

**Document No:** A657323

**Report To:** Council



**Meeting Date:** 28 March 2023

**Subject:** Deputation – Grace Everitt

**Type:**

Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to advise Council that Grace Everitt of 21 Te Kuiti Road, Te Kuiti will be in attendance at 9.00am to address the Council on various issues in Te Kuiti.

## Suggested Resolutions

The Deputation from Grace Everitt be received.

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

MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

## 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 28 FEBRUARY 2023 AT 9.00AM

**PRESENT:** Mayor John Robertson, Council Members Allan Goddard, Janette Osborne, Dan Tasker and Gavin Todd

**IN ATTENDANCE:** Nicola Greenwell, Chief Executive, Hamilton & Waikato Tourism

Ben Smit, Chief Executive; Michelle Higgie, Manager – Governance Support; Helen Beever, General Manager – Community Services (for part only); Charmaine Ellery, Manager – Strategy and Policy (for part only); Alister Duncan, General Manager – Business Support (for part only) and General Manager – Infrastructure Services (for part only)

#### 1. Apologies

##### Resolution

The apologies from Councillors Eady Manawaiti and Janene New be received and leave of absence granted.

Robertson/Tasker Carried

#### 2. Presentation: Hamilton & Waikato Tourism – Six Monthly Report

Council received a presentation from Nicola Greenwell, Chief Executive of Hamilton & Waikato Tourism presenting the Hamilton & Waikato Tourism Six Monthly Report.

##### Resolution

The Presentation from Hamilton & Waikato Tourism – Six Monthly Report be received.

Robertson/Osborne Carried

Nicola Greenwell, Chief Executive of Hamilton & Waikato Tourism, General Manager – Community Services and Manager – Strategy and Policy left the meeting 9.49am.

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

No declarations were made.

#### 4. Confirmation of Minutes: 29 November 2022

##### Resolution

The Minutes of the Waitomo District Council meeting of 29 November 2022 be confirmed as a true and correct record subject to the following amendments:

## Verbal Reports

- Councillor Osborne
  - Include attendance at LGNZ Induction in Hamilton.
  - Change date in Cr Osborne's Verbal Report for the Waitomo Sports Day as being the 4th Saturday in March not 4th of March.

Robertson/Osborne                      Carried

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

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

### Deputy Mayor Allan Goddard

1. Benneydale Hall
2. Stadium Opening
3. Civil Defence Declaration

### Councillor Gavin Todd

1. Community Meetings re Waste Management
2. Mokau Ratepayers Meeting in January 2022
3. Stadium Opening
4. Piopio ANZAC Ceremony Organisation meetings

### Councillor Dan Tasker

1. CoLab Meeting Induction in Hamilton
2. Te Kuiti and Benneydale Christmas Parades
3. Sport New Zealand Rural Travel Fund Meeting
4. WDC Representative at Sport Waikato Awards
5. Stadium Opening
6. Legendary Te Kuiti Meeting

### Councillor Janette Osborne

1. Tere Waitomo – Waitomo Village Community Get Together early December – kindly sponsored by the Tomo Bar
2. LGNZ Future of Local Government Webinar
3. Co-Lab / Shared Services Induction in Hamilton
4. Creative Communities six monthly funding meeting.
5. Two x Sister City Meetings
6. Te Araroa Trail Committee Meeting
7. Regional Transport Committee Meeting in Hamilton
8. Gallagher Recreational Centre Blessing
9. Famil Road Trip to Waitomo Caves Village, Te Anga, Taharoa, Te Waitere and Kinohaku with Mayor Robertson, Councillor Manawaiti and Chris Irons from Federated Farmers who was able to give a local perspective of the roading on the west coast.

### Mayor Robertson

1. Citizenship Ceremony
2. Civil Defence work associated with the cyclone
3. TUIA Programme

## **Resolution**

The verbal reports be received.

Robertson/Tasker                      Carried

## 6. Mayor's Report – February 2023

Council considered the Mayor's Report for February 2023. Mayor Robertson also acknowledged the input of local emergency services during the state of emergency.

Deputy Mayor Goddard acknowledged the input of the Mayor during the Civil Defence emergency and in particular handling communications and liaising with the media.

### Resolution

The Mayor's Report – February 2023 be received.

Goddard/Osborne Carried

## 7. Governance Statement Review

Council considered a business paper presenting the Governance Statement for consideration and adoption.

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

### Resolution

- 1 The business paper on Governance Statement Review be received.
- 2 The draft Governance Statement be adopted without the inclusion of Member photographs.

Robertson/Tasker Carried

## 8. Manawatu-Whanganui Regional Triennial Agreement

Council considered a business paper presenting the Manawatu-Whanganui Region Triennial Agreement for the period from 1 March 2023 until such time as the Agreement is either amended by agreement of all parties or is renewed following the 2025 local authority elections and before 1 March 2026.

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

### Resolution

- 1 The business paper on Manawatu-Whanganui Region Triennial Agreement be received.
- 2 Council approve the Triennial Agreement for the Manawatu-Whanganui Region 2022-25 for signature by the Mayor.

Robertson/Osborne Carried

## 9. Progress Report - Waikato Regional Triennial Agreement

Council considered a progress report on preparation of the 2022-2025 Waikato Region Triennial Agreement.

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

## Resolution

The Progress Report: 2022-2025 Waikato Region Triennial Agreement be received.

Todd/Goddard Carried

The meeting adjourned for morning tea at 10.24am and reconvened at 10.39am  
The General Manager – Business Support entered the meeting at 10.39am.  
The General Manager – Infrastructure Services entered the meeting at 10.42am.

## 10. Financial Report - Period Ended 31 December 2022

Council considered a business paper providing an overall progress report on WDC's financial activities for the period ending 31 December 2022.

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

## Resolution

The business paper on the Financial Report for the period ending 31 December 2022 be received.

Robertson/Osborne Carried

## 11. Council Performance Reporting Review

Council considered a business paper seeking feedback from Elected Members on changes to the Council Performance Reporting structure so that a new reporting model can begin for the March 2023 Council reports.

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

Mayor Robertson, using the examples of Holiday Parks, Landfill and Aerodrome, requested that some of the activity reporting should include financial (income and expenditure) reporting at the activity level at least annually.

## Resolution

- 1 The business paper on Council Performance Reporting Review be received.
- 2 The Council Performance Reporting framework detailing bi-monthly financial reporting and Council group activity reporting be adopted with the following reporting scheduled:

Council Meeting	Year to Date for month of:	Reports
February	December	Full Financial Report Leadership, Business Support, Regulation
March	February	Infrastructure and Community
April	March	Full Financial Report Leadership, Business Support, Regulation
May	April	Infrastructure and Community

# File 1 - Page 6

<b>Council Meeting</b>	<b>Year to Date for month of:</b>	<b>Reports</b>
June	May	Full Financial Report Leadership, Business Support, Regulation
July	June	Infrastructure and Community
August	June	Full Financial Report Leadership, Business Support, Regulation
September	August	Infrastructure and Community
October	September	Full Financial Report Leadership, Business Support, Regulation
November	October	Full Financial Report Infrastructure and Community

Year to Date reports not presented due to timing of meetings:

July

November

January

<b>Audit and Risk Committee</b>	<b>Year to Date for month of:</b>	<b>Covers</b>
February	December	Treasury and KPIs
May	March	Treasury and KPIs
August	June	Treasury and KPIs
October	Sept	Treasury and KPIs

Robertson/Todd

Carried

There being no further business the meeting closed at 11.24am.

Dated this 28<sup>th</sup> day of February 2023

JOHN ROBERTSON  
**MAYOR**

## WAITOMO DISTRICT COUNCIL AUDIT AND RISK COMMITTEE

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL AUDIT AND COMMITTEE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON WEDNESDAY 22 FEBRUARY 2023 AT 9.00AM

**PRESENT:** Independent Chairperson Bruce Robertson (via Zoom); Mayor John Robertson; Deputy Mayor Allan Goddard, Councillor Gavin Todd; Councillor Janene New; Councillor Eady Manawaiti; Councillor Janette Osborne and Councillor Dan Tasker

**IN ATTENDANCE:** Miles O'Connor (Bancorp Treasury Services Limited)  
  
Chief Executive, Ben Smit; Manager – Governance Support, Michelle Higgle; General Manager – Business Support, Alister Duncan; General Manager – Community Services, Helen Beever; General Manager – Infrastructure Services, Shyamal Ram; General Manager – Strategy and Environment, Alex Bell and Manager – Strategy and Policy, Charmaine Ellery

Introductions were made between new members and Independent Chairperson Bruce Robertson.

#### 1. Apology

##### Resolution

The apology from Councillor Manawaiti be received and leave of absence granted.

Robertson/New Carried

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

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

Item(s) of Business on the Order Paper	Member and Reason for Declaration	Type of Conflict <i>Financial / Non-Financial / Conflict of Roles / Pre-Determination</i>
Item 7 - Insurance Update Report for the Insurance Year to 31 October 2023	Cr Osborne <ul style="list-style-type: none"><li>Family member employee of AON Insurance</li></ul>	Non-Financial

#### 3. Mastercard Expenditure Report (September 2022 to January 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 expanded verbally and answered members questions.

The Independent Chair recommended the introduction of Guidelines rather than establishing a new Policy.

## Resolution

- 1 The Mastercard Expenditure Report for the period (September 2022 to January 2023) 2022 be received.
- 2 A set of Guidelines for the booking of accommodation for elected members and staff be developed for the organisation.

New/Tasker Carried

Miles O'Connor (Bancorp Treasury Services Limited) entered the meeting at 9.15am.

## 4. Insurance Update Report for the Insurance Year to 31 October 2023

The Committee considered a business paper providing a brief to the Committee on Council's 2022/23 insurance arrangements.

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

## Resolution

The business paper on the Insurance Update Report for the Insurance Year to 31 October 2023 be received.

Goddard/Todd Carried

## 5. Treasury Report for the period ended 31 December 2022

The Committee considered a business paper providing an update on debt position and compliance with borrowing limits for the period ending 31 December 2022.

Miles gave a PowerPoint Presentation and expanded verbally on the business paper and answered Members' questions.

## Resolution

- 1 The business paper on Treasury Report for period ended 31 December 2022 be received.
- 2 The Committee noted the Policy breach in terms of fixed versus floating rates and look forward to receiving further advice in respect to this position.

Robertson/Tasker Carried

Miles O'Connor (Bancorp Treasury Services Limited) left the meeting at 10.06am.

The General Manager – Strategy and Environment, General Manager – Community Services and General Manager – Infrastructure Services entered the meeting at 10.08am.



## **6. Progress Report: Key Performance Indicators - period ended 31 December 2022**

The Committee considered a business paper providing an update on delivery performance on non-financials for the period ending 31 December 2022.

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

### **Resolution**

The business paper for the Progress Report Key Performance Indicators for the period ended 31 December 2022 be received.

Todd/New Carried

The meeting adjourned for morning tea at 10.35am and reconvened at 10.50am

The General Manager – Strategy and Environment and Manager – Strategy and Policy meeting at 10.35am.

## **7. Progress Report: Risk Management – Monitoring and Reporting**

The Committee considered a business paper informing of progress in respect to the implementation of the Risk Management Framework.

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

The Independent Chair undertook to liaise with the Chief Executive and General Manager – Business Support to prepare a plan for progressing risk management considerations.

### **Resolution**

The business paper on Progress Report: Risk Management – Monitoring and Reporting be received.

J Robertson/New Carried

The General Manager – Business Support left the meeting at 11.30am.

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

The Committee considered a business paper providing a brief on Waitomo District Council's health and safety performance.

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

### **Resolution**

The Progress Report: Health and Safety be received.

New/Tasker Carried

**9. Progress Report: Procurement Summary Schedule (October 2022 – December 2022)**

The Committee considered a business paper presenting a summary of the procurements made in the period July to October 2022 to December 2022 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 (October 2022 to December 2022) be received.

Robertson/Tasker                      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 fourth quarter of 2021/22.

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

**Resolution**

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

New/Goddard                      Carried

There being no further business the meeting closed at 11.55am

Dated this        day of                      2023

BRUCE ROBERTSON  
**INDEPENDENT CHAIRPERSON**

## WAITOMO DISTRICT COUNCIL

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### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL TE RAANGAI WHAKAKAUPAPA KOORERO (MAORI RELATIONS COMMITTEE) HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON THURSDAY 23 FEBRUARY 2023 AT 9.00AM

**PRESENT:** Councillor Eady Manawaiti (Chairperson), Mayor John Robertson and Councillor Dan Tasker

**IN ATTENDANCE:** Ben Smit, Chief Executive; Michelle Higgie, Manager – Governance Support and Charmaine Ellery, Manager – Strategy and Policy

#### 1. Karakia Tuwhera

#### 2. Declarations of Member Conflicts of Interest

No declarations were made.

The Chairperson invited Mayor Robertson to explain the purpose and establishment of Te Raangai Whakakaupapa Koorero (Maori Relations Committee) by the Council.

The Chairperson invited Councillor Tasker and the Executive to express their views of Te Raangai Whakakaupapa Koorero (Maori Relations Committee).

