the website for the Waitomo Caves Museum is currently underway.

The museum displays include significant Waitomo Caves and cave-related material and we actively maintain the collection of cave and local history-related items.

Several donations have been received in this time period, including scrapbooks from a local family and archival material relating to Ruakuri Cave from the Holden family.

The bones of previously unknown species, excavated several years ago from a local property, have been analysed and are in the process of being returned to Waitomo.

We have also been fortunate to receive a bequest of \$10,000, which will assist with archiving, documenting and storing items of heritage value.

<b>KPI</b>
To provide the Ministry of Education Learning Experiences Outside The Classroom programme.

The Waitomo Caves Museum was successful in its application to the Ministry of Education for continuation of our multi-year funding under the new Local Histories curriculum.

School numbers were affected by the storms during the year, which resulted in a large number of cancellations in what would usually be some of our busiest months.

We have attached pages from the Ministry of Education reporting for your reference.



## How much did we do?

Figure 1: Attendance — number of students by schooling group (Total: 1256 ākonga)

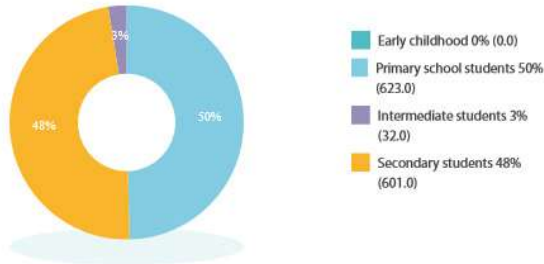


Figure 2: Attendance — number of students reached by schooling population (Total: 1256 ākonga)

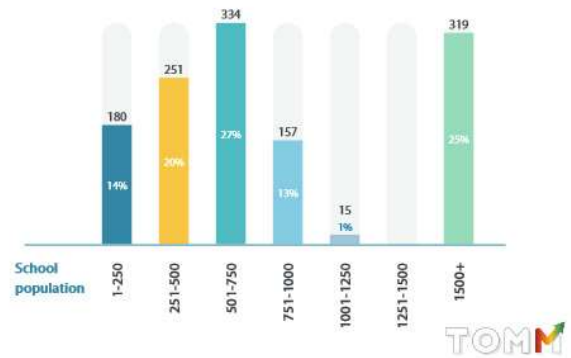


Figure 3: Attendance — number of student hours by schooling group (Total: 2681 hours)

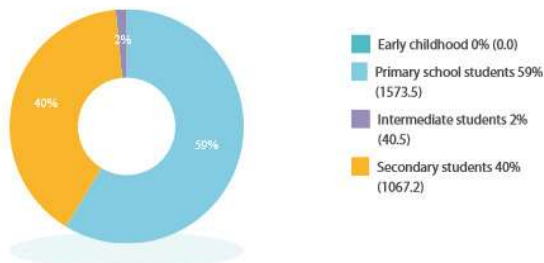


Figure 4: Attendance — number of student hours by schooling population (Total: 2681 hours)

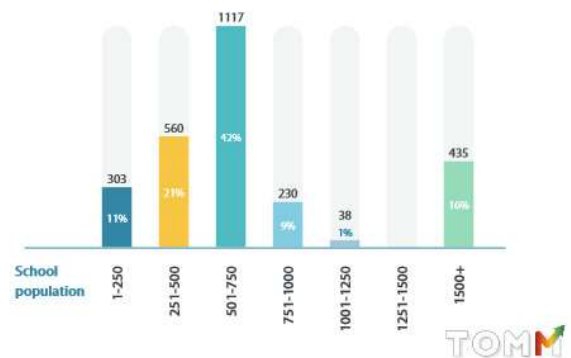


Figure 5: Attendance — number of sessions by schooling group (Total: 39 sessions)

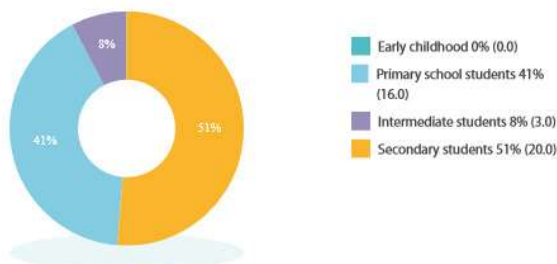


Figure 6: Attendance — number of sessions by schooling population (Total: 36 sessions)

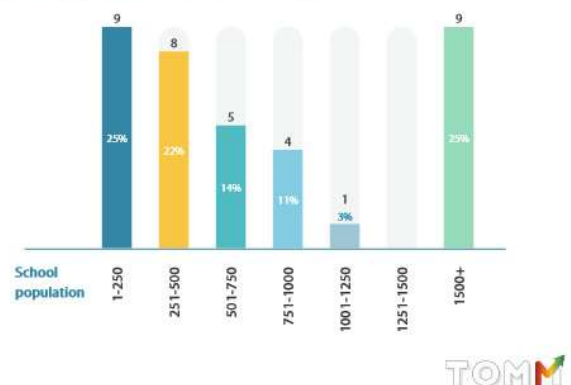
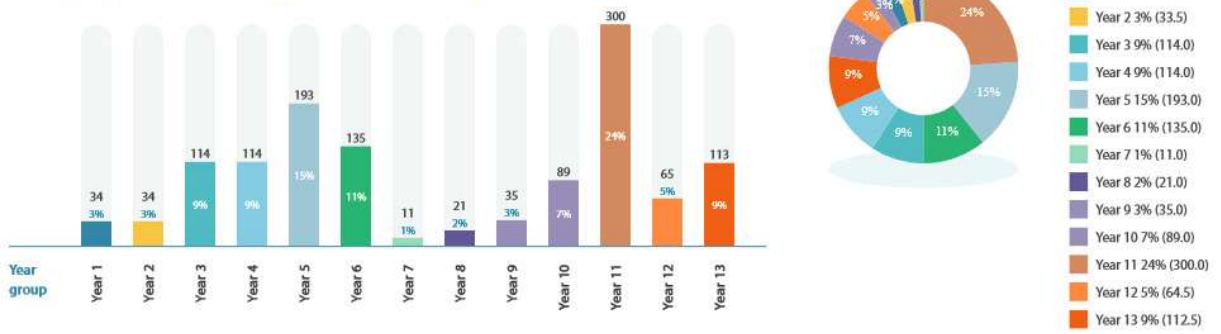




Figure 7: Year group attendance — by year (Total: 1256 ākonga)



## How much did we do? Learning experiences

Figure 8: Learning experiences — Number of students (Total: 1256 ākonga)

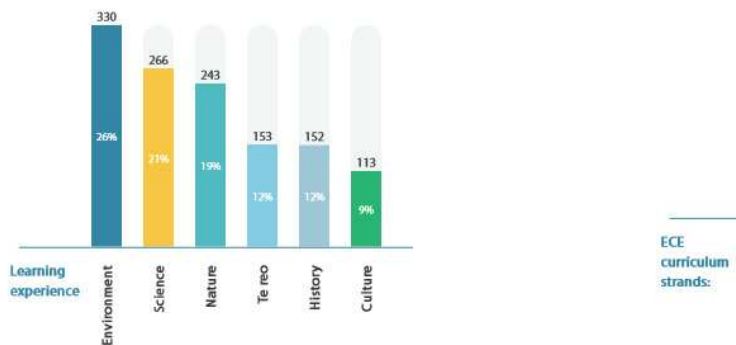


Figure 10: Learning experiences — Number of student hours (Total: 2681 hours)

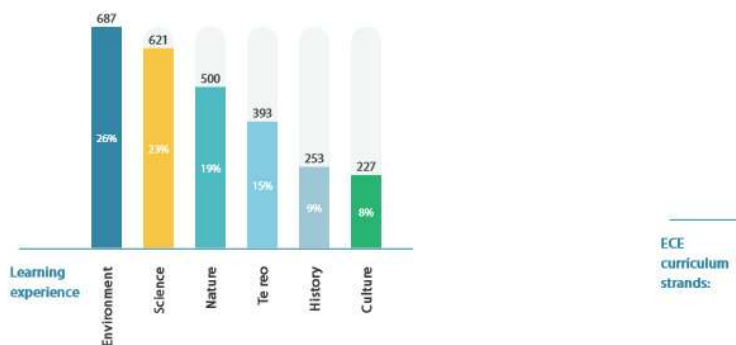
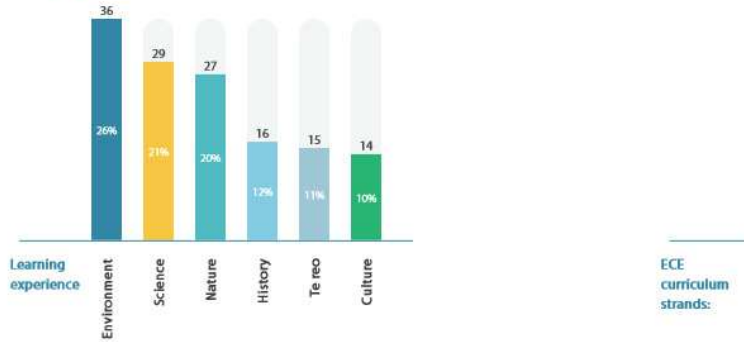




Figure 12: Learning experiences – Number of sessions (Total: 137 sessions)



How much did we do? Decile

Figure 14: Number of students by decile (Total: 1256 ākonga)

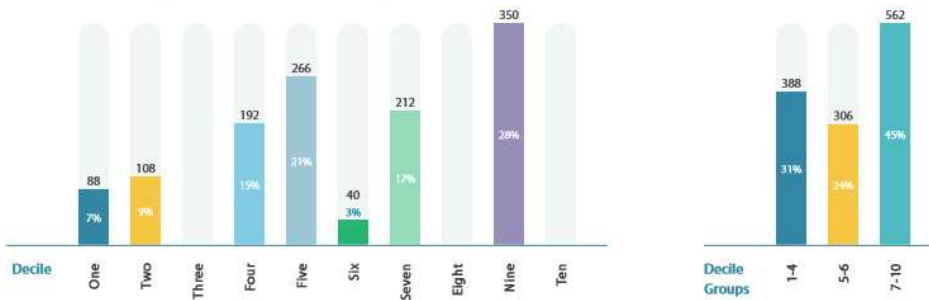


Figure 16: Number of student hours by decile (Total: 2681 hours)

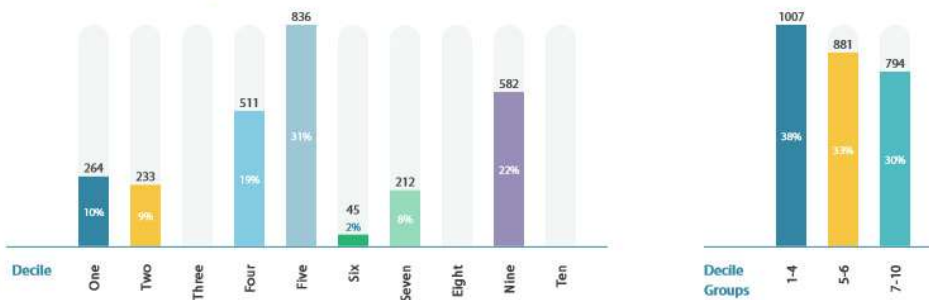






Figure 18: Number of sessions by decile (Total: 36 sessions)

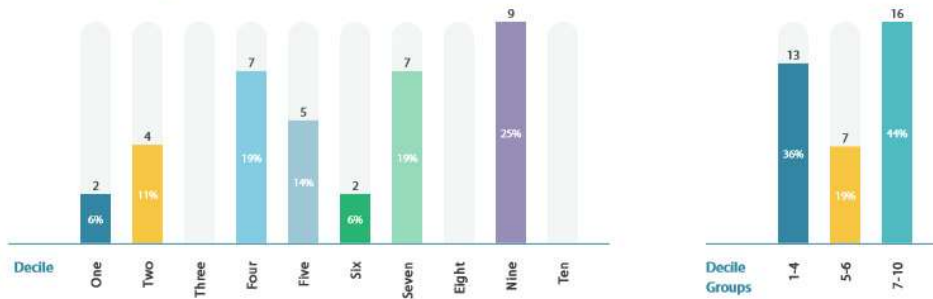


Figure 21: Number and percentage of students attended across regions (Total: 1256 ākonga)



KPI
To participate in regional and local tourism groups and advocate for Waitomo Caves and the Waitomo District.
To provide training to local guides on the Waitomo District attractions.

Representatives of the Waitomo Discovery Centre actively participate in local and regional tourism groups, with the Mighty Waikato (previously Hamilton & Waikato Tourism), Qualmark and Tourism NZ. We work with local tourism operators to promote and advocate for Waitomo Caves and the wider Waitomo District.

Examples of this participation in the past year include involvement in the Tiaki Promise initiative - a commitment from the tourism industry to care for New Zealand, for now and for future generations. Hamilton & Waikato Tourism filmed in the Waitomo Caves Museum and we were also chosen as a case study to speak about our relationships with the local community, the landscape and our sustainability efforts.

We were also involved in feedback on the Waikato to Taranaki Way journey map – <https://www.waikatoz.com/destinations/itineraries/the-waikato-to-taranaki-way/> – which our visitors use on a regular basis.

We have had several groups of guides through the Waitomo Caves Museum in the past year and also use of the library / archives by a BWR staff member to locate information for resource materials for guides.

KPI
To provide access to public facilities including four public toilets, one of which will be open 24 hours per day, and access to 3 rubbish receptacles through the grounds.

Four public toilets are available for use by the public during the opening hours of the Waitomo Caves Museum & i-SITE Visitor Information Centre.

Toilets are cleaned daily and are checked twice during the day for cleanliness and restocked with consumables as necessary.

After hours, one toilet is open from the exterior of the building, allowing public access 24/7.

As discussed in our previous meeting, we are working on documentation for the upgrade of the toilets, to enable them to be more accessibility-friendly, to be more sustainable in the use of water and easier to clean.

There are four rubbish bins available for use outside the building.

## **Tourism Statistics**

As the Waitomo Caves Museum operates the Visitor Information Centre in Waitomo Caves Village, we maintain visitor-related statistics. Councillors have previously indicated that information about tourism numbers would be appreciated.

The data collated below is drawn from sales records – i.e. each individual number represents a purchase through our Point of Sale system. Door entry is recorded separately but cannot provide home country information.

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Visitor numbers by country - 1 July 2022 to 30 June 2023

Country	WAITOMO	
		Units
- To be completed		81
Argentina		91
Australia		3382
Austria		199
Belgium		102
Brazil		98
Canada		759
Chile		46
China		239
Denmark		140
England		1526
Europe - Other		63
Finland		169
France		549
Germany		2367
Hawaii		287
Hong Kong		177
India		186
Indonesia		129
Ireland		105
Israel		68
Italy		120
Japan		236
Korea - South		81
Local		1821
Malaysia		115
Mexico		53
Netherlands		429
Norway		48
NZ - Auckland		1318
NZ - Other North Island		2709
NZ - South Island		225
NZ - Waikato Regions		947
Other		974
Pacific Islands		96
Pakistan		8
Philippines		60
Portugal		9
Russia		19
Scotland		101
Singapore		233

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South Africa		58
South America - Other		16
Spain		147
Sweden		81
Switzerland		195
Tahiti		27
Taiwan		68
Thailand		32
UAE		33
USA		1662
Wales		72
Grand Total		22905

## **Financial Report – 2022 - 2023**

As in previous years, Waitomo District Council staff are aware that the provision of the final accounts to the Council is not possible in the reporting timeframes for the Community Partnership Grant Agreement.

Please find attached a copy of the draft annual financial report for the 2022-2023 financial year.

As instructed, a copy of the final accounts will be provided to the Waitomo District Council once complete for the record.

# DRAFT - Annual Financial Report

Waitomo Caves Museum Society Inc  
For the year ended 30 June 2023

2023

## Trading Income

Trading income - retail	71,958.52
<b>Total Trading Income</b>	<b>71,958.52</b>

## Cost of Sales

Retail-related freight costs	442.78
Retail-related supplies	55.62
Stock change - retail	7,890.13
Trading adjustments	(169.99)
Trading purchases - retail	26,002.94
<b>Total Cost of Sales</b>	<b>34,221.48</b>

## Gross Profit

**37,737.04**

## Other Income

Admissions	15,121.34
Brochure displays	1,170.00
Commission - education bookings	860.87
Commission - ticket sales	48,623.76
Counter services	145.31
Covid-19 Wage Subsidy Scheme	1,200.00
Creditors remission	3,466.16
Donations	4,726.24
Education Bookings Outdoors	4,232.21
Education Room hire	100.00
Fundraising income	363.00
Grants received - specified	29,000.00
Interest received	7,188.39
Ministry of Education contract	82,190.00
Miscellaneous income	1,104.75
MSD - Flexi Wage - Education	5,008.68
NZ Post performance	4,561.03
School entry to the museum	3,487.25
Utilities - WESCT annual disbursements - The Lines Company	377.74
Waitomo District Council - Community Partnership Grant	44,000.00
<b>Total Other Income</b>	<b>256,926.73</b>

## Operating Expenses

ACC levies	470.30
Advertising	1,000.00
Annual accounts review	40.00
Bank fees	12.50
Cash discrepancies	197.56

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2023

Cleaning consumables	2,137.04
Cleaning contracts	736.46
Compliance costs	630.94
Computer Hardware & Support	4,179.04
Computer Software & Support	7,088.07
Credit Card Charges	7,635.52
Depreciation	5,462.90
EFTPOS terminal charges	1,293.60
Electricity	3,982.37
Expenses - Waitomo Education Outdoors (WEO)	1,715.94
Fundraising expenses	380.30
Grounds upkeep	1,467.49
Health & safety	14.77
Insurance	75.00
Lease	19,000.08
Loss on disposal of fixed assets	1,313.61
Memberships & subscriptions	1,542.00
Museum - re-development related expenses	32,644.78
Office supplies	373.98
Photocopier rental	1,482.03
Rates	2,766.16
Repairs & maintenance	156.71
Security	302.64
Staff wellbeing	96.14
Telephone & Internet	3,413.35
Travel & mileage	255.17
Wages - Education contractors	7,322.69
Wages - i-SITE	46,347.19
Wages & salaries - Admin	116,331.13
Wages & salaries - Education	46,151.79
Water Rates	1,410.00
Website Hosting	290.00
<b>Total Operating Expenses</b>	<b>319,719.25</b>
<b>Net Profit</b>	<b>(25,055.48)</b>



## 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 26 SEPTEMBER 2023 AT 9.00AM

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

**IN ATTENDANCE:** Maru Energy Trust Representatives – Brian Hanna and Jo Meads  
Mokau Museum Representatives – Murray Seamark and Maxine Lovell

Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgle  
General Manager – Community Services, Helen Beever (for part only)  
Manager – Strategy and Policy, Charmaine Ellery (for part only)  
General Manager – Infrastructure Services, Shyamal Ram (for part only)  
The Three Waters Manager, David Karrol (for part only)

Deputy Mayor Goddard advised of the apology from Mayor Robertson and chaired the meeting. Council noted the amended Order Paper and tabled item.

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

The apology from Mayor John Robertson be received and leave of absence granted.

Manawaiti/Todd Carried

<b>3. Declarations of Member Conflicts of Interest</b>
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**Councillor Osborne**

Cr Osborne declared an interest in the Presentation: Maru Energy Trust as she is a Trustee of the Maru Energy Trust.

**Councillor New**

Cr New declared an interest in the item on 2023 Community Events Fund – Consideration of Funding Applications as she is a member of Legendary Te Kuiti.

<b>4. Confirmation of Minutes: 29 August 2023</b>
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**Resolution**

The Minutes of the Waitomo District Council meeting of 29 August 2023, including the public excluded Minutes, be confirmed as a true and correct record.

Goddard/Todd Carried

## 5. Presentation: Maru Energy Trust

Council considered a presentation from Maru Energy Trust Chair, Brian Hanna and Trust Manager, Jo Meads who were in attendance to make a presentation to the Council on the activities of the Trust.

Murray Seamark and Maxine Lovel (Mokau Museum) entered the meeting at 9.05am.

The Trust is seeking long-term partnerships with the councils within the Trust's boundaries (Otorohanga, Waitomo, Ruapehu and Taupo District Councils) and are seeking a financial input from each of the councils of \$30,000 per year for the next three to four years.

Council requested the Trust to submit a formal application in writing so that it can be considered as part of the 2024-2034 Long Term Plan development process.

### Resolution

The Presentation from Maru Energy be received.

New/Tasker Carried

Brian Hanna and Jo Meads (Maru Energy Trust) left the meeting at 9.26am.

## 6. Presentation: Mokau Museum

Council considered a presentation from Murray Seamark and Maxine Lovell on behalf of the Mokau Museum, on the Museum's building upgrade project and seeking financial support from Council.

Council requested the Museum to put its request in writing, including an overview of the project, the project budget, funding received and committed from other sources and the deficit required to be funded.

### Resolution

The Presentation from Mokau Museum be received.

Osborne/New Carried

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

Elected members gave verbal reports on their individual portfolio roles and responsibilities as follows:

### Councillor Gavin Todd

- Aria - Roading Site Visits
- Mokau Domain Meeting
- Query from resident on Mapara South Road

### Councillor Janene New

- Legendary Te Kuiti
- Community Clean-Up

### Councillor Eady Manawaiti

- Te Maika Site Visit
- Mokau ki Runga Whare Māori Representation Meeting at Piopio College
- Kea Street – Street Stormwater (surface runoff) being diverted onto private properties

## Councillor Janette Osborne

- Mokau ki Runga Whare Māori Representation Meeting at Piopio College
- Opening of the new Wharekai at Tokikapu Marae at Waitomo Caves
- Kinohaku School re Ministry of Education's proposal to cancel the school bus service
- Tere Waitomo
- Waitomo Caves Museum Society
- Waikato Regional Transport Committee (via Zoom)

## Councillor Dan Tasker

- Mokau ki Runga Whare Māori Representation Meeting at Piopio College
- State of Sport Forum at Te Kuiti High School

## Deputy Mayor Allan Goddard

- Emergency Management Joint Committee
- King Country River Care
- Benneydale Hall

### **Resolution**

The verbal reports be received.

Goddard/Manawaiti Carried

## **8. Mayor's Report – September 2023**

Council considered the Mayor's Report for September 2023.

### **Resolution**

The Mayor's Report – September 2023 be received.

Goddard/New Carried

## **9. Tabled Item: Review of Māori Representation – Amendment to Timeline for Deliberations and Formal Decision**

Council considered a tabled business paper presenting for Council's consideration an amendment to the adopted timeline for the deliberation of submissions and making of a formal resolution in respect to the review of Māori Representation.

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

### **Resolution**

- 1 The business paper on Review of Māori Representation – Amendment to Timeline for Deliberations and Formal Decision be received.
- 2 Council note its resolution of 27 June 2023, and amend the timeline for the remainder of the consultation process for the review of Māori Representation (including deliberation of submissions and resolution in respect to the establishment of Māori Wards) as follows:

Key Milestone	Timeframe	Commentary
Council Hearing Hearing of Submitters	4 October 2023	

Key Milestone	Timeframe	Commentary
<b>Council Meeting</b> Deliberation of Submissions and resolution in respect to the establishment of Māori wards and their make up	17 October 2023	Meeting to be convened at 1.00pm (following the scheduled Audit and Risk Committee Meeting).
<b>Public Notice</b>	Following above meeting	Last day for public notice is 30 November 2023 but must be made 14 days after resolution.
<b>Notify Public Entities</b>	Following above meeting	

Manawaiti/Tasker      Carried

<b>10. Approval and Signing of Te Nehenehenui Joint Management Agreement</b>
--

Council considered a business paper presenting the final Joint Management Agreement between Te Nehenehenui and the participating councils (Otorohanga, Waikato, Waipa and Waitomo District Councils and Waikato Regional Council) for approval and recommending delegation to Mayor Robertson the authority to sign the Agreement on behalf of Waitomo District Council.

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

**Resolution**

- 1      The business paper on Approval and Signing of the Te Nehenehenui Joint Management Agreement be received.
- 2      Council approve the Te Nehenehenui Joint Management Agreement, including the changes highlighted in the version provided.
- 3      Mayor Robertson be delegated authority to sign the final Te Nehenehenui Joint Management Agreement on behalf of the Waitomo District Council.

Osborne/Todd      Carried

<b>11. Community and Partnerships Activity Update Report</b>
--

Council considered a business paper providing an update on activities that form part of the Community and Partnerships Group, including an update on a range of Council recreation services and activities.

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

**Resolution**

The business paper on Community and Partnerships Performance Reporting be received.

Tasker/New      Carried

<b>12. 2023 Community Events Fund – Consideration of Funding Applications</b>
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Council considered a business paper seeking allocation of funding for the 2023 Community Events Fund Applications.

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

**Resolution**

Councillor New abstained from voting as she is a member of Legendary Te Kuiti.

- 1 The business paper on 2023 Community Events Fund – Consideration of Funding Applications be received.
- 2 Council approves the allocation of Community Events Fund grants, as follows:

Name of Applicant	Allocation
1 Te Whanau Kohanga Reo o Piopio	\$4,000.00
2 Te Kuiti Development Inc T/A Legendary Te Kuiti	\$2,500.00
<b>TOTAL</b>	<b>\$6,500.00</b>

Manawaiti/Osborne      Carried

<b>13. 2023 Single Year Community Assistance Grant – Consideration of Funding Applications</b>
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Council considered a business paper seeking allocation of funding for the 2023 Single-Year Community Assistance Grant Applications.

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

**Resolution**

- 1 The business paper on 2023 Single-Year Community Assistance Grant – Consideration of Funding Applications be received.
- 2 Council approves the allocation of the 2023 Single-Year Community Assistance Grants, as follows:

Name of Applicant	Allocation
Bluelight Te Kuiti	\$845
Waikato Role Playing Guild Inc	\$817
Te Kuiti Amateur Swimming Club	\$5,000
Te Kuiti Playcentre (grant condition - evidence the balance of funds has been obtained to complete the project before Council funds are released)	\$10,000
Pukeko Country Preschool	\$0
Piopio Primary School	\$2,489
Centennial Park School (grant condition - deputation to Council upon completion of festival)	\$6,360
<b>TOTAL</b>	<b>\$25,511</b>

Goddard/New      Carried

<b>14. Waitomo District Council Grant Allocations 2022/2023</b>
---

Council considered a business paper providing details of grant allocations made by Waitomo District Council for the 2022/2023 financial year.

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

**Resolution**

The business paper on Waitomo District Council Grant Allocations 2022/2023 be received.

Osborne/New      Carried

## **15. Adoption of Statement of Proposal for Consultation on reviewed Public Health & Safety Bylaw 2014**

Council considered a business paper seeking Council's approval of a draft reviewed Public Health and Safety Bylaw 2023 and a Statement of Proposal for public consultation.