#### 3. Terms of Reference - Te Raangai Whakakaupapa Koorero (Māori Relations Committee)

The Committee considered a business paper presenting the Terms of Reference adopted by Council on 29 November 2022 for the Te Raangai Whakakaupapa Koorero (Māori Relations Committee).

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

##### **Resolution**

The business paper on Terms of Reference - Te Raangai Whakakaupapa Koorero (Māori Relations Committee) be received.

Robertson/Tasker                      Carried

#### 4. Representation Arrangements – Maori Ward Considerations

The Committee considered a business paper providing procedural and other information on the Representation Review (and in particular Maori Ward considerations) as provided for in the Local Electoral Act 2001.

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

The Committee noted that the process for establishing Maori Wards is largely legislative in nature and must be completed in accordance with the Guidelines issued by the Local

Government Commission, however there are no guidelines provided for pre-consultation leading up to the Council passing a resolution whether or not to establish Maori Wards.

The Committee discussed pre-consultation options so that a recommendation can be made to Council on the establishment of Maori Wards prior to 23 November 2023, and also noted that the last scheduled Council meeting prior to that date is 31 October 2023.

## Resolution

1. The business paper on Representation Arrangements – Maori Ward Considerations be received.
2. The Committee noted that the Council is required to pass a resolution by 23 November 2023 on whether or not to establish Maori Wards for the next two elections (2025 and 2028).
3. The Committee requested a work plan and consultation material (to include one option as a possible alternative to Maori Wards) be prepared for pre-consultation on whether or not Council should establish Maori Wards.
4. The next meeting of the Committee be scheduled for April 2023.

Manawaiti/Robertson Carried

## 5. Māori Cultural Support for Elected Members and Staff

The Chief Executive addressed the Committee on Maori Cultural Support for Elected Members and Staff.

## Resolution

- 1 The verbal address from the Chief Executive on Maori Cultural Support for Elected Members and Staff be received.
- 2 The Committee endorses the Chief Executive's direction of building cultural capacity and capability and to explore opportunities with Te Nehenehenui to help deliver.
- 3 The Committee recommends that the Elected Members participate in this process also.

Tasker/Manawaiti Carried

## 6. Karakia Whakamutunga

There being no further business the meeting closed at 10.34am

Dated this        day of        2023

EADY MANAWAITI  
CHAIRPERSONw

**Document No:** A656941

**Report To: Council**



**Meeting Date:** 28 March 2023

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

Two weeks ago my Sunday Facebook Post focused on the state of some of the buildings in Te Kuiti's main street. There was considerable engagement.

I thanked landlords in Rora Street who are upgrading their buildings. In recent months two stand out - 69 Rora Street (the old mower shop) and 195 Rora Street (above the opportunity shop and food bank). It is great to see their facades being restored with character preserved.

These two buildings are owned by landlords based in Auckland. They are setting a standard of care for these old "signature" buildings to which all landlords in town should aspire.

I have recently spoken to a third out of town landlord who will be painting up the facade of his building in the next few months.

There are other buildings on Te Kuiti's main street that need work. They are long overdue for much needed maintenance. For some it is the street veranda that needs attention, for others window dressing is required, and for a few the entire building needs work.

The disorderly appearance of one shop in the street signals neglect and impacts upon perception of the rest of town. If all town centre landlords were to fix their "broken windows" it would have a huge positive impact on Te Kuiti.

The northern end of Rora Street is looking good - The Warehouse, New World, Postie, PGG Wrightson, and now the new block beginning with the Community Shop. There is a building nearby that needs its window dressed up – the owner has advised me that they will do this.

But as we move south, there are too many instances of buildings in an unacceptable state. We need to challenge more landlords to spruce up their buildings.

Council has no powers to require work to be done unless there is a District Plan or health and safety issue. As Mayor, I will continue to track down and discuss the issue with landlords who are not playing their part. Urban Councillors should do so also. We have momentum building with upgrades, so let us do all we can to persuade those landlords who are not yet engaged to do so.

In towns the size of Te Kuiti, business associations often lead this work. They work best when they include business owners and landlords, including landlords from out of town. Sometimes they are funded from a targeted rate, sometimes not. Legendary Te Kuiti is a promoter of the town, but it is unclear as to whether it aspires to be Te Kuiti's business association as well. It would be helpful to clarify this matter.

Council invests heavily in the town centre. We maintain sizeable parks and reserves along Rora Street.

The private sector needs to invest alongside us so that the aspirations of our community for a well kept town centre are met.

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

JOHN ROBERTSON, QSO

**MAYOR**

**Document No:** A654018

**Report To: Council**



**Meeting Date:** 28 March 2023

**Subject:** **Co-Lab – Draft 2023 Statement of Intent for year ended 30 June 2024**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present to Council the Co-Lab Draft 2023 Statement of Intent (SoI) for the year ended 30 June 2024.




## Background

- 2.1 Section 64 of Local Government Act 2002 (LGA 2002) requires all council-controlled organisations (CCO) to have a SoI that must not be inconsistent with the constitution of the CCO.
- 2.2 The purpose of an SoI as set out in Schedule 8 of LGA 2002 is to—
- (a) state publicly the activities and intentions of a CCO for the year and the objectives to which those activities will contribute; and
  - (b) provide an opportunity for shareholders to influence the direction of the organisation; and
  - (c) provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.
- 2.3 The SoI must specify the following information for the CCO and any subsidiaries for next year (i.e. 2023/24) and the following two financial years:
- (a) the objectives of the group; and
  - (b) a statement of the board's approach to governance of the group; and
  - (c) the nature and scope of the activities to be undertaken by the group; and
  - (d) the ratio of consolidated shareholders' funds to total assets, and the definitions of those terms; and
  - (e) the accounting policies of the group; and
  - (f) the performance targets and other measures by which the performance of the group may be judged in relation to its objectives; and
  - (g) an estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders; and
  - (h) the kind of information to be provided to the shareholders by the group 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
  - (i) the procedures to be followed before any member or the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation; and
  - (j) 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

- (k) the board's estimate of the commercial value of the shareholders' investment in the group and the manner in which, and the times at which, that value is to be reassessed; and
  - (l) any other matters that are agreed by the shareholders and the board.
- 2.4 Attached to and forming part of this business paper is a copy of the Co-Lab SoI for 2023/24, as Attachment one.
- 2.5 The Directors are required to approve a Draft SoI by 1 March each year for consideration by the Shareholders. The Shareholders are invited to provide comments on the Draft SoI within 2 months of 1 March. The Directors must then consider any Shareholder comments and deliver the completed SoI to Shareholders by 30 June.
- 2.6 Council is now invited to consider the Draft SoI and provide comments should it choose to.

## Commentary

- 3.1 Co-Lab continues to progress the priority project at a slower pace than council's and Boards expectations due to resource constraints and the availability of council staff.
- 3.2 The performance framework and targets presented in the draft 2023 SoI are consistent with the performance framework and targets set by Co-Lab for 2021/2022 year.

Priority	Performance Measure	Target
<p>Prioritise and develop opportunities that add value to councils by achieving one or more of our objectives</p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <p><b>Linked to outcomes in the performance framework</b></p>  </div>	<ul style="list-style-type: none"> <li>➤ Business cases will include measurable benefits linked to one or more of the outcomes sought</li> <li>➤ Business cases are supported by councils (evidenced by take up of opportunity)</li> </ul>	<p>Projected savings / increased revenue to councils of at least \$300k</p> <p>75% of councils</p>
<p>Develop opportunities and deliver projects within agreed budgets and timelines<sup>1</sup></p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <p><b>Linked to outcomes in the performance framework</b></p>  </div>	<ul style="list-style-type: none"> <li>➤ Opportunities / projects are developed / delivered within agreed timelines</li> <li>➤ Opportunities / projects are developed / delivered, within approved budget</li> <li>➤ Overall, Company management / Support function will be undertaken within budget, unless additional expenditure has board pre-approval</li> </ul>	<p>80%<sup>2</sup></p> <p>90%<sup>2</sup></p>
<p>Ensure projects realise their expected benefits</p> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"> <p><b>Linked to outcomes in the performance framework</b></p>  </div>	<ul style="list-style-type: none"> <li>➤ Measurable benefits are actively monitored and reported against</li> <li>➤ Audit &amp; Risk Committee undertake an assessment of projects following implementation (which will include an assessment of whether projected benefits have been realised)</li> </ul>	<p>Six-monthly</p> <p>For \$200k+ projects (based on cost of opportunity development and ongoing investment)</p> <p>Assessment within 15 months</p> <p>90% of projected quantifiable benefits are realised</p>

Priority	Performance Measure	Target
<p>Ensure existing services are meeting the needs of councils</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p><b>Linked to outcomes in the performance framework</b></p> <div style="display: flex; width: 100%; height: 10px;"> <div style="width: 30%; background-color: #0056b3;"></div> <div style="width: 70%; background-color: #c49a3b;"></div> </div> </div>	<p>➤ The services we provide are considered by councils who use that service to meet or exceed their expectations (evidenced by an annual survey)</p>	<p>80% of councils</p>
<p>Foster and promote cross-council collaboration and networking to share ideas on improving efficiencies and best practice</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p><b>Linked to outcomes in the performance framework</b></p> <div style="display: flex; width: 100%; height: 10px;"> <div style="width: 30%; background-color: #0056b3;"></div> <div style="width: 70%; background-color: #c49a3b;"></div> </div> </div>	<p>➤ Across these groups, ideas for future consideration and/or initiatives are identified each year</p>	<p>Four per annum</p>

- 1 Budgets and timelines for opportunity development will be those established following discovery and/or opportunity assessment. A business case will refine these parameters with respect to project delivery.
- 2 Time and cost targets for the development of opportunities and delivery of projects have been initially set based on what, in practical terms, are consider stretch goals, but achievable. However, we aspire to always better, or at least meet, timetables and budgets.

Council costs are reduced / performance is improved, without increase cost	The experiences of councils' communities are improved	Central government investment into and engagement with Waikato is increased
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- 3.3 The priority projects to investigate opportunities to deliver value to councils. These projects are:
- Right People, Right Place – Councils are faced with challenges to attract and retain talent in an increasingly tight labour market and are all looking to appoint from the same talent pool.
  - People Post 3 Water – The water reform creates a compelling moment to optimise capability and capacity across the region - the risk is that people are lost from the local government sector when they needn't be.
  - Democracy Centre of excellence – Developing capacity across the region to allow councils to undertake deliberative and participative democracy.
  - Low-Hanging Fruit – delivering projects that are not necessarily transformational, but still have scope to add value to councils through more immediate cost savings.
- 3.4 The pace that these projects will be delivered is dependent on the resources available, either increased shareholder contributions or making staff available (as part of a project team or on a seconded basis to lead a project).
- 3.5 The funding needs of Co-Lab are forecast to be \$9.99m, this is slightly less than the 2022/2023 budget of \$11.62m costs.
- 3.6 The operational expenditure of \$9.87m is \$1.7m less than the 2022/2023 budget. Reductions in Road Asset Technical Accord, Waikato Regional Transport Model, Water Collaboration and Information Technology are offset by small increases over the balance of activities.



## Analysis of Options

- 4.1 Council as a shareholder needs to consider the draft 2023 SoI and has the option of agreeing to it as presented as per s65 (2) (subject to confirmation of performance measures/targets/indicators from the Board).
- 4.2 Council also has the option of proposing further amendments to the SoI for the Co-Lab Board to consider.
- 4.3 The Board must consider any comments by the shareholders on the draft SoI that are made to it within 2 months of 1 March or a period that is notified and then deliver the completed SoI to the shareholders on or before 30 June or at a date notified.

## Considerations

- 5.1 **Risk**
- 5.2 If Council does not consider and decide either to agree to the draft 2023 SoI at this meeting or propose changes to the draft 2023 SoI, then it runs the risk of non-compliance with legislative requirements around preparation and adoption of the SoI.
- 5.3 There is additional risk that Co-Lab Board and Management will not be able to plan well and in advance, any strategy or financial changes they might need to make to accommodate the suggestions of Council.
- 5.4 **Consistency with Existing Plans and Policies**
- 5.5 The decision to agree on the draft 2023 SoI as presented will be consistent with Council's understanding of the future plans of Co-Lab and its objectives for the CCO.
- 5.6 **Significance and Community Views**
- 5.7 The draft 2023 Statement of Intent is aligned to Co-Lab's constitution and its plans and forecasts discussed with the Council previously and is generally aligned with the expectations of Council from its shareholding. Therefore the decision is not considered to require public engagement as per Council's Significance and Engagement Policy.

## Recommendation

- 6.1 The draft Statement of Intent be received.
- 6.2 Council respond to the Board of Co-Lab, noting that no changes to the draft 2023 Statement of Intent are suggested.

## Suggested Resolutions

- 1 The business paper on draft Statement of Intent be received.
- 2 The draft 2023 Statement of Intent for the year ending 30 June 2024, be received.
- 3 No changes are suggested to the draft 2023 Statement of Intent for the year ending 30 June 2024 for Co-Lab.