### **Resolution**

- 1 The Business Paper on the Adoption of Statement of Proposal for consultation on reviewed Public Health and Safety Bylaw 2014 be received.
- 2 Council adopts the Statement of Proposal, which includes the draft revised Public Health and Safety Bylaw 2023, for public consultation.
- 3 Council approves that the public consultation period begins on 29 September 2023 and concludes on 29 October 2023.
- 4 Council authorises the Chief Executive to make any editorial or layout changes to the Statement of Proposal that may be necessary before it is made publicly available.

Todd/Tasker Carried

## **16. Adoption of Statement of Proposal for Consultation on reviewed Public Places Bylaw 2023**

Council considered a business paper seeking Council's approval of a draft reviewed Public Places Bylaw 2023 and a Statement of Proposal for public consultation.

### **Resolution**

- 1 The Business Paper on the Adoption of Statement of Proposal for Consultation on reviewed Public Places Bylaw 2023 be received.
- 2 Council adopts the Statement of Proposal, which includes the draft revised Public Places Bylaw 2023, for public consultation.
- 3 Council approves that the public consultation period begins on 29 September 2023 and concludes on 29 October 2023.
- 4 Council authorises the Chief Executive to make any editorial or layout changes to the Statement of Proposal that may be necessary before it is made publicly available.

Manawaiti/Tasker Carried

## **17. Civic Financial Services Ltd – Half Yearly Accounts to 30 June 2023**

Council considered a business paper presenting the Half Yearly Accounts to 30 June 2023 for Civic Financial Services Ltd.

### **Resolution**

- 1 The business paper on the Civic Financial Services Ltd - Half Yearly Accounts to 30 June 2023 be received.
- 2 The Civic Financial Services Ltd Half Yearly Accounts to 30 June 2023 be received.

Osborne/Goddard Carried

## **18. Co-Lab Annual Report 2022/23**

Council considered a business paper presenting the Annual Report 2022/23 for Co-Lab, the Council's Controlled Organisation.

## Resolution

- 1 The business paper on the Co-Lab Annual Report 2022/23 be received.
- 2 The Co-Lab Annual Report 2022/23 be received.
- 3 The Co-Lab Annual Report 2022/23 be published on Council's website.

Todd/Tasker Carried

## 19. Proposed Council Lease Policy

Council considered a business paper presenting the draft of a new Council Lease Policy which has been developed following the identification of policy gaps relating to properties which Council leases within the community.

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

## Resolution

- 1 The business paper on Proposed Council Lease Policy (including the draft Lease Policy) be received.
- 2 The Council adopt the Council Lease Policy without further amendment.

New/Osborne Carried

## 20. Waste Management and Minimisation Plan Review 2023

Council considered a business paper recommending Council consider a review of the Waste Management and Minimisation Plan.

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

The General Manager – Infrastructure Services entered the meeting at 10.42am.

## Resolution

- 1 The business paper on Waste Management and Minimisation Plan review 2024 be received.
- 2 Council resolves to review the Waste Management and Minimisation Plan in accordance with the special consultative process.

Todd/Manawaiti Carried

## 21. Infrastructure Services Group Activity Update Report

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

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

The Three Waters Manager entered the meeting at 10.56am  
The Manager – Strategy and Policy re-entered 11.01am

## Resolution

The business paper on Infrastructure Services Group Activity Update Report be received.

Manawaiti/Tasker Carried

The Three Waters Manager left the meeting at 11.05am

<b>22. Motion to Exclude the Public</b>
---

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

- 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. Road Maintenance Services and Reseals Contract Procurement	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
2. WDC Roading Activity Section 17A Review	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
3. WDC Administration Building Seismic Strengthening	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
4. Sale of 59 Esplanade Property	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
5. Esplanade/Mangarino Road (Riverview Heights) Potential Residential Development Opportunity	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
6. Potential Gifting of the Te Kuiti Indoor Bowling Club Building	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a)(i)
7. Valuation of Investment in Inframax Construction Ltd at 30 June 2023	Section 7(2)(c)(1) (c) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information –  (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 48(1)(d)

- 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 – Infrastructure Services	Portfolio Holder
Manager – Strategy and Policy	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.

Goddard/Tasker      Carried

<b>23. 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 the public excluded items of business, Council agreed:

**1 Road Maintenance Services and Reseals Contract Procurement**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, the Resolution only be made public as follows:

*Resolution*

*This business paper on Road Maintenance Services and Reseals Contract Procurement be received.*

*Manawaiti/Todd      Carried*

**2 WDC Roading Activity Section 17A Review**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, the Resolution only be made public as follows:

*Resolution*

*The business paper on WDC Roading Activity Section 17A Review be received.*

*Osborne/Goddard      Carried*

**3 WDC Administration Building Seismic Strengthening**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, only Resolution 1 be made public as follows:

*Resolution*

*1 The business paper on WDC Administration Building Seismic Strengthening be received.*

*Todd/New      Carried*

**4 Sale of 59 Esplanade Property**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, the Resolution only be made public as follows:

## *Resolution*

*The business paper on Sale of 59 Esplanade Property be received.*

*Goddard/Tasker Carried*

## **5 Esplanade/Mangarino Road (Riverview Heights) Potential Residential Development Opportunity**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, the Resolution 1 be made public as follows:

### *Resolution*

*1 The business paper on Esplanade/Mangarino Road (Riverview Heights) Potential Residential Development Opportunity be received.*

*Manawaiti/Osborne Carried*

## **5 Potential Gifting of the Te Kuiti Indoor Bowling Club Building**

To enable the Council to carry out, without prejudice or disadvantage, commercial activities, only Resolution 1 be made public as follows:

### *Resolution*

*1 The business paper on Potential Gifting of the Te Kuiti Indoor Bowling Club building be received.*

*Goddard/New Carried*

## **6 Valuation of Investment in Inframax Construction Ltd at 30 June 2023**

To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information – (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; only Resolution 1 be made public as follows:

### *Resolution*

*1 The business paper on Valuation of the Investment in Inframax Construction Limited at 30 June 2023 be received.*

*Goddard/Manawaiti Carried*

*Tasker/Todd Carried*

<b>24. Karakia Whakamutunga</b>
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There being no further business the meeting closed at 12.20pm

Dated this        day of September 2023

ALLAN GODDARD  
**DEPUTY MAYOR**

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Confidential

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## 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 WEDNESDAY 4 OCTOBER 2023 AT 9.00AM

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

**IN ATTENDANCE:** Submitters:

Mirumiru Pa ki Marokopa (Natasha Willison)  
Te Runanga o Ngāti Mahuta (Melaina Huaki)  
Mokau Kohunui Marae Trustees (Kim Hancy and Ripeka Price) via ZOOM  
Te Whare o Mokau ki Runga (Oliver Barnsdall, Anne Lemieux and Muiora Barry)  
Te Whare Hauāuru ki Uta (Dawn Magner)  
Te Kauae Marae (Video Clip provided from Roimata Harmon)  
Ronald Takerei  
Te Aomarama Anderson  
Isaiah Wallace  
Te Whare ki Tokanganui a Noho (Shannon Wallace)  
Leo Leitch

Staff:

Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
General Manager – Strategy and Environment, Alex Bell  
Manager – Strategy and Policy, Charmaine Ellery  
Senior Strategy and Policy Advisor, Alice Tasker  
General Manager – Infrastructure Services, Shyamal Ram

<b>1. Karakia Tuwhera</b>
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<b>2. Apologies</b>
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<b>3. Hearing of Submissions to the 2023 Māori Representation Review</b>
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Kim Hancy and Ripeka Price (Mokau Kohunui Marae Trustees) joined the meeting via ZOOM.

9:00am **Mirumiru Pa ki Marokopa, Natasha Willison..... Submission No 38**

Natasha Willison spoke in support of the written submission on behalf of Mirumiru Pa ki Marokopa.

9:20am **Te Runanga o Ngāti Mahuta, Melaina Huaki ..... Submission No 47**

Melaina-Huaki spoke in support of the written submission on behalf of Te Runanga o Ngati Mahuta.

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9:40am **Mokau Kohunui Marae Trustees Kim Hancy & Ripeka Price... Submission No 43 (Attended via ZOOM)**

Kim Hancy and Ripeka Price attended via Zoom and spoke in support of the written submission on behalf of Mokau Kohunui Marae Trustees.

10:00am **Te Whare o Mokau ki Runga, Oliver Barnsdall, Anne Lemieux and Muiora Barry ..... Submission No 44**

Oliver Barnsdall supported by Anne Lemieux and Muiora Barry spoke in support of the written submission on behalf of Te Whare o Mokau ki Runga.

The meeting adjourned for morning tea at 10:00am and reconvened at 10:15am.

10:18am **Te Whare Hauāuru ki Uta, Dawn Magner ..... Submission No 46**

Dawn Magner supported by Ronnie Takarei spoke in support of the written submission on behalf of Te Whare Hauauru ki Uta.

10:25am **Te Kauae Marae (Roimata Harmon - Apology - Video Clip provided in place of attending in person)..... Submission No 51**

An apology was submitted by Roimata Harmon, however a video clip provided by Roimata and was played in support of the written submission on behalf of Te Kauae Marae.

10:36am **Ronald Takarei ..... Submission No 53**

Ronald Takarei spoke in support of his written submission.

10:47am **Isaiah Wallace ..... Submission No 49**

Isaiah Wallace spoke in support of his written submission.

11:00am **Shannon Manawaiti (Te Whare ki Tokanganui a Noho)..... Submission No 49**

Shannon Manawaiti spoke in support of the written submission on behalf of Te Whare ki Tokanganui a Noho.

The meeting adjourned at 11:00am and reconvened at 12 midday.

12 midday **Te Aomarama Anderson ..... Submission No 54**

Te Aomarama Anderson spoke in support of her written submission.

The meeting adjourned at 12:24pm and reconvened at 2:00pm.

2:00pm **Leo Leitch ..... Submission No 42**

Leo Leitch spoke in support of his written submission. Mayor Robertson informed Mr Leitch of the Hearing process and that the Council would not be answering any questions or entering into any debate at this Hearing.



## Resolution

- 1 The business paper on Hearing of Submissions to the 2023 Māori Representation Review be received.
- 2 The late submissions be received.
- 3 Council note the verbal submissions made by the following Submitters:

Sub No	Submitter	Speaker(s) if different to Submitter
38	Mirumiru Pa ki Marokopa	Natasha Willison
47	Te Runanga o Ngāti Mahuta	Melaina Huaki
43	Mokau Kohunui Marae Trustees	Kim Hancy / Ripeka Price (via Zoom)
44	Te Whare o Mokau ki Runga	Oliver Barnsdall / Anne Lemieux / Muiora Barry
46	Te Whare Hauāuru ki Uta	Dawn Magner
51	Te Kauae Marae	Video Clip from Roimata Harmon
53	Ronald Takerei	
54	Te Aomarama Anderson	
49	Isaiah Wallace	
L3	Te Whare ki Tokanganui a Noho	Shannon Manawaiti
42	Leo Leitch	

- 4 The late submissions, written and verbal submissions be referred for consideration as part of the deliberations process to be completed at a Council Meeting scheduled for 1.00pm on Tuesday 17 October 2023.
- 5 Council noted its thanks and appreciation to all those that have made submissions for the 2023 Māori Representation Review.

Robertson/Manawaiti Carried

## 4. Karakia Whakamutunga

There being no further business the meeting closed at 2.18pm

Dated this        day of October 2023

JOHN ROBERTSON  
**MAYOR**

## WAITOMO DISTRICT COUNCIL

---

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 17 OCTOBER 2023 AT 1:00PM

- PRESENT:** Mayor John Robertson  
Deputy Mayor Allan Goddard  
Councillor Dan Tasker  
Councillor Eady Manawaiti  
Councillor Gavin Todd  
Councillor Janene New  
Councillor Janette Osborne
- IN ATTENDANCE:** Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
General Manager – Strategy and Environment, Alex Bell  
Manager – Strategy and Policy, Charmaine Ellery  
Senior Strategy and Policy Advisor, Alice Tasker  
General Manager – Community Services, Helen Beever  
General Manager – Infrastructure Services, Shyamal Ram

<b>1. Karakia Tuwhera</b>
---------------------------

<b>2. Deliberations – Māori Representation Review</b>
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The Committee considered a business paper requiring deliberation of the submissions received to the Council's Review of Māori Representation on whether or not to introduce Māori Wards for the 2025 and 2028 Local Government Elections, and/or whether to establish a committee with Māori representation.

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

Mayor Robertson recommended that Council set aside Standing Order 21.1 which restricts speaking time to five minutes per speaker.

#### **Resolution**

Council agree to set aside the Standing Order 21.1 "Time limits on speakers/Te tepenga wā mā ngā kaikōrero" for this item of business to enable members to speak longer than five minutes if required.

Robertson/New Carried

Mayor Robertson addressed the Council on his considerations of the Māori Representation Review and reasonings for his final decision then proposed the following motion:

#### MOTION

- 1 The business paper on Deliberations – Māori Representation Review be received.*
- 2 Council work with mana whenua through its Committee Te Raangai Whakakaupapa Koorero to develop a model of representation that enhances relationships between Council and mana whenua and provides a platform to discuss and advance issues that are of interest to Māori.*
- 3 Council does not introduce Māori Wards for the 2025 and 2028 Local Government Elections.*
- 4 Council thanks all Submitters to this process for their work and guidance.*

*Moved: Robertson / Seconded: Manawaiti*

## MOTION DEBATE

Councillors were unanimous in their support of the Motion proposed by Mayor Robertson and each Councillor spoke of their own considerations and reasons for supporting the Motion.