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**



## **2023 Statement of intent**

**For the year ended 30 June 2024**

**Supporting councils to maximise the value they provide to their communities by helping them identify and realise shared opportunities.**

## Table of Contents

<b>MESSAGE FROM THE CHAIR</b> .....	3
<b>SOI MILESTONES AT A GLANCE</b> .....	4
<b>INTENTIONS FOR FY2023/2024</b> .....	5
Focus areas beyond business as usual .....	5
Continuation of business as usual.....	6
<b>FINANCIALS</b> .....	7
Overview .....	7
Statement of Financial Performance.....	8
Statement of Financial Position.....	9
Statement of Cashflows .....	9
<b>APPENDIX I: OPPORTUNITY DEVELOPMENT PROJECTS</b> .....	10
<b>APPENDIX II: NATURE &amp; SCOPE OF SERVICES</b> .....	11
<b>APPENDIX III: PERFORMANCE FRAMEWORK &amp; MEASURES</b> .....	13
<b>APPENDIX IV: GOVERNANCE</b> .....	15
<b>APPENDIX V: POLICY STATEMENTS</b> .....	16

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This SOI is a public declaration of the activities and intentions of the Council Controlled Organisation, Waikato Local Authority Shared Services Ltd trading as Co-Lab (Co-Lab). It outlines the nature and scope of the work it will undertake, the Directors' accountabilities to the shareholders for corporate performance and financial forecasts, as required by Schedule 8 of the Local Government Act 2002. This information is provided in relation to the financial years ended 30 June 2024 to 30 June 2026.

## Message from the Chair



We recognise our shareholding councils are facing many challenges right now. Communities are dealing with rising living costs, goods shortages, and deciphering what it means to live in a post-pandemic world. We are going through unprecedented change to the local government sector. In parallel, you continue to seek to provide better services to your communities against record inflation and a tight labour market, trying to navigate these conditions without exacerbating the cost-of-living challenges for communities.

Against this backdrop, we are pleased to have a suite of initiatives to support you in this environment. This includes work to improve participative democracy so that councils' better understand their community's needs. It also includes working with you to transform how you use technology to better meet the expectations of your communities. In the face of 3-waters specifically, and a constrained labour market generally, we will work with you to help improve the attraction and retention of critical skills.

Co-Lab will also change because of the 3-waters reform. The introduction of Entity B will impact on Co-Lab Water Services and RATA. The loss of Co-Lab Water Services from 1 July 2024 in particular leaves us facing a need to increase member charges during the forecast period. We have worked hard over recent years to hold member charges at a constant level. We will now look at ways we can keep anticipated increases to a minimum.

We believe Co-Lab has a bright future. The company is unique in New Zealand and places you in a great position to be an exemplar for local governance. The Future for Local Government report stated that to *ensure better value spend, minimise duplication, and get the best use of people and resources, more effective collaboration, innovation, and shared services are required.*

*"No matter what the future system design looks like, there needs to be greater collaboration across local government and increased use of shared services. The Panel considers that there are significant opportunities to deliver better value and ensure resources are applied to best effect, especially having shared information systems and support services in place. The Panel also believes there is great potential for central and local government to work more closely together to create a more joined-up public sector,"* – Jim Palmer, Chair, Future for Local Government Panel.

Jim's words summarise not only what we *can* achieve together, but what we *must* achieve together.

As you prepare your Long-Term Plans, we ask you to make a conscious decision to create space for collaboration. We are faced with incredibly complex times ahead, but encourage you as a business owner of Co-Lab, to utilise its unique strengths to provide a return on your investment at a very low risk.

Yours Sincerely,  
Peter Stubbs  
Chair

## Sol milestones at a glance



Co-Lab's vision, purpose, and the outcomes we are seeking are set out in the company's performance framework in Appendix II.

## Intentions for FY2023/2024

### Focus areas beyond business as usual

Beyond the continuation of our priority projects and ensuring we deliver great services, there are four new areas of focus for the company in the coming year 1 July 2023- 30 June 2024. Work on some of these has commenced.

#### 1) Co-Lab Councils: Right People, Right Place (formerly Employee Value Proposition)

Councils are faced with challenges to attract and retain talent in an increasingly tight labour market and are all looking to appoint from the same talent pool.

This idea was a clear leader in our survey results and in discussions with councils' executive leadership teams. Discovery work is already underway which has included discussions with councils' People & Capability Managers. From that, we know that the opportunity to collaborate in this area is about how to attract people with the skills councils will need in the future to work in local government generally, and in our region more particularly. The project will include engagement with LGNZ and Taituarā as we don't want to duplicate what already exists.



Source: unsplash

#### 2) People Post 3 Waters (PP3W)



For some councils, the water reform creates a compelling moment to optimise capability and capacity across the region - the risk is that people are lost from the local government sector when they needn't be.

The Board have discussed an opportunity for councils to determine to what extent, and how, capable staff can be kept within the sector and region, notwithstanding the significant internal changes that will arise for many councils because of the 3-waters reform. The opportunity will consider the benefits of a new delivery model that creates efficient resource centres of expertise for specialist skills that are required by councils and in high demand, but which may be in (increasingly) short supply.

Given the timeline for 3-waters reform, we are already working with councils on the opportunity.

#### 3) Democracy Centre of Expertise



Source: unsplash

Some councils have poor levels of engagement from their communities and varying levels of resource to analyse their communities' needs. The Board discussed developing capacity across the region to allow councils to undertake deliberative and participative democracy. Doing so should support building the public's trust in local government.

Other ideas which councils saw as being of significant value were a regional project management office and framework, and a business intelligence programme (which bears some relationship to the 'Democracy Centre of Expertise'). Co-Lab will progress these ideas as soon as capacity allows following consideration of the top three opportunities noted earlier.

#### 4) Low-Hanging Fruit

More recent discussions with councils have indicated a desire for Co-Lab to strike a balance by spending some time delivering projects that are not necessarily transformational, but still have scope to add value to councils through more immediate cost savings. We see these projects being characterised as delivering councils value but requiring little change within the councils. It could be as simple as councils leveraging what others are already doing.

Part of this stream of work will be developing a matrix of council activities to identify:

- Where councils (likely, particularly, the smaller councils), have skill gaps; and
- What councils are spending externally on these activities to see if there is opportunity to create efficiencies with that spend – either through the appointment of cross-council resource (i.e. bringing it “in-house”), or a joint procurement arrangement;

Our workplan will also look to build in some resource capacity to enable us to be more responsive in supporting unforeseen collaboration opportunities as and when they arise.

#### Continuation of business as usual

We will be continuing to develop several opportunities signalled in the 2022 SOI. These are detailed in Appendix I. Similarly, we will continue to provide our schedule of shared services to partner councils. These are outlined in Appendix II.

## Financials

### Overview

This Statement of Intent, for the first time, reflects the impact of 3-Waters reform. That impact is felt from 1 July 2004.

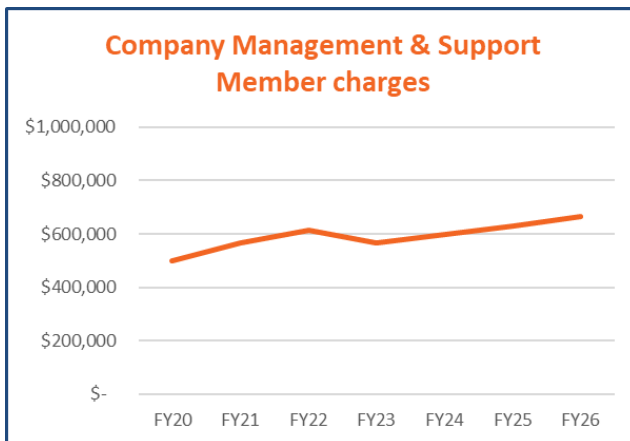
### Services

Revenue from services increases in the 2023/24 financial year (FY), with this being the first full year of activity for Co-Lab Learning and Co-Lab Procurement support services.

From FY2024/25, services drop with Co-Lab Water Services and RATA (Waters) no longer being delivered.

### Member charges

In the past few years we have held member charges for core operating costs (company management and support) relatively constant. However, the loss of Co-Lab Water Services necessitates an increase in these charges. That said, we have held the increase to ~5% per annum reflecting the assumed inflation rate on expenditure. We will be considering where there are opportunities to reduce costs without undermining our ability to deliver value to you, and how we might otherwise increase revenue streams. Our goal remains to minimise the increase in member charges.



### Cashflow

We intend to draw on cash reserves to fund the operating losses that are forecast in the out-years. While doing so our financial position remains robust.



## Statement of Financial Performance

Co-Lab				
Company Summary				
for the forecast financial years ended 30 June 2024-2026				
	Budget 2022/23	Budget 2023/24	Budget 2024/25	Budget 2025/26
<b>Income</b>				
Company Management / Support	870,000	1,004,125	1,050,300	1,083,534
Working parties   projects	753,352	652,491	697,066	742,228
RITS	27,000	27,000	27,810	28,644
Information Technology	398,201	-	-	-
Energy Management	123,690	137,838	141,973	146,232
Shared Valuation Data Service (SVDS)	414,292	434,803	452,330	467,056
Road Asset Technical Accord (RATA)	2,015,899	1,527,614	1,477,733	1,815,027
Waikato Regional Transport Model (WRTM)	1,757,951	1,055,610	1,923,682	959,136
Waikato Building Consent Group	373,663	376,350	379,194	394,157
Waikato Mayoral Forum	5,000	5,000	5,000	5,000
Water Collaboration	685,092	494,988	-	-
Co-Lab Water Services	3,373,353	3,474,554	-	-
Co-Lab Learning	489,236	423,368	486,069	504,151
Procurement	268,600	311,600	320,948	330,576
Geospatial	64,623	70,523	72,117	73,758
<b>Total Income</b>	<b>11,619,952</b>	<b>9,995,865</b>	<b>7,034,222</b>	<b>6,549,501</b>
<b>Operating Expenditure</b>				
Company Management / Support	1,203,186	1,192,754	1,302,835	1,376,028
Working parties   projects	753,352	652,491	672,066	692,228
RITS	27,000	15,600	16,068	16,550
Information Technology	395,455	-	-	-
Energy Management	123,690	137,838	141,973	146,232
Shared Valuation Data Service (SVDS)	325,893	309,151	318,426	327,979
Road Asset Technical Accord (RATA)	2,011,040	1,523,183	1,473,169	1,810,326
Waikato Regional Transport Model (WRTM)	1,757,951	1,055,610	1,923,682	959,136
Waikato Building Consent Group	373,663	376,350	379,194	394,157
Waikato Mayoral Forum	5,000	5,000	5,000	5,000
Water Collaboration	682,150	492,474	-	-
Co-Lab Water Services	3,134,485	3,238,070	-	-
Co-Lab Learning	444,760	468,159	485,535	504,554
Procurement	268,600	332,316	342,285	352,554
Geospatial	65,123	69,170	71,245	73,382
<b>Total operating expenditure</b>	<b>11,571,349</b>	<b>9,868,167</b>	<b>7,131,479</b>	<b>6,658,128</b>
<b>Earnings before interest, tax and depreciation/ amortisation (EBITDA)</b>	<b>48,603</b>	<b>127,698</b>	<b>(97,257)</b>	<b>(108,627)</b>
<b>Depreciation / amortisation</b>				
Company Management / Support	31,554	41,665	43,748	45,936
WBCG	0	-	-	-
WRTM	14,583	-	-	-
<b>Total Depreciation / amortisation</b>	<b>46,137</b>	<b>41,665</b>	<b>43,748</b>	<b>45,936</b>
<b>Net Surplus (Deficit) before tax</b>	<b>2,466</b>	<b>86,033</b>	<b>(141,005)</b>	<b>(154,562)</b>

We are budgeting a small profit in FY23 and then operating losses for the remainder of the forecast period. As noted above, our expectation is to identify revenue streams to bridge that gap.