## RIGHT OF REPLY

Mayor Robertson made a right of reply to the Motion, thanking all Submitters, acknowledging those Submitters who attended the Hearing to speak in support of their submissions and also to those who hosted elected members at consultation meetings throughout the District, both during the public consultation phase of the process and also during pre-consultation meetings.

Mayor Robertson also acknowledged the work of the Waitomo District Council staff during this review process.

## **Resolution**

- 1 The business paper on Deliberations – Māori Representation Review be received.
- 2 Council works with mana whenua through its committee Te Raangai Whakakaupapa Koorero to develop a model of representation that enhances relationships between Council and mana whenua and provides a platform to discuss and advance issues that are of interest to Māori.
- 3 Council does not introduce Māori Wards for the 2025 and 2028 Local Government Elections.
- 4 Council thanks all Submitters to this process for their work and guidance.

Robertson/Manawaiti Carried

<b>3. Karakia Whakamutunga</b>
--------------------------------

There being no further business the meeting closed at 1.58pm

Dated this        day of October 2023

JOHN ROBERTSON  
**MAYOR**

## WAITOMO DISTRICT COUNCIL AUDIT AND RISK COMMITTEE

---

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 17 OCTOBER 2023 AT 9.00AM

**PRESENT:** Independent Chairperson Bruce Robertson  
Mayor John Robertson (for part only)  
Deputy Mayor Allan Goddard  
Councillor Gavin Todd  
Councillor Janene New  
Councillor Janette Osborne

**IN ATTENDANCE:** Chief Executive, Ben Smit  
Manager – Governance Support, Michelle Higgie  
Chief Financial Officer, Tina Hitchen  
Senior Accountant, Wayne La Roche  
Manager – Strategy and Policy, Charmaine Ellery  
Senior Strategy and Policy Advisor, Alice Tasker  
General Manager – Community Services, Helen Beever  
Health and Safety Administrator, Nicole Sheward  
General Manager – Infrastructure Services, Shyamal Ram

#### 1. Apology for Lateness

##### Resolution

The apology from Mayor Robertson for lateness be received and leave of absence granted.

B Robertson/Todd Carried

#### 2. Declaration of Member Conflicts of Interest

**Councillor Osborne** (Interest only – no conflict)

Item 5 Infrastructure Insurance "Side Car" Policy to be Discontinued – Family member is an employee of Aon.

#### 3. Confirmation of Minutes – 15 August 2023

##### Resolution

The Minutes of the Waitomo District Council Audit and Risk Committee meeting held on 15 August 2023 be confirmed as a true and correct record subject to the following amendments:

- 1 Correct the date in the Header to read "15 August 2023"
- 2 Item 6 – Treasury Report for the period ended 30 June 2023, Resolution 2 – correct "Three Waters" to read "Affordable Water Reform"

B Robertson/New Carried

#### 4. Mastercard Expenditure Report (July/August 2023)

The Committee considered a business paper presenting for the Committee's information and consideration, details of expenditure incurred via Waitomo District Council issued Corporate Mastercard.

The Manager – Governance Support and Chief Executive expanded verbally and answered members questions.

The Committee noted that on page 7 of the Agenda, the Air New Zealand airfares for Mayor Robertson (Auckland-Christchurch return) and the refund of airfares (Hamilton-Christchurch return) were for the Mayor's attendance at 2023 LGNZ Annual General Meeting and Conference in Christchurch (26 to 28 July 2023) and not a Rural and Provincial Sector meeting.

## Resolution

The Mastercard Expenditure Report for the period (July/August 2023) be received.

Osborne/Goddard Carried

## 5. Infrastructure Insurance "Side Car" Policy to be Discontinued

The Committee considered a business paper providing a brief on the discontinuation of Council's Infrastructure 'Side Car' policy from 1 November 2023.

The Committee noted Cr Osborne's declaration of a possible conflict of interest and that for the consideration of this business paper there is no conflict.

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

The Chairperson noted that there is no substantive risk to the Council in discontinuing this Policy.

## Resolution

- 1 The business paper on Insurance Renewals - Infrastructure Insurance 'Side Car' Policy be received.
- 2 The Committee note the discontinuation of the Infrastructure 'Side Car' Policy from 1 November 2023 due to affordability considerations and that it is likely that WDC would be eligible for central government share of funding (60%) for a natural catastrophe event.

B Robertson/Todd Carried

## 6. Treasury Management Report for the period ended 30 September 2023

The Committee considered a business paper providing an update on Waitomo District Council's debt position and compliance with borrowing limits for the period ending 30 September 2023.

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

## Resolution

- 1 The business paper on Treasury Management Report for period ended 30 September 2023 be received.
- 2 The Committee note the breach in relation to fixed rate cover for the September 2026 to September 2027 period and recognise the Committee's acceptance of the position, pending the Affordable Waters Reforms outcome.

Goddard/Osborne Carried

The Chief Financial Officer and Senior Accountant left the meeting at 9.32am

The Manager – Strategy and Policy and Senior Strategy and Policy Advisor entered the meeting at 9.32am

## **7. Progress Report: Key Performance Indicators - period ended 30 September 2023**

The Committee considered a business paper presenting Waitomo District Council's delivery performance on non-financials for the 2022/23 financial year ending 30 September 2023.

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

The General Manager – Community Services and Health and Safety Administrator entered the meeting at 9.35am

### **Resolution**

The Progress Report: Key Performance Indicators for the period ended 30 September 2023 be received.

New/Osborne Carried

The Manager – Strategy and Policy and Senior Strategy and Policy Advisor left the meeting at 9.45am

## **8. Progress Report: Health and Safety**

The Committee considered a business paper providing a brief on Waitomo District Council's health and safety performance during the 2023/2024 year.

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

The General Manager – Infrastructure Services entered the meeting at 9.50am.

### **Resolution**

The Progress Report: Health and Safety be received.

B Robertson/New Carried

The General Manager – Community Services and Health and Safety Administrator left the meeting at 9.55am.

## **9. Progress Report: Procurement Summary Schedule (July 2023 – September 2023)**

The Committee considered a business paper presenting a summary of the procurements made in the period July to September 2023 in accordance with Waitomo District Council's Procurement Policy.

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

### **Resolution**

The Progress Report: Procurement Summary Schedule (July 2023 – September 2023) be received.

B Robertson/Todd Carried

**10. Progress Report: WDC Resource Consents – Compliance Monitoring**

The Committee considered a business paper providing a brief on compliance reporting against Resource Consent conditions, due during the first quarter of the 2023/2024 financial year.

Bruno Dente (Deloitte) entered the meeting at 10.08am

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

The Chairperson requested that for future business papers, when a partial or full non-compliance is reported, that the implications of that non-compliance be included in the business paper.

**Resolution**

The Progress Report: WDC Resource Consents – Compliance Monitoring be received.

B Robertson/Osborne                      Carried

**11. Motion to Exclude the Public**

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

- 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. Presentation: Deloitte - Annual Report 2022/2023	Section 7(2)(c)(1) (c) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information –  (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 48(1)(d)

- 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
Manager – Strategy and Policy	Portfolio Holder
Senior Strategy and Policy Advisor	Portfolio Holder
Chief Financial Officer	Portfolio Holder
Senior Accountant	Portfolio Holder

- 4 This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

B Robertson/New Carried

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

### **Resolution**

Following Council's consideration and decision taking of the public excluded items of business, Council agreed:

#### **1 Presentation: Deloitte – Annual Report 2022/2023**

To protect information which is subject to an obligation of confidence, the resolution only be made public as follows:

#### *Resolution*

*The Presentation from Deloitte representatives Bruno Dente (Partner) and Callum Maxwell (Audit Manager) on the Annual Report 2022/2023 be received.*

B Robertson/A Goddard Carried

## **13. Draft Annual Report 2022/2023 – Recommendation to Council**

The Committee considered a business paper presenting the Draft Annual Report 2022/23 for consideration and, subject to amendment, recommendation to Council for adoption.

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

The Chairperson noted that this is the final Annual Report audit for Bruno Dente, Partner at Deloitte in his current term as Waitomo District Council's appointed Auditor and thanked him for his work over that time.

### **Resolution**

- 1 The business paper on Draft Annual Report 2022/23 – Recommendation to Council, be received.
- 2 The Confidential Report to the Committee presented by Deloitte be received.
- 3 The Audit and Risk Committee recommend to the Council the adoption of the Annual Report 2022/23, subject to any amendments agreed at this meeting and any further changes required as a result of completing the audit.
- 4 Any matters of significance which may arise relating to the Draft Annual Report 2022/23 between this meeting and the Council meeting on 31 October 2023 be referred to the Independent Chairperson.

Osborne/Goddard Carried

There being no further business the meeting closed at 11.56am

Dated this      day of                      2023

BRUCE ROBERTSON  
**INDEPENDENT CHAIRPERSON**



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Confidential

**Document No:** A694622

**Report To: Council**



**Meeting Date:** 31 October 2023

**Subject:** Mayor's Report – October 2023

The pending change in Government adds uncertainty around the future of Three Waters. The parties that are likely to make up the new Government are all aligned in their determination to scrap the legislation passed by the Labour Government, but clarity on what, if anything, will replace it is missing.

The local government sector is anxious to know. I sense this anxiety both in the minds of officers employed by Councils who are wondering what to do with their Long Term Planning exercise, and in the minds of Mayors and Councillors who are becoming concerned about the costs and risks to their water infrastructure.

For us in Waitomo, we have been given a wake-up call from extreme weather events. Twice this year some houses in Te Kuiti have been flooded, in January when 175 mm of rain fell in twenty four hours, and this month when 45 mm of rain fell in just one and a half hours. Adding to our challenges has been damage to our roads.

If this is evidence of the impact from climate change, we need to prepare and mitigate. To me it is a signal to get back to basics in what we do. Our roads especially rural, and our water infrastructure in our towns and villages - drinking, storm and waste – all need to be top of mind when we consider allocating the money we secure from ratepayers.

I see the anxieties outside of Waitomo at Mayoral Forums.

- Some high growth Councils like Waikato, Waipa and Hamilton City have huge investments to make ahead of them. Some of these Councils are already highly leveraged and would prefer to see water related debt off their balance sheets.
- Those of us with west coast settlements have challenges ahead – Kawhia has a population of 400 and Mokau 120, both rising substantially in the summer holiday period. Neither have public wastewater schemes. As the pressure comes on from the new regulator, Taumata Aroha, upgrades from septic tanks will be required.

Waikato Mayors, supported by Iwi leaders, are discussing whether a water entity should be set up to take over the water services of the nine local Councils. Work is being done by DIA on the business case for the Waikato entity that was hurriedly legislated for by the Labour Government in August.

In my view, the business case for a Waikato wide entity will need to be compared against the business case for each Council operating its own water services. I envisage an options paper being written.

Of course, just how a region wide entity would work is unclear – how debt would be raised, how ownership and governance would be exercised, how pricing decisions would be made. These are basic questions.

Mayors with the support of CE's and the Three Waters transition unit set up by DIA are working on these matters. Iwi leaders from our region are contributing to the discussions.

I am spending time promoting the work and guiding and supporting these efforts. Just what support the new Government will provide to us remains the big question. The last Government chose to drive water reform from the centre. It failed to win support. A National led Government has indicated that it wants local government to lead the reform programme. Time will tell if this delivers the outcome that we need.

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

JOHN ROBERTSON, QSO  
**MAYOR**

Document No: A694567

**Report To: Council**



**Meeting Date:** 31 October 2023

**Subject:** **Inframax Construction Limited – Governance Matters for 2023 Annual General Meeting**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present to Council matters for consideration relating to the upcoming Inframax Construction Limited (ICL) 2023 Annual General Meeting (AGM) which will be convened after the Council Meeting on 31 October 2023.

## Commentary

### **3.1 Current Board Membership**

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

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

### **3.3 Number of Directors**

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

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

- 3.5 Council at its 6 October 2022 meeting resolved:

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

- 3.6 The ICL Board of Directors (BoD) are not recommending any changes to the number of Directors.

### **3.7 Retirement by Rotation**

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

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

3.9 Section 11.6 of the ICL Constitution also provides:

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

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

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

3.11 In accordance with Clause 11.6.2, the longest serving Director is required to retire by rotation. As the current three Directors (excluding the Chair) were all appointed at the same time (April 2022), the BoD have agreed that the Directors will retire by rotation as follows:

2023 – Janie Elrick

2024 – Chris Ryan

2025 – Hugh Goddard

3.12 Janie Elrick is retiring by rotation this year and is making herself available for re-appointment.

### **3.13 Appointment of Chairperson**

3.14 Section 13.4 of the ICL Constitution reads:

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

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

### **3.16 Directors Remuneration**

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

#### **2.3 Remuneration**

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

#### **3.3 Remuneration**

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

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

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

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

- 3.19 The last review of remuneration was in 2022 with the BoD recommending no change. As all of the current Directors were appointed in 2022 and Janie Elrick is retiring by rotation and making herself available for re-appointment (i.e. no new appointments being made), unless a new appointment is made earlier, the next three yearly review of Directors Remuneration will be in 2025.

## Recommendation

- 4.1 It is recommended that Council –
- 1 Review the number of Directors for ICL pursuant to Clause 11.1 of the ICL Constitution i.e. “unless so determined, the minimum number shall be four and the maximum number shall be six.”
  - 2 Re-appoint Janie Elrick to the BoD following retirement by rotation pursuant to the ICL Constitution.

## Suggested Resolutions

- 1 The business paper on Inframax Construction Limited – 2023 Annual General Meeting be received.
- 2 Pursuant to Clause 11.1 of the Inframax Construction Limited Constitution, Council confirm that the Inframax Construction Limited Board of Directors remain at a minimum of four and maximum of six directors (including the Chairperson).
- 3 Council approve the Board of Directors recommendation that the three Directors appointed in April 2022 retire by rotation as follows:  
  
2023 – Janie Elrick  
2024 – Chris Ryan  
2025 – Hugh Goddard
- 4 Pursuant to Clause 11.6.3 of the Inframax Construction Limited Constitution, Council re-appoint Janie Elrick to the Inframax Construction Limited Board of Directors following retirement by rotation.



MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

Attachment: ICL Constitution



\*10046036027\*

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

(Section 32(3))

(for office use only)

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

Company Name

INFRAMAX CONSTRUCTION LIMITED

Company Number

HN 508698

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

adopted a constitution

altered its constitution

revoked its constitution

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

2	6
---	---

Day

0	5
---	---

Month

0	4
---	---

Year

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

Signature of Director/Authorised Person

Name of Director/Authorised Person

Kevin Francis Were

Date

May 26<sup>th</sup> 2004

Presented by

Simpson Grierson  
Solicitors  
  
Private Bag 92518  
Wellesley Street  
AUCKLAND  
JAR

Account No.

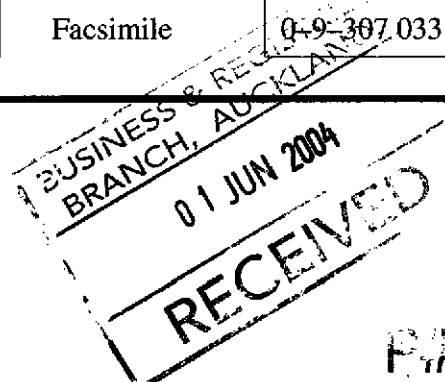
Postal Address

Telephone

0-9-358 2222

Facsimile

0-9-307 0331



BY C9

-3 JUN 2004

**CONSTITUTION**  
**May 2004**

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**INFRAMAX CONSTRUCTION LIMITED**



**INFRAMAX CONSTRUCTION LIMITED**

**CONSTITUTION**

**1. INTERPRETATION**

In this Constitution, unless the context otherwise requires:

**1.1 Definitions:**

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

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

"Company" means Inframax Construction Limited;

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

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

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

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

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

**2. CONSTITUTION**

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

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



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

### 3. MANAGEMENT OF THE COMPANY

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

### 4. CALLS ON SHARES

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

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

## 5. FORFEITURE OF SHARES

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

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

## 6. TRANSFER OF SHARES

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

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

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

**7. REFUSAL TO REGISTER TRANSFERS**

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

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

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

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

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

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

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

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

**8. NEW ISSUE OF SHARES**

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

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

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

**10. PROCEEDINGS AT MEETINGS OF SHAREHOLDERS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**10.6 Proxies and Representatives:**

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

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

**INFRAMAX CONSTRUCTION LIMITED**

**INSTRUMENT APPOINTING A PROXY**

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

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

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

**INFRAMAX CONSTRUCTION LIMITED**

**INSTRUMENT APPOINTING A PROXY**

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



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

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

Vote with a Tick

Table with 3 columns: Resolutions, For, Against. Rows 1 and 2 with blank lines for voting.

Signed this day of (Usual signature/s)"

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

10.8 Resolutions in Lieu of Meeting:

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

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

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

11. DIRECTORS

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

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

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

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

**11.7 Cross Directorships:** A Director of the Company may be or become a director or other officer of, or otherwise interested in, any Company promoted by the Company or in which the Company may be interested as shareholder or otherwise, and no such Director shall be accountable to the Company for any remuneration or other benefits received by him or her as a Director or officer of, or from his or her interests in, any such other Company unless the Company otherwise directs or the law requires.

**11.8 Professional Directors:** Any Director may act by himself or herself or his or her firm in a professional capacity for the Company, and a director or firm shall be entitled to remuneration for professional services as if he or she were not a Director provided that nothing herein shall authorise a Director or his or her firm to act as auditor of the Company.

**11.9 Directors' Gratuities:** The Company shall not:

**11.9.1 On Retirement:** pay any gratuity or pension or allowance on retirement to any Director or in the case of a Director's death to his or her spouse or dependants; and

**11.9.2 Retirement Benefit:** make contributions to any fund and pay premiums for the purchase or provision of any such benefit.

The Board shall not authorise the payment of any such benefits and shall not authorise any contributions to any fund for the payment of any premiums for the purchase or provision of any such benefit.

**11.10 Alternate Directors:**

**11.10.1 Appointment of Alternate Directors:** The Council may by notice in writing to the Company appoint any person who is:

- (a) not a Director; and
- (b) qualified to be a director in terms of the Act and this Constitution,

to be an alternate director during any Director's absence or inability to act as a director.

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

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

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

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

## 12. DIRECTORS DUTIES

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

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

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

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**13. PROCEEDINGS OF THE BOARD**

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

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**14. STATEMENT OF INTENT**

**14.1 Obligation to Prepare:** The Board shall deliver to the Council a draft Statement of Intent on or before 1 March in each year.

**14.2 Content of Statement of Intent:** Each Statement of Intent must, to the extent that it is appropriate given the organisational form of the Company, specify for the Company and its subsidiaries (if any) and in respect of the financial year following the financial year in which it is required by clause 14.3.2 to be delivered and each of the immediately following two financial years, the following information:

**14.2.1 Objectives:** the objectives of the Company, including the objectives of shareholders and the other objectives which are specified as requirements applicable to the Company under the Local Government Act 2002 (including, without limitation, the requirements of section 59 of the Local Government Act 2002).

**14.2.2 Governance:** a statement of the Board's approach to governance of the Company; and

**14.2.3 Nature:** the nature and scope of the activities to be undertaken by the Company; and

**14.2.4 Shareholders' Funds to Assets:** the ratio of consolidated shareholders' fund to total assets, and the definitions of those terms; and

**14.2.5 Accounting Policies:** the accounting policies of the Company; and

**14.2.6 Targets:** the performance targets and other measures by which the performance of the Company may be judged in relation to its objectives; and

**14.2.7 Distributions:** an estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders; and

**14.2.8 Information to Council:** the kind of information to be provided to the shareholders by the Company during the course of those financial years, including the information to be included in each half yearly report (and, in particular, what prospective financial information is required and how it is to be presented); and

**14.2.9 Acquisitions:** the procedures to be followed before the Company or any of its subsidiaries subscribes for, purchases or otherwise acquires shares in any Company or other organisation; and

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

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

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

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

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

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

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

**14.4 Modifications of Statement of Intent:**

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

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

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

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

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

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

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

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

## 15. INDEMNITIES

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

## 16. DIVIDENDS

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

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

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

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



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

## 17. ACCOUNTS

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

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

## 18. REPORTS

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

## 19. NOTICES

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

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

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

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

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

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

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

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

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

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

## 20. LIQUIDATION

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

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

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

## 21. REMOVAL FROM THE NEW ZEALAND REGISTER

In the event that:

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

## 22. AUDITORS

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

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

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

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Certified as the Constitution of the Company



Director

26.5.04

Date

**Document No:** A693605

**Report To:** Council



**Meeting Date:** 31 October 2023

**Subject:** Annual Report 2022/23 – Adoption

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present the Draft Annual Report 2022/23 (Draft AR) for consideration and adoption, subject to amendment, as recommended by the Audit and Risk Committee (ARC).

## Background

- 2.1 The Draft AR shows the financial and non-financial performance of Waitomo District Council and the Group for the year ended 30 June 2023.
- 2.2 The ARC considered the Draft AR on 17 October 2023 and recommended to the Council the adoption of the Annual Report 2022/23, subject to any amendments agreed at this meeting and any further changes required as a result of completing the audit.
- 2.3 A copy of the business paper to the ARC on this matter is enclosed with this paper as Attachment 1.

## Commentary

- 3.1 At the time of writing this business paper, the Draft AR is progressing through its final review stages with Deloitte.
- 3.2 No material changes have been made to the Draft AR since the ARC received the Draft AR on 17 October 2023 and no matters have been referred to the Independent Chairperson.
- 3.3 One minor change was made to Other Financial Assets (note 13 of the Annual Report), which changed the portion of Other Financial Assets disclosed as current and non current but did not change the overall total of Other Financial Assets.
- 3.4 One non-financial performance measure in drinking water supply for the percentage of water loss has had additional comments included on the advice of auditors due to equipment not having current calibration certificates. The results remain unchanged, and this measure is still achieved.
- 3.5 No other significant changes are expected from the final audit review, however minor editorial/formatting changes may be identified.

## Analysis of Options

- 4.1 Council has the option of adopting the annual Report or requesting further information/changes to the Annual Report.
- 4.2 The date that Council must adopt the Annual Report is 31 October 2023 and it is recommended that the Annual Report be adopted at the 31 October 2023 Council meeting.

## Considerations

### 5.1 Risk

- 5.2 There is a risk that some revenue included in the financial statements is subsequently not converted to cash. The raising of invoices and recognition of income is carried out with management review and approval to minimise this risk. Debtors and other receivables are

actively monitored and reviewed. The risk is also mitigated by the recognition of expected credit losses at 30 June 2023.

- 5.3 There is a risk that the accounting estimates and judgments used when performing valuations over assets may not reflect the assets actual condition or, the useful lives do not reflect the actual consumption of benefits of the asset. To minimise this risk, infrastructural asset valuations have been determined in reference to industry guidelines and adjusted for local conditions. Asset inspections, deterioration and condition modeling are also carried out as part of asset management planning.
- 5.4 In the financial statements, a value of \$10.602 million is recognised for the investment in ICL. There is a risk that the accounting estimates and judgements used in the valuation of the investment in ICL may result in the actual value of the investment being different than the fair value reflected in the Annual Report. In deriving the valuation, a number of developments were noted by the valuers. These included the commencement of the Ruapehu District Council contract, the subsidiary's improved gross margin and adoption of a new strategic plan. Valuers also noted the dispute resolution process was ongoing for the quarry flood event in February 2022 and no external revenue was generated from the newly established traffic management division due to capacity restraints and resourcing.
- 5.5 There is a risk that some financial assets may become impaired, but that the impairment amount is unknown. This will cause an over-statement of carrying value of the asset in this report, that would subsequently need to be corrected in a later report.

## **5.6 Consistency with Existing Plans and Policies**

- 5.7 This Draft AR measures our performance against year two of the 2021-2031 Ten Year Plan, and nothing in this Draft AR is inconsistent with existing plans and policies.

## **5.8 Significance and Community Views**

- 5.9 The financial performance of Council in the past year is a significant matter to be shared with the District Community. The Annual Report and Summary Annual Report will be available on Council's website and in Council offices and library.

## **Recommendation**

- 6.1 It is recommended that Council adopt the Draft Annual Report 2022/23 subject to final edits.
- 6.2 A copy of the Draft Annual Report 2022/23 is enclosed separately and forms part of this business paper.

## **Suggested Resolutions**

- 1 The business paper on Draft Annual Report 2022/23 – Adoption be received.
- 2 The Chief Executive be delegated authority to ensure any formatting/grammatical changes and feedback from Council is accurately reflected in the Final Annual Report 2022/23 prior to publication.
- 3 The Mayor and Chief Executive be delegated authority to sign the Letter of Representation for the year ended 30 June 2023 to Deloitte on behalf of Waitomo District Council.
- 4 The audited Draft Annual Report 2022/23 be adopted.



TINA HITCHEN  
**CHIEF FINANCIAL OFFICER**



CHARMAINE ELLERY  
**MANAGER – STRATEGY AND POLICY**

Attachment 1: Audit and Risk Committee Business Paper - 17 October 2023 - Draft Annual Report 2022-23 - Recommendation to Council (A691922)

Separate Enclosure: Draft Annual Report 2022/23

Document No: A691922

## Report To: **Audit and Risk Committee**



**Meeting Date:** 17 October 2023

**Subject:** **Draft Annual Report 2022/23 – Recommendation to Council**

**Type:** Decision Required

### Purpose of Report

- 1.1 The purpose of this business paper is to present the Draft Annual Report 2022/23 for consideration and, subject to amendment, recommendation to Council for adoption.

### Background

- 2.1 The Draft Annual Report 2022/23 (Draft AR) shows the financial and non-financial performance of Waitomo District Council for the year ended 30 June 2023.
- 2.2 A copy of the Draft Annual Report 2022/23 is enclosed separately and forms part of this business paper.

### Commentary

#### 3.1 **AUDIT PROGRESS**

- 3.2 At the time of writing this business paper, the audit of the Annual Report is in its final stages and because of this the Draft AR may be subject to change. Any further changes are expected to be minor in nature including roundings or minor edits to disclosures and not expected to impact on the performance results or key financial elements of the Draft AR.

- 3.3 Representatives from Deloitte will provide an update on the audit as part of a separate paper in this agenda.

#### 3.4 **DRAFT 2022-23 ANNUAL REPORT HIGHLIGHTS**

##### 3.5 **Non-Financial Performance**

- 3.6 The Service Performance section provides detailed information on the performance measures and targets for each of the significant activities. The performance summary provides the overall results while more detailed information is provided within each activities section.

- 3.7 Of the 54 Key Performance Indicators measured, 35 (65%) were achieved and 19 (35%) were not achieved.