## Statement of Financial Position

<b>Co-Lab</b>				
<b>Financial Position</b>				
<b>for the forecast financial years ended 30 June 2024-2026</b>				
	<b>Budget 2022/23</b>	<b>Budget 2023/24</b>	<b>Budget 2024/25</b>	<b>Budget 2025/26</b>
<b>CAPITAL</b>				
Shares - SVDS	1,607,001	1,607,001	1,607,001	1,607,001
Shares - WRTM	1,350,000	1,350,000	1,350,000	1,350,000
Retained Earnings	(1,467,033)	(1,464,567)	(1,378,535)	(1,519,540)
Plus Current Year Operating Surplus/(Deficit)	2,466	86,033	(141,005)	(154,562)
<b>TOTAL CAPITAL FUNDS</b>	<b>1,492,434</b>	<b>1,578,466</b>	<b>1,437,461</b>	<b>1,282,899</b>
<b>ASSETS</b>				
<b>CURRENT ASSETS</b>				
Prepayments	134,000	3,208	3,368	3,537
Accounts Receivable	580,998	499,793	351,711	327,475
Bank	2,164,346	2,129,815	1,634,009	1,559,232
GST Receivable / (Payable)	5,097	(19,155)	16,662	17,422
<b>TOTAL CURRENT ASSETS</b>	<b>2,884,442</b>	<b>2,613,661</b>	<b>2,005,750</b>	<b>1,907,666</b>
<b>NON-CURRENT ASSETS</b>				
WRTM - Intangible Asset	2,296,855	2,296,855	2,296,855	2,296,855
MoneyWorks Software	1,195	1,195	1,195	1,195
Accumulated Depreciation	(2,298,050)	(2,298,050)	(2,298,050)	(2,298,050)
IT Equipment & Office Furniture	150,132	180,466	180,466	180,466
Accumulated Depreciation - IT equipment & Office Furniture	(41,546)	(83,211)	(124,876)	(168,625)
<b>TOTAL NON-CURRENT ASSETS</b>	<b>108,587</b>	<b>97,255</b>	<b>55,590</b>	<b>11,842</b>
<b>TOTAL ASSETS</b>	<b>2,993,028</b>	<b>2,710,916</b>	<b>2,061,340</b>	<b>1,919,507</b>
<b>LESS CURRENT LIABILITIES</b>				
Accounts Payable	1,415,383	1,015,947	531,063	516,643
Accounts Payable Accrual	32,173	33,782	35,471	37,244
Employee Benefits	53,038	82,721	57,345	82,721
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,500,594</b>	<b>1,132,450</b>	<b>623,879</b>	<b>636,608</b>
<b>NET ASSETS</b>	<b>1,492,434</b>	<b>1,578,466</b>	<b>1,437,461</b>	<b>1,282,899</b>

## Statement of Cashflows

<b>Co-Lab</b>				
<b>Statement of Cashflows</b>				
<b>for the forecast financial years ended 30 June 2024-2026</b>				
	<b>Budget 2022/23</b>	<b>Budget 2023/24</b>	<b>Budget 2024/25</b>	<b>Budget 2025/26</b>
<b>Cashflows from Operating Activities</b>				
Interest Received	2,000	80,625	80,625	61,875
Receipts from Other Revenue	11,583,503	9,996,444	7,101,680	6,511,862
Payments to Suppliers	(11,999,086)	(10,105,519)	(7,640,211)	(6,645,567)
Taxes Paid	0	0	0	0
Goods & Services tax (net)	(200,365)	24,252	(35,816)	(760)
<b>Net cash from operating activities</b>	<b>(613,947)</b>	<b>(4,198)</b>	<b>(493,723)</b>	<b>(72,590)</b>
<b>Cashflows from Investing Activities</b>				
Capital enhancements	0	0	0	0
Purchase of PPE	(81,714)	(30,334)	(2,083)	(2,187)
Purchase of investments	0	0	0	0
<b>Net cash from investing activities</b>	<b>(81,714)</b>	<b>(30,334)</b>	<b>(2,083)</b>	<b>(2,187)</b>
<b>Net increase in cash, cash equivalents and bank accounts</b>	<b>(695,661)</b>	<b>(34,532)</b>	<b>(495,806)</b>	<b>(74,777)</b>
Opening cash and cash equivalents and bank overdrafts	2,860,007	2,164,346	2,129,815	1,634,009
<b>Closing cash, cash equivalents and bank accounts</b>	<b>2,164,346</b>	<b>2,129,815</b>	<b>1,634,009</b>	<b>1,559,232</b>
<b>Summary of Bank Accounts</b>				
BNZ - Call a/c	2,164,346	2,129,815	1,634,009	1,559,232
<b>Closing Balance of Bank</b>	<b>2,164,346</b>	<b>2,129,815</b>	<b>1,634,009</b>	<b>1,559,232</b>

## Appendix I: Opportunity development projects

### Customer Digital Enablement (CDE)

The CDE programme underpins a progressive digital transformation of council services. It is about adding a digital means of engaging with council for those in the community who want to do so. The Customer Digital Enablement project identified its first initiative, “SR4” – an opportunity for councils to better engage with their communities digitally on sustainability, rubbish, and recycling. On the journey to selecting SR4 as the first initiative, council staff identified many other opportunities to add value through digital engagement with your communities. From that, a roadmap has been created and Customer Digital Enablement will become an ongoing programme of work.

### Shifting Landscapes

Waikato councils are faced with significant central government reform: 3-waters, resource management and the Future for Local Government review (FfLG). Councils continue to grapple with what these changes will mean for their organisation, and what the organisation will look like when the changes are complete. This project began with a commissioned report, Community Needs Analysis, providing evidence-based qualitative data to inform councils’ submissions on the review. Following a series of workshops with council chief executives, FY2023/24 work will focus on facilitating a new triennium agreement that will focus on regional collaboration, cogent long-term thinking, in the spirit of the FfLG report and with supporting programmes of work.

### Asset Management Centre of Expertise (AMCE)

Councils have told us that they are facing significant asset management challenges. Water reform is expected to lead to changes in many councils’ organisational structures and have an impact on the services that councils provide. The Co-Lab RATA team is already a proven centre of expertise in asset management and is well positioned to assist councils through its shared service model. In FY2022/23, the board commissioned an project to investigate how existing Co-Lab RATA capability could be increased and extended to other asset types and other asset management stages. Subsequently six councils have indicated a desire to be involved and now jointly fund the project. These six councils are now assisting Co-Lab directly in investigating how RATA can best assist in the following areas of asset management:

- Community Asset Management (Parks, reserves, building and ‘other’ facilities).
- Management and advisory services (assisting with analysis, valuations, renewal programmes, reporting and recommendations for improved practice).
- Joint procurement to reduce duplication in contract administration and take advantage of regional buying power.

### Building Consent Cadetship

The Waikato Building Consent Group (WBCG) commissioned an investigation into the establishment of a building consent cadetship scheme, building on the Building Consent Shared Service investigation. The opportunity is to establish a cadetship programme coordinated by Co-Lab that recruits and trains Building Control Officers in partnership with the WBCG councils. The intent is that the cadets would be available to work in all WBCG councils, would help provide a stable pipeline of building consent staff to meet current and future needs, and reduce council expenditure. Planned work in FY2022/23 is currently focused around implementation.

### WRTM Governance & Management

In June 2022, the Board supported a recommendation to investigate management and governance required to realise the full potential of WRTM. This investigation has commenced and will continue into FY23/24.

## **RATA Asset Valuations**

It was identified that there are inconsistencies in Asset Valuations stemming from poor assumptions of replacement costs and asset lives, leading to potential overcharging or underfunding.

Objectives for the project are:

- Develop the tools that enable repeatable, efficient, robust and consistent asset valuations, which support informed decision making.
- Greater level of confidence in the process – connecting of the asset management system and collaboration between engineers and finance teams.
- Ability to help other councils (resourcing) therefore creating resilience in the region.
- Assess the possibility of collaborative procurement for asset valuation services using the Co-Lab Asset Valuation Process.
- The Co-Lab Asset Valuation process is the process of choice for Co-Lab councils.

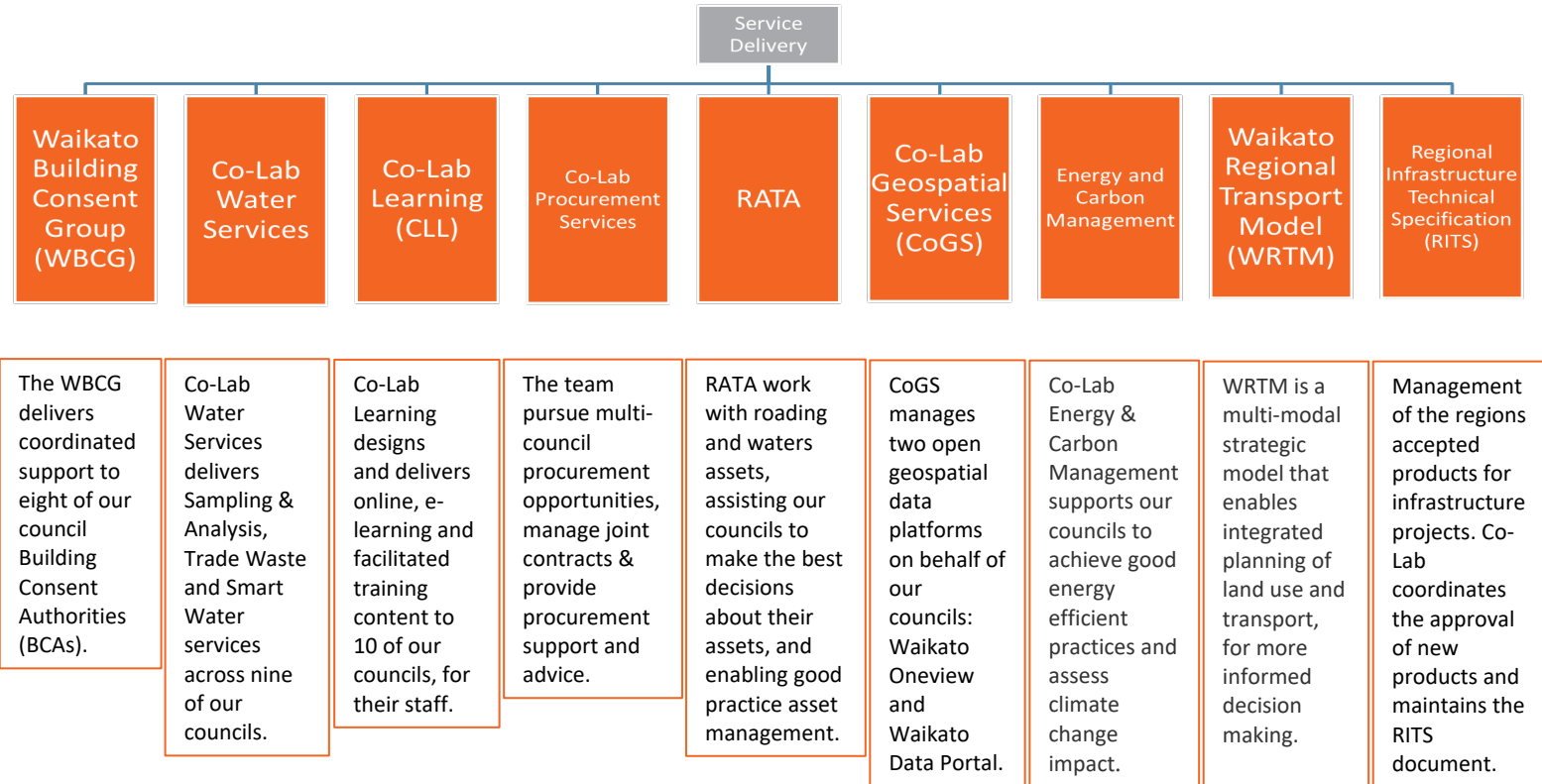
This is a three-year project and FY2023/24 will focus on the implementation phase of the project. With the uncertainty of Three Waters the governance group decided to pilot Transport first, with other asset classes to follow.

## **Benefits realisation**

We will be undertaking an internal investigation to establish robust methodologies for measuring benefits, recognising there will always be qualitative benefits as well, and use this as the basis for improved reporting on the value you receive from Co-Lab. And if we don't think an area is providing value, and doesn't have a reasonable prospect of doing so, we will stop it. This work was originally planned for last financial year, however was deferred due to other priorities.

## Appendix II: Nature & Scope of services

The principal initiatives operating under the Co-Lab umbrella are:



For more information on our services, please visit our website [www.colabsolutions.govt.nz](http://www.colabsolutions.govt.nz)

## Appendix III: Performance framework & measures



How we intend to measure our performance remains the same.

Priority	Performance measure	Target
Prioritise and develop business cases for opportunities that, if implemented, add value to councils by achieving one or more of our objectives	<ul style="list-style-type: none"> <li>➤ Business cases will include measurable benefits linked to one or more of the outcomes sought</li> <li>➤ Businesses cases are supported by councils (evidenced by take up of the opportunity)</li> </ul>	<p>Projected savings/increased revenue to councils of at least \$300k</p> <p>75% of councils</p>
Develop opportunities and deliver projects within agreed budgets and timelines	<ul style="list-style-type: none"> <li>➤ Opportunities / projects are developed / delivered within agreed timelines</li> <li>➤ Opportunities / projects are developed / delivered, within approved budget</li> <li>➤ Overall, Company Management / Support functions will be undertaken within budget, unless additional expenditure has board pre-approval</li> </ul>	<p>80%</p> <p>90%</p>
Ensure projects realise their expected benefits	<ul style="list-style-type: none"> <li>➤ Measurable benefits are actively monitored and reported against</li> <li>➤ Audit &amp; Risk Committee undertake an assessment of projects following implementation (which will include an assessment of whether projected benefits have been realised)</li> </ul>	<p>Six-monthly</p> <p>For \$200k+ Projects (based on cost of opportunity development and ongoing investment) Assessment within 15 months 90% of projected quantifiable benefits are realised</p>
Ensure existing services are meeting the needs of councils	<ul style="list-style-type: none"> <li>➤ The services we provide are considered by councils who use that service to meet or exceed their expectations (evidenced by an annual survey):</li> </ul>	<p>80% of councils</p>
Foster and promote cross-council collaboration and networking to share ideas on improving efficiencies and best practice	<ul style="list-style-type: none"> <li>➤ Across these groups, ideas for future consideration and/or initiatives are identified each year</li> </ul>	<p>Four per annum</p>

- 1 Budgets and timelines for opportunity development will be those established following discovery and/or opportunity assessment. A business case will refine these parameters with respect to project delivery.
- 2 Time and cost targets for the development of opportunities and delivery of projects have been initially set based on what, in practical terms, are consider stretch goals, but achievable. However, we aspire to *always* better, or at least meet, timetables and budgets.

## Appendix IV: Governance

Co-Lab<sup>1</sup> is owned in equal portion by the 12 Waikato Local Authorities<sup>2</sup>:

- Hamilton City
- Hauraki District
- Matamata-Piako District
- Otorohanga District
- Rotorua Lakes
- South Waikato District
- Western Bay of Plenty District Council
- Thames-Coromandel District
- Waikato District
- Waikato Regional
- Waipa District
- Waitomo District

The company has two fundamental roles:

- 1) It is a laboratory for developing opportunities that create value to councils, either by improving the experience of their communities or by making the councils themselves, collectively, more efficient and effective; and
- 2) It provides shared services to councils.

Co-Lab conducts itself in accordance with its constitution, its annual Statement of Intent, the provisions of the LGA and Co-Lab policies.

The Board is made up five council representative directors and an independent Chair. There is also a standing Audit & Risk Committee.

The current Directors of Co-Lab are:

Director	Representing
Peter Stubbs	Independent Chair
Chris McLay	Waikato Regional Council
Lance Vervoort	Hamilton City Council
Ben Smit	Ōtorohanga, Rotorua, South Waikato and Waitomo District Councils
Gavin Ion	Waikato and Waipa District Councils
Don McLeod	Hauraki, Matamata-Piako, Thames-Coromandel District and Western Bay of Plenty District Council

Peter Stubbs' appointment as Independent Chair has been renewed for a further three years from 1 July 2022.

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

<sup>1</sup> Co-Lab is the newly established trading name of Waikato Local Authority Shared Services Ltd



## Appendix V: Policy Statements

### Statement of accounting policies

#### Reporting entity

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

The primary objectives of the Company are to:

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

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

### Summary of significant accounting policies

#### Basis of preparation

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

#### Statement of Compliance

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

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

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

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

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

#### Measurement base

The financial statements are prepared on a historical cost basis.

#### Presentation currency and rounding

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

#### Goods and services tax

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

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

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

Commitments and contingencies are disclosed exclusive of GST.

## Critical accounting estimates and assumptions

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

### Intangible assets

#### Useful lives and residual values

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

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

#### Impairment of intangible assets

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

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

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

## Revenue

### Revenue

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

### Other Revenue

Member charges for all activities are recognised when invoiced to the user (i.e. councils). The recorded revenue is the net amount of the member charges payable for the transaction. Contributions received for projects that were not completed in a financial year are recognised when the Company provides, or is able to provide, the service for which the contribution was charged. Until such time, contributions are recognised as liabilities.

## Operating expenses

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

## Personnel costs

Defined contribution schemes

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

## Receivables

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

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

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

## Cash and cash equivalents

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

## Income tax

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

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

Deferred tax is the amount of income tax payable or recoverable in future periods in respect of temporary differences and unused tax losses. Temporary differences are differences between the carrying amount of assets and liabilities in the statement of financial position and the corresponding tax bases used in the computation of taxable profit.

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

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

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

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

## **Intangible assets Other financial assets**

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

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

## **Payables and deferred revenue**

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

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

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

## **Employee benefits liabilities**

### Short-term employee entitlements

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

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

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

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

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

### Presentation of employee entitlements

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

## **Reconciliation of equity**

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

## Contributed equity

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

## Retained earnings

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

**Document No:** A654308

## Report To: Council



**Meeting Date:** 28 March 2023  
**Subject:** Co-Lab – Half-yearly Report to 31 December 2022  
**Type:** Information Only

### Purpose of Report

1.1 The purpose of this business paper is to present the Half-yearly Report to 31 December 2022 for Co-Lab.

### Background

2.1 Section 66 of the Local Government Act 2002 determines that the board of a Council Controlled Organisation (CCO) must deliver a half-yearly report on the organisation's operations to the shareholder by end of February of each year and this report must contain any information required under its Statement of Intent.

2.2 Attached to and forming part of this business paper is a copy of the Co-Lab half-yearly report for the six months ended 31 December 2022.

### Commentary

3.1 Co-Lab has two fundamental roles:

- It is a laboratory for developing opportunities that create value to councils, either by improving the experience of their communities or by making the councils themselves, collectively, more efficient and effective; and
- It provides services to councils.

3.2 The financial performance for the six months to 31 December 2022 resulted in a surplus of \$1.13million, \$1.22 million more than budgeted deficit of \$87K, and \$1.26million less than the same period last year.

3.3 The Revenue and expenditure are both lower than anticipated due to the sequencing of invoicing and some projects progressing slower than anticipated. While this is expected to trend closer to budget over the second half of the financial year.

	<b>2023 actual YTD \$000</b>	<b>2023 forecast YTD \$000</b>	<b>Variance \$000 (actual v budget)</b>	<b>2023 budget Full Year \$000</b>
Total income	4,924	5,808	(884)	11,620
Total operating expenditure	3,793	5,894	(2,101)	11,571
Net surplus before tax	1,131	(86)	1,217	49

3.4 There are currently fourteen major initiatives operating under the Co-Lab umbrella, plus a number of Working Parties investigating new opportunities, and a support role for the collaborative work streams of the Waikato Mayoral Forum.



3.5 The report provides the six-month highlights on:

- Shifting Landscapes
- Customer Digital Enablement (CDE)
- Asset Management Centre of Expertise (AMCE)
- Co-Lab Learning (CLL)
- Building Consent Cadetship
- Co-Lab Water Services
- Waikato Building Consent Group
- RATA
- Waikato Regional Transportation Model (WRTM)
- Co-Lab Geospatial Services
- Procurement

3.6 An update on performance against target, as at 31 December 2022 is tabled below:

Outcomes	Council costs are reduced / performance is improved, without increase cost	The experiences of councils' communities are improved	Central government investment into and engagement with Waikato councils is increased
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Priority	Performance measure	Target	Outcome (Progress toward Target)
Prioritise and develop business cases for opportunities that, if implemented, add value to councils by achieving one or more of our objectives  <div style="border: 1px solid black; padding: 2px; width: fit-content;"> <b>Link to outcomes in the performance framework</b> </div>	Business cases will include measurable benefits linked to one or more of the outcomes sought	Projected savings/increased revenue to councils of at least \$300k	Various opportunities advanced during the first six months of the financial year. Those opportunities included: <ul style="list-style-type: none"> <li>• The first initiative under the Customer Digital Enablement programme</li> <li>• The Asset Management Centre of Expertise</li> <li>• Learning &amp; Development Shared Services (LDSS) implementation</li> <li>• Shifting Landscapes</li> <li>• WBCG Regional Building Consent Cadets</li> </ul> By their nature, some of these opportunities do not lend to readily quantifiable benefits – for example, Shifting Landscapes. The other projects are under development and yet to reach a point of determining quantifiable benefits (LDSS benefits were reported in the 2021 Annual Report)
	Businesses cases are supported by councils (evidenced by take up of the opportunity)	75% of councils	Unable to measure: No final proposals have been put to councils during the period. One project did reach a key council decision point. The Asset Management Centre of Expertise 'signature' investigation project successfully attracted financial commitment from six councils.

Priority	Performance measure	Target	Outcome (Progress toward Target)
<p>Develop opportunities and deliver projects within agreed budgets and timelines</p> <p><b>Link to outcomes in the performance framework</b></p> 	<p>Opportunities / projects are developed / delivered within agreed timelines</p>	<p>80%</p>	<p>0% Two projects had timelines predicting completion in the 6 months to 31/12/22.</p> <p>The LiDAR project was scheduled to finish in 2022. Although this was not achieved, the data quality is now close to meeting LINZ specifications. The project is now expected to finish by Q2 2023. The Registrations of Interest (ROI) phase of the Customer Digital Enablement (CDE) project was scheduled to finish in 2022. The ROI has been completed, however the key milestone for the phase will not be complete until councils have decided to progress. This did not happen in 2022 as hoped.</p>
	<p>Opportunities / projects are developed / delivered, within approved budget</p>	<p>90%</p>	<p>No projects were concluded during the six-month period.</p>
	<p>Overall, Company Management / Support functions will be undertaken within budget, unless additional expenditure has board pre-approval</p>		<p>Actual expenditure for Company Management and Support functions is slightly unfavourable to that budgeted for the period but is forecast to be within budget across the entire year.</p>
<p>Ensure projects realise their expected benefits</p> <p><b>Link to outcomes in the performance framework</b></p> 	<p>Measurable benefits are actively monitored and reported against</p>	<p>Six-monthly</p>	<p>Management presented one "Project Benefit Assessment" to the Audit &amp; Risk Committee (ARC) during the period. The assessment covered the SAMS contracts. The ARC also agreed the next three assessments to be undertaken.</p>
	<p>Audit &amp; Risk Committee undertake an assessment of projects following implementation (which will include an assessment of whether projected benefits have been realised)</p>	<p>For \$200k+ Projects (based on cost of opportunity development and ongoing investment) Assessment within 15 months</p> <p>90% of projected quantifiable benefits are realised</p>	<p>The SAMS Benefit Assessment estimates quantifiable benefits of ~\$500k will accrue to councils from the new contracts. Anticipated quantifiable benefits were not quantified ahead of the procurement.</p> <p>In addition, several other non-quantifiable benefits are expected to flow from the arrangements in place.</p>



Priority	Performance measure	Target	Outcome (Progress toward Target)
Ensure existing services are meeting the needs of councils	<p>The services we provide (below) are considered by councils who use that service to meet or exceed their expectations (evidenced by an annual survey):</p> <ul style="list-style-type: none"> <li>• RATA – roading &amp; waters</li> <li>• Waikato Building Cluster</li> <li>• Regional Infrastructure Technical Specifications</li> <li>• Energy &amp; Carbon Management</li> <li>• Professional Services Panel</li> <li>• Health &amp; Safety pre-qualification</li> </ul>	80% of councils	Not currently measurable: As in the prior year we will be undertaking a survey of council staff in the first half of 2023 to ensure each service offering is continuing to meet the needs of councils.
Foster and promote cross-council collaboration and networking to share ideas on improving efficiencies and best practice	Across these groups, ideas for future consideration and/or initiatives are identified each year	Four per annum	<p>Health &amp; Safety Managers had a planning day from which four new collaborative initiatives were identified and are being progressed.</p> <p>Procurement Managers continue to be involved in several joint procurements (DX Mail, RATs kits, SAMs).</p> <p>Three councils expressed interest in access to a central procurement resource. This initiative has been implemented and the Co-Lab Procurement Advisor has developed health checks for each of the councils involved to direct focus in 2023.</p> <p>Co-Lab has facilitated the establishment of a new Communications &amp; Engagement working party.</p>

## Suggested Resolutions

- 1 The business paper on Co-Lab Half Annual Report to the 31 December 2022 be received.
- 2 The Co-Lab Half Yearly Report to the 31 December 2022 be received.
- 3 The Co-Lab Half Yearly Report to the 31 December 2022 be published to Council's website.



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

Attachment: Co-Lab – Half Annual Report to the 31 December 2022 (A654309)



## Half-yearly report (un-audited)

1 July 2022 to 31 December 2022

**Supporting councils to maximise the value  
they provide to their communities by  
helping them identify and realise shared  
opportunities**

## Contents

Statement of service performance .....	3
Six-month highlights .....	3
Performance framework .....	10
Assessment of performance against targets .....	11
Co-Lab's Financial Position .....	14
Summary .....	14
Statement of Financial Performance .....	14
Statement of Cashflows .....	15
Statement of Financial Position .....	15
Policies .....	16
Governance .....	16
Financial forecasts .....	16
Nature & scope of activities .....	17

### Collaboration & Partnership

We are better together | *He hunga toa takitini*

We collaborate and partner by:

- Building kotahitanga and respect
- Focussing on community benefits
- Delivering together
- Valuing diversity

### Integrity

We do the right thing | *He hunga whai i te tika*

We act with integrity by:

- Being accountable and honest
- Having courage
- Trusting and listening
- Behaving in good faith

### Innovation

We transform ideas into results

*He hunga whai i te tika*

We innovate by:

- Thinking boldly
- Challenging perceptions
- Being solution focused
- Embracing change

## Statement of service performance

Co-Lab<sup>1</sup> works with its partner councils to:

- Make the councils more effective and efficient; and
- Improve the experience communities have when engaging with councils.

It achieves these outcomes by:

- 1) Acting as An ideas laboratory for developing opportunities that create value to councils;
- 2) Providing shared services to councils; and
- 3) Entering joint procurement arrangements for the benefit of councils.

## Six-month highlights

During the first half of the 2022/23 financial year, the management team focused on increasing engagement with council executive leadership teams and other key council staff to prioritise opportunities for development. Feedback was obtained through a survey, and the priorities subsequently canvassed in meetings with council executive leadership teams. Following discussion at the Board's strategy day, this work culminated in the company's Letter of Intent sent to councils in November.