- 3.8 The measures not achieved were:

- All agendas publicly available two working days or more; one agenda was delayed.
- Residents satisfied with the effectiveness and usefulness of the Council's communication. The result from the June 2023 Residents Survey was 87%, the target was 90%.
- The Youth Council undertakes two youth related projects per year, has not been a priority with current school environment. Time is being taken to revise the Youth Council and a refresh will be launched in 2023/24 FY.

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- The percentage of residents satisfied with parks and open spaces; Residents Survey was 83%, the target was 89% or more.
- Building consents are processed in a timely fashion; two consents out of 167 were delayed.
- LIMs are processed within statutory timeframe; two applications out of 111 were delayed.
- There were two flooding events - Auckland Anniversary Weekend and Cyclone Gabrelle.
- During these events, 14 habitable floors were recorded as being flooded due to overflow of stormwater. 12 of these were rapid assessed during the event and so were not recorded through our service request system so did not appear in the response KPI. One was not as a result of a council stormwater system breach. This left one event reported as below.
- One flooded habitable floor was reported to the Council relating to overflow from the WDC stormwater network during the financial year. Due to inaccurate recording the first response was not captured, the follow up site visit is the time reported.
- The flooding events resulted in 16 complaints about urban stormwater, particularly in Te Kuiti.
- An abatement notice was received for the Te Kūiti wastewater treatment plant due to an emergency overflow from the wastewater oxidation pond following high rainfall in May 2023. The abatement notice received in September has been complied with, however, this event is still under active investigation by Waikato Regional Council.
- The number of complaints about wastewater odour, system faults or blockages and complaints about our response to issues with its wastewater system largely related to system faults and blockages.
- Water quality was non-compliant with the drinking water rules for (a) bacteria Data loss and sampling frequency caused technical non-compliances. There were no bacterial transgressions.
- Water quality was non-compliant with the drinking water standards for (b) protozoa, due to Maniaiti/Benneydale and Piopio Water Treatment Plants failing the Protozoa compliance based on continuous monitoring requirements.
- Response within a reasonable time frame to issues for urgent and non-urgent call-outs with water supply. We are working to reduce this reporting issue caused by manual reporting processes resulting in inaccurate data. Devices to be introduced to contractors to help address this.
- High consumption of water in Piopio through unaccounted water loss; a comprehensive leak detection program is planned for 2023/24.
- There was one fatality and three serious injury crashes, compared to one fatality and one serious injury crash the year previous.

## 3.9 **Financial Reporting and Prudence Benchmarks**

- 3.10 Financial reporting and prudence benchmarks are measured annually to enable an assessment of whether the Council is prudently managing its revenues, expenses, assets, liabilities, and general financial dealings.
- 3.11 These measures are made up of mandatory measures set by regulation and Council specific measures set in the Finance Strategy.



- 3.12 All measures, with the exception of the Operations Control benchmark, were successfully achieved and well within the limits set.
- 3.13 The Operations Control benchmark measures the actual net cashflow from operations as a proportion of planned net cashflows. The benchmark is met if the actual net cashflow meets or is greater than the planned net cashflow. For 2022/23 the actual net cashflow was less than planned as the Waka Kotahi roads subsidy on capital works was not received as forecast as a result of lower than planned capital works.
- 3.14 **Financial Performance**
- 3.15 For the financial year, we report a net surplus of \$4.2 million against a budgeted surplus of \$12.8 million.
- 3.16 Revenue was \$0.8 million less than budget. Subsidies and grants revenue was \$4.8 million below forecast, as capital expenditure was not fully spent for road repairs from recent storm events, structural bridge renewals and minor improvements. The subsidy associated with this work was therefore not received as planned.
- 3.17 Fees and charges and income from construction services revenue was \$3.6 million more than forecast due mostly to the recognition of construction revenue for construction services for the Gallagher Recreation Centre.
- 3.18 Operating expenditure was \$7.9 million above forecast. Other expenditure included \$3.9 million for the recognition of construction expenditure for construction services for the Gallagher Recreation Centre. Additional expenditure was also incurred for first response road repairs required after damage from weather events and additional professional services fees for maintaining the road network. Depreciation expenditure was \$1.4 million above forecast due to the revaluation of most asset classes which increased the value of these assets and the corresponding depreciation expense. Employee benefit expenses were below forecast.
- 3.19 Total other comprehensive revenue and expense of \$185.1 million was recognised for the year. This includes \$180.5 million for revaluation of roads and solid waste assets. The gain on the revaluation of the investment in Inframax Construction Ltd (ICL) of \$4.1 million was also recognised.
- 3.20 Total equity was \$260.5 million more than forecast. This was due mostly to the increase in the revaluation reserve, which was \$265.8 million more than forecast. Most asset classes were revalued in the prior year and roads and solid waste assets were revalued again at 30 June 2023, resulting in a significant uplift in asset values which was not anticipated in the Annual Plan forecasts.
- 3.21 Other reserves were \$6.5 million more than budget. Investment revaluation reserves were more than forecast for the increase in the investment in ICL. The cashflow hedging reserve was also more than budget due to a gain on cashflow hedges. Council operational and depreciation reserves were also more than forecast as the Annual Plan forecast did not incorporate the increase in these reserves during the previous financial year.
- 3.22 Borrowings at 30 June 2023 were \$28.3 million, which was significantly lower than the forecast target in the 2022-23 Annual Plan of \$35 million. This is at a similar level as June 2022.
- 3.23 Further explanations of variations to budget can be found in Note 35 of the Draft AR.
- 3.24 **Group Performance**
- 3.25 At 30 June 2023, total equity for the Group was \$662.8 million, an increase of \$186.1 million from the prior year.
- 3.26 The Group's after-tax surplus is \$4.3 million.

- 3.27 ICL reported a net profit after tax of \$984,000 for the year ended 30 June 2023. This was a positive result despite challenging operating conditions. Revenue increased by 16% on prior year as the company successfully secured the road maintenance contract for Ruapehu District. The equity of the company increased to \$12.6 million, with an equity ratio of 52%.
- 3.28 **Capital Expenditure**
- 3.29 Total capital expenditure for the year ended 30 June 2023 was \$16.2 million against a budget of \$23.6 million.
- 3.30 Included in the actual spend was additional expenditure for recognition of the service concession asset for the right of use of the stadium, and the purchase of carbon credits and projects that were deferred to 2022/23 year from the previous financial year.
- 3.31 Some projects that were not completed during the year, have been deferred to the 2023/24 year. Delays in these projects occurred due to wet weather during the construction season, and the ongoing issues with global supply chains on availability of supplies and contractor availability.
- 3.32 Some of the major projects completed were:
- Completion of the Gallagher Recreation Centre and the recognition of the service concession asset for the right of use of the facility.
  - Emergency reinstatement work weather event related.
  - Completion of the new Mokau public toilets.
  - Roothing network repairs of \$2.8 million related to the severe weather events.
  - Resurfaced 33.1 km of sealed roads.
  - Unsealed roads received 52 km of rehabilitation.
  - Waimiha Road pavement rehabilitation completed, and Seddon and Lawrence Streets completed.

## **Analysis of Options**

- 4.1 The Committee has the option of recommending the adoption of the Annual Report to Council or requesting further information/changes from its staff and auditors.
- 4.2 Under the Local Government Act 2022, Council must adopt the Annual Report by the end of October 2023, and it is therefore recommended that the Annual Report be adopted at 31 October 2023 Council meeting.

## **Considerations**

### **5.1 RISK**

- 5.2 There is a risk that some revenue included in the financial statements is subsequently not converted to cash. The raising of invoices and recognition of income is carried out with management review and approval to minimise this risk. Debtors and other receivables are actively monitored and reviewed. The risk is also mitigated by the recognition of an expected credit loss allowance at 30 June 2023.
- 5.3 There is a risk that the accounting estimates and judgments used when performing valuations over assets may not reflect the asset's actual condition or, the useful lives do not reflect the actual consumption of benefits of the asset. To minimise this risk, infrastructural asset valuations have been determined in reference to industry guidelines and adjusted for local

conditions. Asset inspections, deterioration and condition modeling are also carried out as part of asset management planning.

- 5.4 In the financial statements, a value of \$10.602 million is recognised for the investment in ICL. There is a risk that the accounting estimates and judgements used in the valuation of the investment in ICL may result in the actual value of the investment being different than the fair value reflected in the Annual Report. In deriving the valuation, a number of developments were noted by the valuers. These included the commencement of the Ruapehu District Council contract, the subsidiary's improved gross margin and adoption of a new strategic plan. Valuers also noted the dispute resolution process was ongoing for the quarry flood event in February 2022 and no external revenue was generated from the newly established traffic management division due to capacity restraints and resourcing.
- 5.5** There is a risk that some financial assets may become impaired, but that the impairment amount is unknown. This will cause an overstatement of carrying value of the asset in this report, which would subsequently need to be corrected in a later report.
- 5.6** **Consistency with Existing Plans and Policies**
- 5.7 This Draft AR measures our performance against year two of the 2021-2031 Ten Year Plan, and nothing in this Draft AR is inconsistent with existing plans and policies.
- 5.8** **Significance and Community Views**
- 5.9 The financial performance of Council in the past year is a significant matter to be shared with the District Community. The Annual Report and Summary Annual Report will be available on Council's website and in Council offices and library.

## Recommendation

- 6.1 The Audit and Risk Committee recommend to the Council the adoption of the Annual Report 2022/23.

## Suggested Resolutions

- 1 The business paper on Draft Annual Report 2022/23 – Recommendation to Council, be received.
- 2 The Confidential Report to the Committee presented by Deloitte be received.
- 3 The Audit and Risk Committee recommend to the Council the adoption of the Annual Report 2022/23, subject to any amendments agreed at this meeting and any further changes required as a result of completing the audit.
- 4 Any matters of significance which may arise relating to the Draft Annual Report 2022/23 between this meeting and the Council meeting on 31 October 2023 be referred to the Independent Chairperson.



TINA HITCHEN  
**CHIEF FINANCIAL OFFICER**



CHARMAINE ELLERY  
**MANAGER - STRATEGY AND POLICY**

12 October 2023

Separate Enclosure: Draft Annual Report 2022/23

**Document No:** A691902

**Report To: Council**



**Meeting Date:** 31 October 2023

**Subject:** **2022/23 Carry Forwards**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to seek approval to carry forward unspent 2022/23 operational and capital budgets to the 2023/24 financial year.

## Background

- 2.1 The 2022/23 Annual Plan was adopted in May 2022. Included in the Annual Plan are the Operational and Capital Budgets for the 2022/23 financial year.
- 2.2 At the end of the 2022/23 financial year, a number of projects and programs that were either in progress and not completed or the start delayed as at 30 June 2023. This was at least in part due to the operational environment we are working in.
- 2.3 The incomplete capital projects will continue into the 2023/24 financial year and therefore, the unexpended budgets will need to be carried over into the 2023/24 budget.

## Commentary

- 3.1 The 2022/23 financial year was impacted by a number of external events including, but not limited to severe weather events, continued wet weather that has impacted the construction season, Affordable Waters Reform and continued disruption to supply chains which impacted delivery of some work programmes.
- 3.2 There continues to be high demand for contractors and extended delays in delivery of supplies, all of which is causing delays to completion dates and project delivery.
- 3.3 The proposed carry forwards will not impact the adopted 2023/24 funding requirement as all the carryover budgets have a funding source either through grants, reserves or debt.
- 3.4 The operational programs that were incomplete or delayed, have been rated for and the rates were collected during the 2022/23 financial year.
- 3.5 CAPITAL PROJECTS**
- 3.6 Total capital projects to be carried forward is \$10,934,800.

# File 1 - Page 77

Activity	Project	Carry Over \$	Comment
Business Support and Fleet \$383,700	Information Services – Building Access Security System Replacement	140,000	The current building access security systems are at the end of life and replacement is required. It is planned to expand the Building Access Security System installation project across other WDC facilities up to the same standard
	Furniture Replacement	30,600	Renewal of furniture for customer service centre fit-out, completed in August 2023, due to delays in receiving supplies.
	Customer Service Centre refurbishment	57,900	Contract in progress at June 2023 and completed in August 2023 due to delays in receiving supplies.
	Administration Building – air conditioning renewals	6,000	Four units are due for replacement however due to need for traffic management plan and crane this project has been delayed to 2023/24 year.
	Mower Replacement	50,700	Due to ongoing supplier delays, there is no certainty as to when delivery of the mowers will be made.
Community and Partnership \$27,300	Bikes in Schools	27,300	Bikes in Schools – external funding (and expenditure) will be carried over to complete this project in 2023/24
Recreation and Property \$448,900	Development Coastal Reserves	42,300	Te Nau Nau Reserve Road project - project is currently on hold awaiting consultation with Mana Whenua before proceeding. Request carryover of funding so once community engagement has occurred the project can progress.
	Park improvements (repurposed to Rora Street toilet upgrade)	44,100	Budget unspent for park improvements, to be repurposed to Rora Street toilet upgrade.
	Unspecified renewals (Rora St Toilet upgrade)	20,600	Budget unspent in 2022/23 to be used for Rora Street toilets
	Playground Renewals	40,500	Ongoing playground renewals
	Holiday Park Renewals	79,300	Tui park improvements – delays in contractors availability.
	Aerodrome runway renewals	15,900	Resurface the hard surface of the runway ends, specifically areas currently covered in chip to be resurfaced with bitumen for durability and safety of operations
	Les Munro Centre	76,500	Project underway - replacement of the air conditioning system.
	Toilet Renewals	25,600	Project underway – 24 hour access to disability toilet
	Improvements for areas surrounding Te Ara Tika	50,600	Upgrade of skatepark to improve safety and useability.
	Animal pound renewals	13,800	Project underway – required for H&S and sanitary improvements.
Regulatory \$13,800	Carroll St – remedial work	147,700	Additional budget approved by Council at the April 2023 meeting. Project underway– contract awarded.
Stormwater	Rural Stormwater Renewals	10,000	Minor renewals planned