With the start of a new triennium, in December Co-Lab supported councils by hosting a shared induction for elected members across the region. Work also commenced on a new triennium agreement that will guide regional priority workstreams, following "Shifting Landscapes" workshops with council chief executives and other senior staff in September and October.

The period also saw Co-Lab progress the implementation of Co-Lab Learning, our latest service offering, with the key appointment of the Regional Manager for the shared service.

The team progressed several projects, with Board approval to review of the Waikato Regional Transport Model's governance & management structure, and to investigate the Asset Management Centre of Expertise. Further, the Customer Digital Enablement project received an incredible 18 responses to the request for registrations of interest.

The period closed out with the Co-Lab awards, celebrating Co-Lab people that have gone above and beyond to exemplify the company's values of integrity, innovation, and collaboration and partnership.

Finally, we also welcomed our newest shareholder, Western Bay of Plenty District Council. It is great to have them on board.



<sup>1</sup> Co-Lab is the trading name of Waikato Local Authority Shared Services Ltd

## Opportunity development projects

### Shifting Landscapes



Waikato councils are faced with significant central government reform: 3-waters, resource management and the Future for Local Government review (FfLG). Councils continue to grapple with what these changes will mean for their organisation, and what the organisation will look like when the changes are complete. “Shifting Landscapes” began with a Community Needs Analysis report (March 2022), providing evidence-based qualitative data to inform councils’ early submissions on the FfLG review.

Workshops took place in September and October with council chief executives and other senior staff, and a presentation at the

Mayoral Forum in early December. The next few months will focus on facilitating a new triennial agreement that guides regional collaboration, with supporting programmes of work, and supporting councils’ response to the interim report from the FfLG panel.

Discussions have also identified that 3-waters reform presents an opportunity to capture efficiencies and ensure skilled workers are maintained in local government. This will be explored in our new project People Post 3-Waters (PP3W) which will be outlined in our 2023 Statement of Intent.

### Customer Digital Enablement (CDE)

The CDE programme underpins a progressive digital transformation of council services. CDE is a collective vision of how councils can meet the expectations of their customers and communities. It isn’t about *replacing* existing channels to the community. Rather, it is about adding a digital means of engagement for those in the community who want to do so.

The primary objective of the first stage of CDE is to establish a digital platform and collaborative model for councils to progressively build up digital services. This first stage is called “SR4” and will, beyond being a foundational platform, deliver a customer-centric solution focused on rubbish, recycling and sustainability. SR4 was one of four digital minimal viable product ideas developed during a series of council workshops. SR4 was chosen, in part, because councils field a lot of enquiries from their communities on these topics. The other three options, as well as many other ideas that didn’t make the immediate short-list, remain possible development opportunities.

During the period, Co-Lab led a Registration of Interest (ROI) process seeking feedback from the market. 18 entities responded to the ROI which was a great result and testament to the significance of the opportunity. The procurement team selected the top four respondents and have delivered a proposal to councils seeking their support to continue to the Request for Proposal stage.

## Asset Management Centre of Expertise (AMCE)

Councils have told us that they are facing significant asset management challenges. Water reform is expected to lead to changes in many councils' organisational structures and have an impact on the services that councils provide. The Co-Lab RATA team is already a proven centre of expertise in asset management and is well positioned to assist councils through its shared service model. AMCE is a project to investigate how else RATA can support councils in strong asset management.

During the period Co-Lab worked with councils to complete the Discovery Phase of the AMCE investigation and the Board agreed the initiative warranted further investigation. Subsequently, six councils (to date) have indicated a desire to be involved and now jointly fund the project. These councils are assisting Co-Lab directly in investigating how RATA can best assist in the following areas of asset management:

- Community Asset Management (parks, reserves, building and 'other' facilities).
- Management and advisory services (assisting with analysis, valuations, renewal programmes, reporting and recommendations for improved practice).
- Joint procurement (to reduce duplication in contract administration and take advantage of regional buying power).

## Co-Lab Learning (CLL)

CLL is Co-Lab's latest shared service offering. CLL will create efficiencies in delivering council staff with improved opportunities for personal growth. The councils will agree on common learning outcomes in a particular area, and then Co-Lab will develop learning material that delivers on those outcomes, and increase regional learning opportunities.

Ten councils have chosen to participate in CLL. They will benefit from:

- a) A mechanism to collaborate with other councils on learning & development;
- b) Learning event opportunities (physical and virtual) for their staff;
- c) e-Learning modules informed by council requirements;
- d) Access to content other councils have already developed; and
- e) Dedicated staff supporting them.



During the period, our focus in preparing for the launch of this new service has included partnering with Hamilton City Council, who will support Co-Lab to deliver the service, recruiting and on-boarding new staff, and preparing the first learning opportunities for delivery in early 2023. The Implementation Phase of the project is nearing a successful completion.

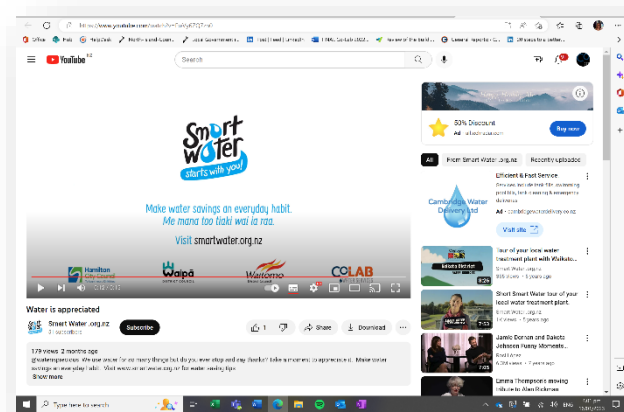
## Building Consent Cadetship

Building on work from the Building Consent Shared Service investigation, this project aims to establish a regional approach to recruiting and developing new cadets that are employed as a Building Control Officer to grow the skilled workforce available to Building Control Authorities. The project has delivered the initial investigation into the problem and is now looking to establish options for solutions to be shared in early February.

## Service Delivery

### Co-Lab Water Services

In addition to continuing a high level of service over the period, highlights for the team included raising the region's profile and sharing knowledge at industry events – the Trade and Industrial Waters Forum conference and Water NZ conference. At the former event, the team gave an informative presentation about how Co-Lab Water Services operates across the Waikato. Ross Wightman, Senior Trade Waste Officer, won an Environment Champion award for some of his work with Rotorua Lakes Council. Ross also contributed to the Rats in your Sewer paper, which won Paper of the Water NZ Conference in October 2022.



Michelle Templeton, Smart Water Coordinator, presented at the Water NZ conference speaking about the Smart Water campaign. An article was published in the Water NZ magazine on “The value of water”, generating a national narrative about how we can build water literacy and a water conservation ethic amongst Kiwis.

In August, Geraldine McHaffie, Sampling & Analysis Team Leader went to Watercare acting as a Technical Assessor for IANZ to help them audit Watercare's accredited sampling processes.

The team also created a new [“Water is appreciated” video](#) which asks people to stop and take a moment to appreciate water and make water savings an everyday habit.

Smart Water attended the Your Neighbourhood event in Civic Square, Hamilton in October. This was a busy event where the team interacted with approximately 180 people and over 50 people took our public pledge to do one thing to save water over the summer.

New Drinking Water Rules came into effect in November 2022 and the Sampling & Analysis team have reviewed all intended schedules as a result of the changes.

### Waikato Building Consent Group

Co-Lab has worked with the eight councils of the Waikato Building Consent Group (WBCG) to initiate and progress two significant projects over the period. Firstly, the redesign of the group's Quality System Manual and auditing regime focuses on simplifying the quality manual, making it more fit for purpose for use across the group and easier to adopt, implement and maintain for BCAs. The manual is currently in draft form waiting for the approval of the WBCG Technical Committee before implementation. The adoption of the new quality manual and auditing regime has been supported by establishing a Quality Hub with participating councils. The group of BCA Quality representatives has continued to meet monthly to discuss consistencies and process with a view to using the outcomes from internal audits to direct future continuous improvement opportunities.

Secondly, the WBCG has been central to the Building Consent Cadetship investigation noted earlier.

## RATA

RATA has continued work with the ten Waikato councils in the roading partnership and nine in the water collaboration partnership.

For the roading councils, highlights included the appointment of a professional service provider for the long-term modelling of road pavements which will inform maintenance and rehabilitation strategies for the next Long Term Plan and beyond. An emerging initiative is the use of JunoViewer as a shorter-term pavement management tool, and to-date Waipa, Otorohanga, Hauraki and Waitomo have joined the RATA initiative where discounted licencing fees have been negotiated for RATA councils.

RATA has two contracts for inspections of bridges and other structures. The contracts support councils to manage their structural assets and provide the required level of service. The contracts help councils plan for the maintenance and replacement of those structures. These contracts have been retendered and for more information see the procurement section below.

The team continues to support council roading teams as the temporary traffic management guidelines across the country transition to a new regime.

The current professional service contracts for data collection (traffic counting, visual pavement inspections, etc) are due to expire at the end of this financial year. Procurement activities are underway with partner councils confirming the scope of the replacement contracts, and there has been good engagement with councils through multiple workshops.

Water Collaboration has been difficult in the first half of the year. This has been triggered by the Department of Internal Affairs (DIA) becoming more prescriptive around work programmes and intended outcomes. The greatest impact has been on the innovative water data quality dashboard, as the DIA will be replacing this with their preferred alternative. Funds set aside for this initiative have been redirected to more pressing and immediate priorities including the upskilling of water compliance officers and development of reporting systems and templates because of new Taumata Arowai requirements around water quality.

RATA's knowledge sharing initiatives continue to be well received, especially the forum events for roading and water asset managers.

Improving how we report RATA activities to partner councils, and the use of interactive quarterly reports has been positively received.



## Waikato Regional Transport Model (WRTM)

The WRTM programme has concentrated on ongoing updates to the WRTM strategic model and planning for the procurement of the new Hamilton Transport Model (HTM).

The success of the base models (based on 2018 census) last financial year led to the development of future scenario models for 2025, 2035, 2045, 2055, 2065. However, the WRTM strategic model updates are progressing very slowly due to the lack of information from partner organisations regarding their future network plans - a critical input into the future scenario models. Another setback has been the availability of public transport data to enable this component of the strategic model.



Other strategic model improvements include the development of a visualisation tool to assist partner organisations with easy access to model inputs and outputs, and testing of the ability to model transport emissions successfully.

The HTM preparations are ongoing including engagement with subject matter experts and potential service suppliers to confirm the scope of the HTM. Critical to this has been the support of the WRTM professional service suppliers to project manage, peer review, and provide specialist technical advice. Our procurement approach has been staged. This year to-date has included a request for information (RFI) to establish the level of interest and capability in the industry, followed by an advertised registration of interest (ROI), from which we received submissions from four service providers. The ROI was evaluated resulting in a short list of two preferred suppliers. A request for proposals (RFP) will be tendered early in 2023.

Throughout the period, the team also focused on addressing the out-of-date partner funding agreement. We have received limited feedback on the draft agreement from partner organisations which poses a risk. Further work on this and an interim agreement covering HTM will be prioritised, as it is critical for the establishment of the HTM.

In parallel, an investigation into the WRTM governance and management structures required to realise the programme's full potential is underway.

## Co-Lab Geospatial Services

In July 2022, Co-Lab Geospatial Services (CoGS) was established as an umbrella for the Waikato Data Portal and Waikato OneView. Launched in 2019, the Waikato Data Portal is endorsed by all twelve Waikato councils and provides a mechanism through which council data is made available to the community. In 2021 seven councils in the region collaborated to launch a single web map viewer, Waikato OneView, which presents merged spatial data. Datasets currently available display three waters services, property related data and community and recreation information.

During the period, the team focused on preparation and approval of a workstream budget, appointment of required resourcing and the establishment of an Advisory Group. There was also a strategic planning session with council stakeholders. The vision and strategic objectives of the service will be confirmed by the Advisory Group in early 2023, along with an operational plan to implement the strategy. It has already been recognised that there are opportunities to maximise the value of these tools by increasing their data sets and growing the public's awareness of their benefits.

## Procurement

There have been two key outcomes for Co-Lab Procurement during the period: SAMS and CPS.

Structure Asset Management Services (SAMS) is the new name for the retender of two RATA bridge inspection contracts. The contracts were renamed to reflect that they cover more than bridges and inspections. The service aims to provide participating councils with technical information and advice to ensure:

- Structures are maintained in a safe and serviceable condition
- Risks are fully understood, documented, and managed
- Capital works and major maintenance items are identified and programmed so that funding can be made available at the right time.

The number of participating councils has increased from six to nine. The procurement strategy of allocating councils to contract packages as part of the evaluation process was successful in that it was more flexible and maintained competitive tension compared to creating contract packages in advance of

the procurement. This strategy also achieved its objective of introducing a third supplier into this market and the result was of significant value to the participating councils.