# File 1 - Page 78

Activity	Project	Carry Over \$	Comment
\$157,700	Te Kuiti Reticulation Renewal	135,300	Project underway – Project covers two years (Alexandra and Seddon Streets).
Wastewater \$302,500	Te Kuiti Scada and telemetry	81,800	Replacement of components of SCADA located at Te Kuiti wastewater plant. Contractor (based in Napier) could not complete work due to impact of Cyclone Gabrielle.
	Te Waitere Renew & Extend Soakage Field	80,400	Project underway – delayed due to health and safety considerations of operating heavy equipment in wet/boggy conditions.
	Benneydale minor plant renewals	5,000	Renew wastewater treatment equipment for emergency breakdowns – delayed due to availability for resourcing
	Te Kuiti water resilience project	282,000	Procurement underway.
Water Supply \$325,800	Piopio water plant renewals	16,400	Scoping of project completed, ready for procurement to improve raw water walkway as it is unsafe.
	Piopio water resource consent renewal	21,000	Continuation of resource consent renewal – underway.
	Minor Improvements	1,179,900	Carry over budget for the completion of the awarded Taharoa Road resilience project awarded as part of the pavement rehabilitation project awarded to Inframax Limited.
	Footpath Improvements and Renewals	733,000	Footpath Renewals Project Awarded to Camex for multiple sites across the district.
Roads \$9,433,500	Drainage Renewals	157,100	For drainage renewals associated to the pavement rehabilitation project awarded to Inframax Limited.
	Pavement Rehabs Renewals	919,900	For the pavement rehabilitation contract awarded to Inframax, 3 Sites Te Anga, Waimiha and Tahaora Road.
	Sealed Road Surfacing Renewals	25,600	Carried over for sites not completed as part of the 22/23 resurfacing programme.
	Structural Bridge Renewals	242,500	Carried over for the bridge component replacement contract awarded to Maxbuild.
	Structures Components Renewals	599,300	Carried over for the bridge component replacement contract awarded to Maxbuild.
	Unsealed Road Metalling Renewals	33,100	Carried over for sites not completed as part of the 22/23 unsealed metaling programme.
	Emergency reinstatement and Cyclone Dovi renewals	5,500,800	Carried over for works associated with Cyclone Dovi and the Winter Storm, sites already awarded including Mangatoa Road x 4 sites, Kopaki Road, Taumatotara West Road.
	Road improvements Mokau toilets (unsub)	42,300	Project underway – delayed to due weather and will be completed this calendar year.

**\$10,934,800**

- 3.7 The total revised capital programme for 2023/24 including carryovers will be **\$33.4 million**.
- 3.8 Of the total revised budget, the forecast roads capital expenditure is \$19.3 million (58%) including emergency reinstatement and Cyclone Dovi repairs, which will be largely funded from Waka Kotahi.

- 3.9 Included in the total revised budget is \$3.7 million for the landfill cell development and gas flaring which is currently on hold pending the review of landfill options.
- 3.10 The Te Kuiti water resilience project revised budget is now \$4.7 million for 2023/24.

### **3.11 OPERATIONAL PROGRAMS / PROJECTS**

- 3.12 The total operational projects to be carried forward is \$564,300.

Activity	Project	Carry Over \$
Infrastructure	Project Management Framework implementation continues into 2023/24	159,100
Roads	Truck parking – Mokau Toilet associated works (unsubsidised) – operational portion. Delayed due to weather, will be completed this calendar year.	307,100
Community Services	District promotion – purchase of district wide streetflags for new flagtrax system and development of comprehensive district wide image library.	72,100
	Funding from National Libraries (and expenditure) for library programme will be carried over and spent in the 2023/24 year	\$26,000
<b>Total:</b>		<b>\$564,300</b>

### **3.13 BETTER OFF PROJECTS**

- 3.14 Total Better Off funding of \$3.55 million was allocated to the five major projects, of this total \$0.29 million was spent at 30 June 2023, leaving a balance of \$3.26 million to be spent. A further \$0.141 million of Tourism Infrastructure Funding (TIF) is also available and included to fund the expected \$3.691 million cost of these projects.
- 3.15 Due to the re-sequencing of these projects, the revised budgets (expenditure and revenue) for Better Off projects for 2023/24 will be as per the table below. These are based on actual projections so could change.

Project	Total	Actual 30/06/23	By 30/06/24	By 30/06/25	By 30/06/26	By 30/06/27
Town Gateways Statements	1,419,000	0	213,000	709,500	141,900	354,600
Walkways	537,000	65,878	471,122	0	0	0
Community and Cultural Hub	200,000	0	50,000	150,000	0	0
Social Good Partnerships	960,000	212,582	343,268	380,000	24,150	0
Town Amenity Projects	575,000	14,132	510,868	50,000	0	0
<b>Better Off Funding Projects</b>	<b>3,691,000</b>	<b>292,592</b>	<b>1,588,258</b>	<b>1,289,000</b>	<b>166,050</b>	<b>354,600</b>

## Considerations

### **4.1 RISK**

- 4.2 There is reputational risk associated with not approving the carry forward of these budgets to complete capital and operational projects as WDC has collected the rates for these projects and programs and not delivered them.
- 4.3 There is risk that the additional projects will have negative impact on the delivery of the projects planned to be delivered in the 2023/24 financial year.

#### 4.4 CONSISTENCY WITH EXISTING PLANS AND POLICIES

4.5 The decision Council is being asked to consider in this business paper is not inconsistent with its existing plans and policies.

#### 4.6 SIGNIFICANCE AND COMMUNITY VIEWS

4.7 It is considered that the decision will be of low significance when measured against WDC's Significance and Engagement policy.

### Recommendation

5.1 That Council agrees to carry forward the 2022/23 capital and operational underspent budget noted in Tables 1 and 2 to the 2023/24 financial year.

### Suggested Resolutions

- 1 The business paper 2022/23 Carry Forwards, be received.
- 2 Council approve the carry forward of \$10,934,800 of unexpended 2022/23 capital budget and \$662,800 operational budget to the 2023/24 financial year as follows:

Activity	Project	Carry Over \$	Comment
Business Support and Fleet \$383,700	Information Services – Building Access Security System Replacement	140,000	The current building access security systems are at the end of life and replacement is required. It is planned to expand the Building Access Security System installation project across other WDC facilities up to the same standard
	Furniture Replacement	30,600	Renewal of furniture for customer service centre fit-out, completed in August 2023, due to delays in receiving supplies.
	Customer Service Centre refurbishment	57,900	Contract in progress at June 2023 and completed in August 2023 due to delays in receiving supplies.
	Administration Building – air conditioning renewals	6,000	Four units are due for replacement however due to need for traffic management plan and crane this project has been delayed to 2023/24 year.
	Mower Replacement	50,700	Due to ongoing supplier delays, there is no certainty as to when delivery of the mowers will be made.
Community and Partnership \$27,300	Bikes in Schools	27,300	Bikes in Schools – external funding (and expenditure) will be carried over to complete this project in 2023/24
Recreation and Property \$448,900	Development Coastal Reserves	42,300	Te Nau Nau Reserve Road project - project is currently on hold awaiting consultation with Mana Whenua before proceeding. Request carryover of funding so once community engagement has occurred the project can progress.
	Park improvements (repurposed to Rora Street toilet upgrade)	44,100	Budget unspent for park improvements, to be repurposed to Rora Street toilet upgrade.
	Unspecified renewals (Rora St Toilet upgrade)	20,600	Budget unspent in 2022/23 to be used for Rora Street toilets



# File 1 - Page 81

Activity	Project	Carry Over \$	Comment
	Playground Renewals	40,500	Ongoing playground renewals
	Holiday Park Renewals	79,300	Tui park improvements – delays in contractors availability.
	Aerodrome runway renewals	15,900	Resurface the hard surface of the runway ends, specifically areas currently covered in chip to be resurfaced with bitumen for durability and safety of operations
	Les Munro Centre	76,500	Project underway - replacement of the air conditioning system.
	Toilet Renewals	25,600	Project underway – 24 hour access to disability toilet
	Improvements for areas surrounding Te Ara Tika	50,600	Upgrade of skatepark to improve safety and useability.
	Animal pound renewals	13,800	Project underway – required for H&S and sanitary improvements.
Regulatory \$13,800	Carroll St – remedial work	147,700	Additional budget approved by Council at the April 2023 meeting. Project underway– contract awarded.
Stormwater \$157,700	Rural Stormwater Renewals	10,000	Minor renewals planned
	Te Kuiti Reticulation Renewal	135,300	Project underway – Project covers two years (Alexandra and Seddon Streets).
Wastewater \$302,500	Te Kuiti Scada and telemetry	81,800	Replacement of components of SCADA located at Te Kuiti wastewater plant. Contractor (based in Napier) could not complete work due to impact of Cyclone Gabrielle.
	Te Waitere Renew & Extend Soakage Field	80,400	Project underway – delayed due to health and safety considerations of operating heavy equipment in wet/boggy conditions.
	Benneydale minor plant renewals	5,000	Renew wastewater treatment equipment for emergency breakdowns – delayed due to availability for resourcing
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Water Supply \$325,800	Piopio water plant renewals	16,400	Scoping of project completed, ready for procurement to improve raw water walkway as it is unsafe.
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	Pavement Rehabs Renewals	919,900	For the pavement rehabilitation contract awarded to Inframax, 3 Sites Te Anga, Waimiha and Tahaora Road.

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Activity	Project	Carry Over \$	Comment
	Sealed Road Surfacing Renewals	25,600	Carried over for sites not completed as part of the 22/23 resurfacing programme.
	Structural Bridge Renewals	242,500	Carried over for the bridge component replacement contract awarded to Maxbuild.
	Structures Components Renewals	599,300	Carried over for the bridge component replacement contract awarded to Maxbuild.
	Unsealed Road Metalling Renewals	33,100	Carried over for sites not completed as part of the 22/23 unsealed metaling programme.
	Emergency reinstatement and Cyclone Dovi renewals	5,500,800	Carried over for works associated with Cyclone Dovi and the Winter Storm, sites already awarded including Mangatoa Road x 4 sites, Kopaki Road, Taumatotara West Road.
	Road improvements Mokau toilets (unsub)	42,300	Project underway – delayed to due weather and will be completed this calendar year.

**\$10,934,800**

- 3 Council note the revised forecast of \$1.24 million for the Better Off projects and associated funding for the 2023/24 year.

Project	Total	Actual 30/06/23	By 30/06/24	By 30/06/25	By 30/06/26	By 30/06/27
Town Gateways Statements	1,419,000	0	213,000	709,500	141,900	354,600
Walkways	537,000	65,878	471,122	0	0	0
Community and Cultural Hub	200,000	0	50,000	150,000	0	0
Social Good Partnerships	960,000	212,582	343,268	380,000	24,150	0
Town Amenity Projects	575,000	14,132	510,868	50,000	0	0
<b>Better Off Funding Projects</b>	<b>3,691,000</b>	<b>292,592</b>	<b>1,588,258</b>	<b>1,289,000</b>	<b>166,050</b>	<b>354,600</b>



TINA HITCHEN  
**CHIEF FINANCIAL OFFICER**

21 OCTOBER 2023

**Document No:** A694685

**Report To:** Council



**Meeting Date:** 31 October 2023

**Subject:** Mokau Museum – Request for Funding (October 2023)

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to determine whether Council wants to approve expenditure toward the upgrade of the Mokau Museum, by the Tainui Historical Society (THS), as presented to Council by Mr Murray Seamark in September 2023.

## Background

- 2.1 The THS has undertaken extensive work on the Mokau Museum to make it more contemporary and inviting for visitors while bringing the views of the Mokau committee and in particular mana whenua into the museum.
- 2.2 The attached 'Mokau Museum Funding Request to WDC' outlines the scope and achievements of the project.

Note: Due to the level of commercially sensitive detail contained in the attachments provided by the Museum with its request for funding, those attachments are being treated as confidential and have been circulated to elected members under separate cover as provided for by Section 7(2)(b)(ii) of the Local Government Official Information and Meetings Act 1987 –

- (b) *protect information where the making available of the information—*
  - (ii) *would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or*

## Commentary

- 3.1 Significant fundraising (\$412,570) has been achieved by the THS. In addition to this \$50,000 had already been used from THS reserves. The project is estimated to cost \$567,568 to complete. THS funding the remainder of the project funding shortfall will put them in an operational deficit of approximately \$10,000.
- 3.2 THS's funding request is for \$50,000 so that they can fully fund the project and restore their operating position back to a surplus.
- 3.3 Funding could come from one of the '3 Waters' 'Better-Off' funding (BOF) (\$30,000) Civil Defence Resilience Planning. This work has been funded from alternative sources. Council staff would undertake the necessary administrative processes to get this transfer of funds to be signed off by DIA.

## Analysis of Options

- 4.1 Option 1: Provide no funding and use the BOF for other projects. The upgrade of the Mokau Museum was not on the BOF funding schedule as a project or project contingency.