Council Procurement Support (CPS) is a new service offered by Co-Lab. Some councils are not large enough to warrant a dedicated procurement resource so Co-Lab has recruited a procurement advisor who, amongst other things, spends one day a week working for Ōtorohanga, Thames-Coromandel, and Waitomo councils. The procurement advisor helps by providing procurement and tendering advice, coaching and mentoring council staff, checking compliance, undertaking reviews, and otherwise monitoring procurement performance.

During the period, Co-Lab conducted a health check of the current state of procurement in the three councils, identified various recommendations, and agreed a prioritised list of actions for the coming year.

## Performance framework

### Our vision

Our councils maximising the value they provide to their communities

### Our purpose

Support our councils to achieve this vision by helping them identify and realise shared opportunities

### Outcomes

Council costs are reduced  
Performance is improved without increased cost

- Achieve effectiveness & efficiency gains
- Reduce duplication of effort and eliminate waste through repetition
- Help councils achieve an appropriate balance in risk & return

The experience of council's communities is improved

- Promote and Contribute to the development of best practice
- Make it easier for communities to engage with councils in our region on a consistent basis
- Promote business transformation to improve communities' experiences

### How we will be successful

Investigate the right opportunities

Develop opportunities on time and in budget

Ensure opportunity benefits are realised

Provide services that meet the needs of councils

Foster cross-council collaboration

### What we must manage well

Our relationships

Our services

Our projects

People & values

Resources

Reputation

## Assessment of performance against targets

An update on performance against the targets set in our Statement of Intent, as at 31 December 2022, is shown in the table below.

Priority	Performance measure	Target	Outcome (progress toward target)
Prioritise and develop business cases for opportunities that, if implemented, add value to councils by achieving one or more of our objectives	➤ Business cases will include measurable benefits linked to one or more of the outcomes sought	Projected savings/increased revenue to councils of at least \$300k	<p>Various opportunities advanced during the first six months of the financial year. Those opportunities included:</p> <ul style="list-style-type: none"> <li>➤ The first initiative under the Customer Digital Enablement programme</li> <li>➤ The Asset Management Centre of Expertise</li> <li>➤ Learning &amp; Development Shared Services (LDSS) implementation</li> <li>➤ Shifting Landscapes</li> <li>➤ WBCG Regional Building Consent Cadets</li> </ul> <p>By their nature, some of these opportunities do not lend to readily quantifiable benefits – for example, Shifting Landscapes. The other projects are under development and yet to reach a point of determining quantifiable benefits (LDSS benefits were reported in the 2021 Annual Report)</p>
	➤ Businesses cases are supported by councils (evidenced by take up of the opportunity)	75% of councils	Unable to measure: No final proposals have been put to councils during the period. One project did reach a key council decision point. The Asset Management Centre of Expertise ‘signature’ investigation project successfully attracted financial commitment from six councils.
Develop opportunities and deliver projects within agreed budgets and timelines	➤ Opportunities / projects are developed / delivered within agreed timelines	80%	<p>0% Two projects had timelines predicting completion in the 6 months to 31/12/22.</p> <p>The LiDAR project was scheduled to finish in 2022. Although this was not achieved, the data quality is now close to meeting LINZ specifications. The project is now expected to finish by Q2 2023.</p> <p>The Registrations of Interest (ROI) phase of the Customer Digital Enablement (CDE) project was scheduled to finish in 2022. The ROI has been completed, however the key milestone for the phase will not be complete until councils</p>

Priority	Performance measure	Target	Outcome (progress toward target)
			have decided to progress. This did not happen in 2022 as hoped.
	➤ Opportunities / projects are developed / delivered, within approved budget	90%	No projects were concluded during the six-month period.
	➤ Overall, Company Management / Support functions will be undertaken within budget, unless additional expenditure has board pre-approval		Actual expenditure for Company Management and Support functions is slightly unfavourable to that budgeted for the period but is forecast to be within budget across the entire year.
Ensure projects realise their expected benefits	➤ Measurable benefits are actively monitored and reported against	Six-monthly	Management presented one "Project Benefit Assessment" to the Audit & Risk Committee (ARC) during the period. The assessment covered the SAMS contracts. The ARC also agreed the next three assessments to be undertaken.
	➤ Audit & Risk Committee undertake an assessment of projects following implementation (which will include an assessment of whether projected benefits have been realised)	For \$200k+ Projects (based on cost of opportunity development and ongoing investment) Assessment within 15 months 90% of projected quantifiable benefits are realised	The SAMS Benefit Assessment estimates quantifiable benefits of ~\$500k will accrue to councils from the new contracts. Anticipated quantifiable benefits were not quantified ahead of the procurement.  In addition, several other non-quantifiable benefits are expected to flow from the arrangements in place.

Priority	Performance measure	Target	Outcome (progress toward target)
Ensure existing services are meeting the needs of councils	<ul style="list-style-type: none"> <li>➤ The services we provide (below) are considered by councils who use that service to meet or exceed their expectations (evidenced by an annual survey):               <ul style="list-style-type: none"> <li>○ RATA – roading &amp; waters</li> <li>○ Waikato Building Cluster</li> <li>○ Regional Infrastructure Technical Specifications</li> <li>○ Energy &amp; Carbon Management</li> <li>○ Professional Services Panel</li> <li>○ Health &amp; Safety pre-qualification</li> </ul> </li> </ul>	80% of councils	Not currently measurable: As in the prior year we will be undertaking a survey of council staff in the first half of 2023 to ensure each service offering is continuing to meet the needs of councils.
Foster and promote cross-council collaboration and networking to share ideas on improving efficiencies and best practice	<ul style="list-style-type: none"> <li>➤ Across these groups, ideas for future consideration and/or initiatives are identified each year</li> </ul>	Four per annum	<p>Health &amp; Safety Managers had a planning day from which four new collaborative initiatives were identified and are being progressed.</p> <p>Procurement Managers continue to be involved in several joint procurements (DX Mail, RATs kits, SAMs).</p> <p>Three councils expressed interest in access to a central procurement resource. This initiative has been implemented and the Co-Lab Procurement Advisor has developed health checks for each of the councils involved to direct focus in 2023.</p> <p>Co-Lab has facilitated the establishment of a new Communications &amp; Engagement working party.</p>

# Co-Lab's financial position

## Summary

The financial results for the six months to 31 December 2022 are favourable to budget. This has occurred because some projects have progressed more slowly than planned meaning less expenditure arose during the period, and because of the sequencing of invoicing. For the full year we are currently forecast to be slightly ahead of budget.

The cash position is:

	Cash balance @ 1/07/2022	Cash surplus / (deficit)	Cash balance @ 31/12/2022
Company Management & Support	(250,852)	44,056	(206,795)
RITS	69,189	12,800	81,989
Working Parties   Projects	248,895	211,999	460,895
Information Technology	20,052	6,560	26,612
Energy Management	86,325	14,530	100,855
Shared Valuation Data Service (SVDS)	439,129	28,928	468,057
Road Asset Technical Accord (RATA) & Waters Collaboration	324,538	(228,429)	96,109
Waikato Regional Transport Model (WRTM)	276,362	449,875	726,236
Waikato Building Consent Group (WBCG)	266,242	172,650	438,892
Mayoral Forum	(16,124)	3,934	(12,190)
Co-Lab Water Services	437,476	430,305	867,781
Co-Lab Learning	(4,637)	(66,580)	(71,217)
Procurement	0	(65,406)	(65,406)
Geospatial Services	0	101,353	101,353
Accounts Receivables	(1,119,406)	(1,494,540)	(2,613,946)
Accounts Payables	1,794,807	(255,886)	1,538,922
<b>Total</b>	<b>2,571,996</b>	<b>(633,851)</b>	<b>1,938,145</b>

Note: Cash balances for each workstream vary from the actual cash position as a result of accounts receivable / payable which are not tracked on an activity by activity basis.

We will be reforecasting in March and will reassess the likely year-end cash position for each workstream at that time and take this into account in the company's finalised Statement of Intent issued in June 2023.

## Statement of financial performance

<b>Co-Lab</b>			
<b>Statement of Financial Performance</b>			
<b>For the six months ending 31 December 2022</b>			
	Financial year 2023 YTD Actuals	Financial year 2023 YTD Budget	Financial year 2022 YTD Actuals
<b>Revenue</b>			
SVDS Data & Software Sales	166,810	204,338	179,809
Interest	121	1,000	7
<b>Other Revenue</b>			
User Charges	4,757,252	5,602,322	5,228,851
<b>Total Other Revenue</b>	<b>4,757,252</b>	<b>5,602,322</b>	<b>5,228,851</b>
<b>Total Revenue</b>	<b>4,924,183</b>	<b>5,807,660</b>	<b>5,408,667</b>
<b>Expenditure</b>			
Depreciation and amortisation expense	21,183	23,069	13,761
Personnel costs	717,025	890,225	404,373
Other expenses	3,054,470	4,981,197	2,611,574
<b>Total Expenditure</b>	<b>3,792,678</b>	<b>5,894,491</b>	<b>3,029,708</b>
<b>Net Profit</b>	<b>1,131,505</b>	<b>(86,830)</b>	<b>2,378,959</b>

## Statement of financial position

## Co-Lab

## Statement of Financial Position

As at 31 December 2022

	Financial year 2023 Actual at 31/12/2022	Financial year 2022 Actual at 31/12/2021
<b>Assets</b>		
<b>Current Assets</b>		
<b>Bank</b>		
Call Account	29,123	28,989
Transaction Account	1,909,021	2,101,214
<b>Total Bank</b>	<b>1,938,145</b>	<b>2,130,203</b>
<b>Accounts Receivable</b>		
Accounts Receivable	659,483	765,740
Accounts Receivable Accruals	1,952,105	2,208,020
<b>Total Accounts Receivable</b>	<b>2,611,588</b>	<b>2,973,760</b>
Prepayments	0	0
Deferred Tax Asset	2,358	3,091
<b>Total Current Assets</b>	<b>4,552,091</b>	<b>5,107,054</b>
<b>Non-current Assets</b>		
SVDS - Original Cost	0	0
WRTM - Original Cost	2,296,855	2,296,855
MoneyWorks Software	1,195	1,195
IT equipment	79,240	40,455
Accumulated Depreciation	(2,333,889)	(2,294,613)
Office Furniture	66,169	11,821
<b>Total Non-current Assets</b>	<b>109,570</b>	<b>55,713</b>
<b>Total Assets</b>	<b>4,661,661</b>	<b>5,162,768</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
<b>Accounts Payable</b>		
Accounts Payable	451,819	561,345
Accounts Payable Accrual	25,409	709
<b>Total Accounts Payable</b>	<b>477,228</b>	<b>562,054</b>
RWT on Payments	11,413	1,513
Credit Card Balance	3,633	2,962
Revenue in Advance	880,462	722,563
Employee Entitlements	75,298	21,967
GST	90,887	33,184
<b>Total Current Liabilities</b>	<b>1,538,922</b>	<b>1,344,242</b>
<b>Total Liabilities</b>	<b>1,538,922</b>	<b>1,344,242</b>
<b>Net Assets</b>	<b>3,122,739</b>	<b>3,818,526</b>
<b>Equity</b>		
Contributed Capital	2,957,001	2,957,001
Retained Earnings	165,738	861,525
<b>Total Equity</b>	<b>3,122,739</b>	<b>3,818,526</b>



## Statement of cashflows

Co-Lab

As at 31 December 2022

For the six months ending 31 December 2022

	Financial year 2023 YTD Actuals	Financial year 2022 YTD Actuals
<b>Cashflows from Operating Activities</b>		
Interest Received	121	(16)
Receipts from Other Revenue	3,482,790	4,199,560
Payments to Suppliers and Employees	(4,184,530)	(3,786,763)
Taxes Paid	9,900	0
Goods & Services tax (net)	96,339	(69,783)
<b>Net cash from operating activities</b>	<b>(595,380)</b>	<b>342,999</b>
<b>Cashflows from Investing Activities</b>		
Capital enhancements	0	0
Purchase of PPE	(36,112)	(15,060)
Purchase of investments	0	0
<b>Net cash from investing activities</b>	<b>(36,112)</b>	<b>(15,060)</b>
<b>Net increase in cash, cash equivalents and bank accounts</b>	<b>(631,493)</b>	<b>327,939</b>
Opening cash and cash equivalents and bank overdrafts	2,569,637	1,802,263
<b>Closing cash, cash equivalents and bank accounts</b>	<b>1,938,145</b>	<b>2,130,202</b>
<b>Summary of Bank Accounts</b>		
BNZ - Call a/c	29,123	28,989
BNZ - Transaction Account	1,909,021	2,101,214
<b>Closing Balance of Bank</b>	<b>1,938,145</b>	<b>2,130,203</b>

## Policies

The accounting policies on which the preceding financial statements have been prepared are consistent with those used in preparing the Financial Statements for the year ended 30 June 2022, included in the company's Annual Report.

## Financial forecasts

Latest financial forecasts are contained in the company's 2023 Statement of Intent issued for shareholder comment in February 2023.