- 4.2 Option 2: Fund the full \$50,000 requested by THC. This would require staff to find an additional \$20,000. This could potentially come from another BOF but work on which projects need more or less funding has not occurred.
- 4.3 Option 3: Provide \$30,000 of funding to the Tainui Historical Society from the '3 Waters' 'Better-Off' funding (BOF)'s Civil Defence Resilience Planning project for the upgrade of the Mokau Museum

## Considerations

### 5.1 RISK

- 5.2 That the \$30,000 is not sufficient and THC would still run at an operational deficit
- 5.3 That this project is funded ahead of other projects on the BOF schedule.

### 5.4 CONSISTENCY WITH EXISTING PLANS AND POLICIES

- 5.5 The funding requested is not in the BOF project schedule but is not contrary to existing plans.

### 5.6 SIGNIFICANCE AND COMMUNITY VIEWS

- 5.7 This would not be considered a breach of Council's Significance and Engagement Policy.

## Recommendation

- 6.1 Provide \$30,000 of funding to the Tainui Historical Society from the '3 Waters' 'Better-Off' funding (BOF)'s Civil Defence Resilience Planning project for the upgrade of the Mokau Museum.

## Suggested Resolutions

- 1 The business paper on Mokau Museum – Request for Funding (October 2023) be received.
- 2 Council provide \$30,000 of funding to the Tainui Historical Society from the '3 Waters' 'Better-Off' funding (BOF)'s Civil Defence Resilience Planning project (which has been funded from alternative sources) for the upgrade of the Mokau Museum.



BEN SMIT  
**CHIEF EXECUTIVE**

25 October 2023

Attachment: Mokau Museum – Request for Funding (October 2023) (Doc A694705)

Separate (**Confidential**) Enclosure: Supporting Information to the Request (Doc A694706)

# File 1 - Page 85

Mokau Museum Funding Request to WDC  
30 September 2023

Councillor brief

Thank you all very much for your time last week in presenting to you about the Mokau Museum, its aspirations, and its relevance in our community. We as a community are grateful to our forebears who had the vision and after 40 years their museum continues to grow, serve the community and lay the groundwork for the generations to come.

We as a Committee work hard to be progressive, socially responsible, and point the way forward to a society that our mokopuna will be familiar with. We diligently connect with funding organisations sharing our vision gaining their support. To date have relationships with 12 different organisations, including WDC, that generously support the museums objectives. We are grateful to each and every one of these.

Since 2018 the museum has been working on a project to remove the physical barriers to the museum enabling people of all abilities free and easy access to the taonga within, and the accessibility ramp has been a major focal point of committee activities. In this project we wanted to reflect outwardly the cultural changes that have happened within and give the building a new image that will set the scene for the next 50 years.

After a long period of planning work finally began in May 23 with most of the funds confirmed and a plan to make up the difference with work in kind by local volunteers. Not long into the construction we uncovered some surprises which were overlooked in the project scoping and budgets. The side parapets and power supply were in poor condition and needed to be replaced and an oversight in identifying the boundary correctly resulted in more sub-structure engineering and redoing some work. These buried \$85k and the project contingency was well gone.

The full project budget at the start of construction was \$460k which included the design and consent fees. With construction now out of the ground and key structural work in place we believe that the surprises are now behind us, and the attached summary of actual and forecasted expenses now put the project cost at \$567k.

Over the last 10 years the museum has been squirrelling away slowly building up its cash reserves to ensure that it remain financially sustainable for those who follow us. While we had budgeted to use some of these reserves for this project, the additional unexpected costs will deplete these putting an undue financial burden on the organisation and we are seeking \$50k to help the balance sheet. Included in this request is a project summary and cash position for the rest of F24 along with other supporting documents.

The Mokau Museum is an important part of our community. Not only does it collect stuff and make it available in meaningful ways, it is also a place we people can connect and contribute making a thriving community. This project enhances the museum, its people and the entire community.

Waitomo District Council has and is a great supporter of the museum and we thank you for hearing and considering our request.

Murray Seamark  
Committee Chair

**Document No:** A694512

**Report To: Council**



**Meeting Date:** 31 October 2023

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

**Type:** Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to update Council on activities of Finance, Information Services and Leadership/Governance.

## Background

- 2.1 The Finance, Information Services and Leadership/Governance report incorporates commentary and its activities, along with commentary on the Information Services, Finance, Inframax Construction Limited, CoLab, Council Owned Quarries and Fleet.

## Finance, Information Services and Risk

- 3.1 The group of activities incorporates –

- Finance
- Information Management
- Information Technology
- Risk Management

### 3.2 **CURRENT ACTIVITY**

#### 3.3 **Finance**

- 3.4 The focus of the Finance team over the last two months has been on the preparation of the annual report including the audit process, the development of the Long Term Plan and user testing and training in preparation of the migration of the financial system to the cloud.

- 3.5 The invoices for the second rates instalment were sent out in October, due end of November.

#### 3.6 **Information Technology**

Three major projects are progressing:

- **Cloud Migration**
  - MagiQ (financial system) User Acceptance Testing (UAT) is work in progress. It has a preliminary go-live date set for end of November.
  - Objective migration to MagiQ Docs will commence in November 2023 and is planned to be completed in April 2024.
- **Magic Engagement Mobile Application**
  - This project is to enable members of the community to be able to log Service Requests (i.e. potholes, animal control requests, noise control requests, etc.) directly into MagiQ by using the mobile app.
  - The project starts on 13 November 2023 and Go-live is to be 5 Feb 2024

- **Objective to MagiQ Docs Migration**

- Objective to MagiQ Docs migration project is going through the initial steps of technical proof of concept. WDC target is to go-live at the end of April 2024. A dedicated project team is assigned to work on the necessary preparation task and to have an indication of how long it will take to prepare the files and folders for the migration.

### 3.7 **RISK AND OPPORTUNITIES**

#### 3.8 **Finance**

3.9 The Annual Report process is now largely completed with a debrief planned for early November to identify areas for improvement for next year's development programme.

3.10 The user acceptance testing for MagiQ Cloud continues, especially in the Rates module, in preparation for go-live date in mid-November.

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

#### 3.12 **Finance**

3.13 The focus of the team will now move to the budget development workstream for the Long Term Plan.

3.14 Debt collection and recovery of arrears will continue for the team over the coming months as accounts progress to recovery from the mortgage holder and accounts transferred to external debt collection.

#### 3.15 **Information Technology**

3.16 Cloud migration, process mapping and development of the Business Improvement activities for the implementation of new systems (such as MagiQ Engagement app) will be a focus for the Information Services team.

3.17 Staff we look at the current strategic risks and develop staff workshops to consider the practical impact and mitigation of these risks.

3.18 The development of improved Information management and the migration from Objective to MagiQ Docs. There is a need to have better understanding of what is involved in this project and how long it is going to take to prepare the file and folders for the migration. This information is crucial for the project and will give WDC the insight to make a Go or No-Go decision.

## **Leadership/Governance**

### 4.1 **CURRENT ACTIVITY**

#### 4.2 **Other Leadership and Governance**

4.3 A heavy workload with the development of the Long Term Plan (LTP), workshops and Council agendas.

4.4 Significant organization-wide projects ('3 Waters' Reform, Waitomo District Landfill, Centennial Park Concept Plan, Te Kuiti Aerodrome Business Plan, Māori Representation and Service Reviews) have meant a lot of work for the wider Senior Management Team.

### 4.5 **RISK AND OPPORTUNITIES**

4.6 The uncertainty around the format of the '3 Waters' structure is particularly difficult in relation to the development of the LTP. Sector-wide advice is being developed and then will be presented to the new Government around how to manage the LTP process now.

4.7 Options being analyzed are:

- Planning for 10 years of '3 Waters' in the LTP even though this is against legislation.
- Change legislation and leave LTP timing the same. Given the decision making timeframes this is likely to lead to the late adoption of some LTPs.
- Defer LTP one year and then have a 2-year LTP. Just an Annual Plan for 2024/25.
- Shift LTP adoption due date to 30 September 2024
- Unaudited 3 year plan but no legislation to support this.

4.8 There is always a risk of starting too many change processes at once. This is a fine balancing act as staff look to improve service delivery and try to reduce costs.

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

4.10 Planning for the short term to long term solutions of the flooding issues in Te Kuiti

4.11 Completion of a number of the organization-wide projects including the Waitomo District Landfill planning and the Marokopa Campground future. Implementation of the Māori Representation model; the further development of the Centennial Park Concept Plan; Options for enhancing the use of Les Munro Centre; Information Management system transition; the housing strategy and Waste Ministration plans will be key.

4.12 An analysis of options for the future operational and financial management of Council owned quarries is being undertaken now in preparation of a new tendering round for the roading services contracts. These new roading contracts start in July 2024.

### **Suggested Resolution**

The business paper on Information Services, Finance and Leadership/Governance Activity Update Report be received.



TINA HITCHEN  
**CHIEF FINANCIAL OFFICER**



SAEED JOUZDANI  
**CHIEF INFORMATION OFFICER**



BEN SMIT  
**CHIEF EXECUTIVE**



**Document No:** A694636

**Report To: Council**



**Meeting Date:** 31 October 2023

**Subject:** **Regulatory Activity Update Report**

**Type:** Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to update Council on work programmes that form part of the regulatory activity.

## Background

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

## Commentary

- 3.1 The activities undertaken by the Regulatory Services are governed and directed by legislation, national, regional, and local policies and bylaws. We undertake many activities that contribute to keeping our Community and District a safe place to be.
- 3.2 Day to day operations include building control, alcohol licensing, environmental health, bylaw administration, animal and dog control, planning and district planning (Proposed District Plan). The functions of these activities were set out in the business paper on 27 June 2023 (A672658).
- 3.3 The activities of these units are 'business as usual' in that the activities undertaken are prescribed in the various legislation and planning / policy documents, which control the day to day operations.
- 3.4 **RISKS AND OPPORTUNITIES**
- 3.5 In terms of risks and opportunities, the risks relate to our ability to perform our regulatory functions in line with the various statutes that the group administers. In terms of the regulatory staff capacity, are currently seeking to recruit an Animal Control Officer due to the internal promotion of the current Animal Control Officer to Team Leader – Compliance and Monitoring. This change in staffing structure will provide us with greater capacity for Bylaw and Resource Management Act 1991 monitoring and enforcement.
- 3.6 **LOOKING FORWARD NEXT 3 MONTHS**
- 3.7 Submissions on the changes to the Public Places Bylaw and Public Health and Safety Bylaw close on 29 October. As at the date of this paper, no submissions have been received.
- 3.8 The hearing on the Taumatotara Wind Farm Limited resource consent application is to be heard by the Independent Hearing Commissioner, Stephen Daysh on 13 and 14 November 2023. All submissions and evidence of the Applicant, Council and submitters will be displayed on the Council website, as it is received.

- 3.9 Due to the change of government, we do not have clarity regarding whether the Natural and Built Environment Act 2023 or the Spatial Planning Act 2023 will be proceeding at all, in an amended form, or whether there will be replacement legislation. I will keep elected members briefed on what occurs in this space.
- 3.10 We have received conditional funding of \$21,000 from the Freedom Camping Transition Fund from the Ministry of Business, Innovation and Employment for a freedom camping education programme. The funding is conditional on Council complying with the terms of the funding agreement, which we have yet to receive. The proposal we applied for funding for was to work with a local security contractor to provide information to people who are not freedom camping in approved areas under the Freedom Camping Bylaw. The idea is that they will be provided with a flyer and will be advised of locations within close proximity of where they can freedom camp. We are proposing to run this programme over a 15-week period from December 2023 to April 2024 during the weekends.
- 3.11 On 3 November 2023 a range of changes come into effect to what was formally known as the National Environmental Standards for Plantation Forestry (NES-PF) now the National Environmental Standards for Commercial Forestry (NES-CF). The changes mean that the same regulations apply to both plantation forests and carbon forests and the environmental effects of large-scale forestry on the environment, communities, and rural economies are well managed. The changes give councils more power to decide where new forests are located, and the regulations now apply to both plantation forestry and exotic continuous-cover forests (carbon forests) that are deliberately established for commercial purposes.
- 3.12 Previously, the National Environmental Standards for Plantation Forestry (NES-PF) only managed forests planted for harvest. Since the NES-PF was introduced in 2018, there has been an increase in carbon forests, which weren't managed in the same way. This follows a rise in the carbon price and subsequent farm conversions to forestry.
- 3.13 Negative effects of the changes in land use include forests growing in places where more environmental damage can happen, erosion, sediment flowing into waterways, and the movement of forestry slash.
- 3.14 These improvements have been made to reduce the risks to life, assets, and the environment.
- 3.15 I will be circulating advice to elected members ahead of these changes coming into effect that specify what tools will now be available to Councils for controlling the adverse effects of commercial forestry and the changes that will need to be made to the Operative Waitomo District Plan. At the stage we are at in the Proposed Waitomo District Plan process, we do not make changes to incorporate the NES-CF changes, those changes will be incorporated into the decisions version.

## Suggested Resolution

The business paper on the Regulatory Activity Performance Reporting be received.



ALEX BELL  
**GENERAL MANAGER – STRATEGY AND ENVIRONMENT**

**Document No:** A694533

**Report To: Council**



**Meeting Date:** 31 October 2023  
**Subject:** **Motion to Exclude the Public**  
**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.

Note: It is Council's choice whether 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. Inframax Construction Limited: Financial Statements for the year ended 30 June 2023	Section 7(2)(c)(1) (c) To protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information — (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 48(1)(d)
2. Appointment of Waitomo District Council Local Controller	(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)(1)
3. Road Names: Walker Road to "Walker Street"	(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)(1)

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- 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
Chief Financial Officer	Portfolio Holder
General Manager – Community Services	Portfolio Holder
General Manager – Strategy and Environment	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.



MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**