## Governance

Co-Lab is owned in equal portion by 12 Local Authorities:

- Hamilton City
- Hauraki District
- Matamata-Piako District
- Ōtorohanga District
- Rotorua Lakes
- South Waikato District
- Thames-Coromandel District
- Waikato District
- Waikato Regional
- Waipā District
- Waitomo District
- Western Bay of Plenty District

During the period, the Directors of Co-Lab were:

Director	Representing
Peter Stubbs	Independent Chair
Chris McLay	Waikato Regional Council
Lance Vervoort	Hamilton City Council
Ben Smit	Ōtorohanga, Rotorua, South Waikato and Waitomo District Councils
Gavin Ion	Waikato and Waipa District Councils
Don McLeod	Hauraki, Matamata-Piako, Thames-Coromandel District and Western Bay of Plenty District Council

Peter Stubbs' appointment as Independent Chair was renewed for a further three years from 1 July 2022.

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

## Nature & scope of activities

The principal initiatives operating under the Co-Lab umbrella are:

- Co-Lab Water Services (CWS)
- Co-Lab RATA
- Co-Lab Learning
- Energy & Carbon management
- Health & safety pre-qualification
- Council Procurement Support and joint procurement initiatives
- LiDAR (Light Detection and Ranging) technology
- Regional Infrastructure Technical Specifications (RITS)
- Shared Valuation Data Services (SVDS)
- Waikato Building Consent Group (WBCG)
- Co-Lab Geospatial Services: Waikato Data Portal and Waikato One View
- Waikato Regional Aerial Photography Service (WRAPS)
- Waikato Regional Infrastructure Procurement (WRIP)
- Waikato Regional Transportation Model (WRTM)

Information on these activities is included in the company's Statement of Intent.

**Document No:** A654350

## **Report To: Council**



**Meeting Date:** 28 March 2023

**Subject:** Inframax Construction Ltd – Draft Statement of Intent for Year Ending 30 June 2024

**Type:** Decision Required

### **Purpose of Report**

1.1 The purpose of this business paper is to present the draft Statement of Intent (SoI) for Inframax Construction Ltd (ICL) for the year ending 30 June 2024.

### **Background**

2.1 Section 64 of Local Government Act 2002 (LGA 2002) requires all council-controlled organisations (CCO) to have a SoI that must not be inconsistent with the constitution of the CCO.

2.2 The purpose of an SoI as set out in Schedule 8 of LGA 2002 is to —

- (a) state publicly the activities and intentions of a CCO for the year and the objectives to which those activities will contribute; and
- (b) provide an opportunity for shareholders to influence the direction of the organisation; and
- (c) provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.

2.3 The SoI must specify the following information for the CCO and any subsidiaries for next year (i.e. 2023/24) and the following two financial years:

- (a) the objectives of the group; and
- (b) a statement of the board's approach to governance of the group; and
- (c) the nature and scope of the activities to be undertaken by the group; and
- (d) the ratio of consolidated shareholders' funds to total assets, and the definitions of those terms; and
- (e) the accounting policies of the group; and
- (f) the performance targets and other measures by which the performance of the group may be judged in relation to its objectives; and
- (g) an estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the shareholders; and
- (h) the kind of information to be provided to the shareholders by the group 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
- (i) the procedures to be followed before any member or the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation; and

- (j) 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
- (k) the board's estimate of the commercial value of the shareholders' investment in the group and the manner in which, and the times at which, that value is to be reassessed; and
- (l) any other matters that are agreed by the shareholders and the board.

2.4 Attached to and forming part of this business paper is a copy of the Inframax Construction Ltd draft Statement of Intent (ICL SoI) for 2023/24.

2.5 The Board of a CCO must deliver to its shareholders a draft SoI by 1 March each year for consideration. The Shareholders are invited to provide comments on the draft SOI within 2 months of 1 March. The Directors must then consider any Shareholder comments and deliver the completed SoI to Shareholders by 30 June.

2.6 Council is now invited to consider the draft SoI 2024 and provide comments should it choose to.

## Commentary

3.1 The Board have presented a draft 2024 SoI for consideration.

3.2 The key financial performance measures from the draft SoI 2024 have been included in the table below, with the measures from the SoI 2023 for comparative purposes.

3.3 There has been on change to the financial targets set for the SoI 2024 in comparison to the targets set in the SoI 2023.

Measure	Current SoI 2023	Current SoI 2024	Draft SoI 2024	Draft SoI 2025	Draft SoI 2026
Equity Ratio (shareholders' funds as a % of total assets)	49%	50%	50%	51%	51%
Current Ratio (current Assets expressed as a % of current liabilities)	Positive	Positive	Positive	Positive	Positive
EBITDA (earnings before interest, tax, depreciation and amortisation)	\$3.0m	\$3.1m	\$3.1m	\$3.2m	\$3.3m
Revenue targets	\$43m	\$44m	\$44m	\$44m	\$44m
Bank covenants	Met	Met	Met	Met	Met

3.4 The non-financial performance measures tabled below. The Board has included a change to replace the performance measure of Support of Local Events with Broader Outcome Initiatives.

3.5 This is to align ICL's focus with the Local Government (Community Well-being) Amendment Act 2019. Broader Outcome Initiatives are initiatives the ICL will deploy that contribute to the wider social, economic, cultural and environmental well-being of the communities for which it operates in.

Measure	Current SoI 2023	Current SoI 2024	Draft SoI 2024	Draft SoI 2025	Draft SoI 2026
Lost Rime Injury Frequency Rate	Zero	Zero	Zero	Zero	Zero
Accident Compensation days	100	100	100	100	100
ISO 9001 Accreditation	Standard Achieved	Standard Achieved	Standard Achieved	Standard Achieved	Standard Achieved
ISO 45001 Accreditation	Standard Achieved	Standard Achieved	Standard Achieved	Standard Achieved	Standard Achieved
Environmental Consent Compliance	Full Compliance	Full Compliance	Full Compliance	Full Compliance	Full Compliance
Number of Local Events supported	15 (Waitomo district 9 other 6)	15 (Waitomo district 9 other 6)			
Number of Broader Outcome Initiative			15 (Waitomo district 9 other 6)	15 (Waitomo district 9 other 6)	15 (Waitomo district 9 other 6)

## Analysis of Options

- 4.1 Council, as the 100% shareholder, needs to consider the draft SoI 2024 and has the option of agreeing to it as presented as per s65 (2) (subject to confirmation of performance measures/targets/indicators from the Board).
- 4.2 Council also has the option of proposing further amendments to the SoI for the ICL Board to consider.
- 4.3 If Council intended to propose any amendments it would first need to notify the ICL Board in writing of an extension of the response deadline by one month, then provide the amendments.
- 4.4 The notification would also need to extend the deadline by one month for the Board to deliver a complete statement of intent.
- 4.5 The Board must consider any comments by the shareholders on the draft SoI that are made to it within 2 months of 1 March or a period that is notified and then deliver the completed SoI to the shareholders on or before 30 June or at a date notified.

## Considerations

- 5.1 **Risk**
- 5.2 If Council does not consider and decide either to agree to the draft SoI 2024 at this meeting or propose changes to the draft SoI 2024, then it runs the risk of non-compliance with legislative requirements around preparation and adoption of the SoI.
- 5.3 There is additional risk that ICL Board and Management will not be able to plan well and in advance, any strategy or financial changes they might need to make to accommodate the suggestions of Council.
- 5.4 **Consistency with Existing Plans and Policies**

5.5 The decision to agree on the draft SoI 2024 as presented will be consistent with Council's understanding of the future plans of ICL and its objectives for the CCO.

5.6 **Significance and Community Views**

5.7 The draft SoI 2024 is aligned to ICL's constitution and its plans and forecasts discussed with the Council previously and is generally aligned with the expectations of Council from its shareholding. Therefore the decision is not considered to require public engagement as per Council's Significance and Engagement Policy.

## **Recommendation**

6.1 The draft Statement of Intent be received.

6.2 Council responds to the Board of Inframax Construction Ltd, requesting that high level financial statements be prepared and included in the final SoI 2023.

## **Suggested Resolutions**

1 The business paper on Draft Statement of Intent for year ending 30 June 2024 be received.

2 The draft Statement of Intent for the year ending 30 June 2024, be received.



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

2 March 2023

Attachment: Inframax Construction Ltd draft Statement of Intent Year Ending 30 June 2024 (A654351)

**Inframax Construction Limited**

**STATEMENT OF INTENT**

**FOR THE YEAR ENDING 30 JUNE 2024**

**1.0 INTRODUCTION**

**1.1** Inframax Construction Limited is –

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

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

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

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

**2.0 NATURE AND SCOPE OF ACTIVITIES**

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

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

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

**3.0 OBJECTIVES**

The principal objective of Inframax Construction Limited is to operate as a successful business and to contribute to the wellbeing of the communities in which it operates.

In pursuing the principal objective, the Company and Directors shall:

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

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

## 4.0 CORPORATE GOVERNANCE

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

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

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

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

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

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

To achieve this governance the Board will:

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



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

## **(b) The Role of the Shareholder**

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

The shareholder is expected to:

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

## **5.0 PERFORMANCE INDICATORS**

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

## **6.0 PERFORMANCE MEASURES AND TARGETS**

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

### **6.1 Ratio of Shareholder's Funds to Total Assets**

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

### **6.2 Current Ratio**

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

### **6.3 EBITDA**

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

### **6.4 Revenue**

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

### **6.5 Bank Covenants**

The Company will meet all bank covenants.

DRAFT

	30 June 24	30 June 25	30 June 26
<b>6.1 Equity Ratio</b> Shareholders Funds expressed as a % of Total Assets	50%	51%	51%
<b>6.2 Current Ratio</b> Current Assets expressed as a % of Current Liabilities	Positive	Positive	Positive
<b>6.3 EBITDA</b> Earnings Before Interest, Tax, Depreciation and Amortisation	\$3.1m	\$3.2m	\$3.3m
<b>6.4 Revenue</b> Revenue Targets	\$44m	\$45m	\$46m
<b>6.5 Bank Covenants</b> As agreed with the Bank from time to time	Met	Met	Met

## 7.0 NON-FINANCIAL PERFORMANCE MEASURES

### 7.1 Lost Time Injury Frequency Rate

The lost time injury frequency rate will measure the number of lost time injuries for year ending 30<sup>th</sup> June 2024 relative to the number of hours worked in the same period.

$$\frac{\text{Total lost time injuries in 2024}}{\text{Total hours worked in 2024}} \times 1,000,000$$

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

### 7.2 ACC Weekly Compensation Days

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

### 7.3 ISO 9001 Accreditation

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

### 7.4 ISO 45001 Accreditation

ISO 45001 is a global standard for Occupational Health and Safety (OS&S) Management Systems that provides a practical solution to improve the safety and health of both employees and other personnel by preventing work-related injury and ill health, as well as by proactively improving the Company's OH&S performance.

### 7.5 Environmental Consent Compliance

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

### 7.6 Number of Broader Outcome Initiatives

The Local Government (Community Well-being) Amendment Act 2019 provides for local authorities to play a broad role in promoting social, economic, environmental and cultural well-being of their communities. Broader Outcome Initiatives are initiatives the Company deploys that contribute to the wider social, economic, cultural and environmental well-being of the communities for which it operates in.

	30 June 24	30 June 25	30 June 26
<b>7.1 LTI Frequency Rate</b>	Zero	Zero	Zero
<b>7.2 ACC Weekly Compensation Days</b>	100	100	100
<b>7.3 ISO 9001 Accreditation</b>	Standard Achieved	Standard Achieved	Standard Achieved
<b>7.4 ISO 45001 Accreditation</b>	Standard Achieved	Standard Achieved	Standard Achieved
<b>7.5 Environmental Consent Compliance</b>	Full Compliance	Full Compliance	Full Compliance
<b>7.6 Number of Broader Outcome Initiatives</b>	15 (Waitomo District 9, Other 6)	15 (Waitomo District 9, Other 6)	15 (Waitomo District 9, Other 6)

## 8.0 DIVIDEND POLICY

- 8.1** Subject to the Directors being satisfied as to the solvency of the Company, the meeting of its bank covenants and the integrity of its asset replacement and investment programme, the Company is committed to the provision of annual distributions to the Shareholder.
- 8.2** A dividend payment is not anticipated in the 2023/2024 financial year.
- 8.3** Should a distribution to the Shareholder occur, it will be made, after consultation with the Shareholder, by subvention payment, or other mutually agreed methods after taking account of all tax considerations.
- 8.4** The Company may declare dividends as approved by the Directors.
- 8.5** The Directors may from time to time pay interim dividends.

## 9.0 ACCOUNTING POLICIES

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

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

- Compliance with New Zealand generally accepted accounting practice (NZ GAAP).
- Preparation on a historical cost basis, apart from Land and Buildings and Heavy Quarry Equipment which are stated at their fair value.
- Preparation on a going concern basis.
- Financial assets, other than those at fair value, are assessed for impairment at each balance date.
- Revenue and profit are primarily recognised based on value earned.
- Trade and other receivables are stated at their expected realisable value after providing for impairment.
- Aggregate stocks are valued using standard costs based on the estimated average cost of production.
- Property, plant and equipment other than Land and Buildings and Heavy Quarry Equipment (which are measured at fair value), are carried at cost less accumulated depreciation and impairment losses.
- Trade and Other Payable are recognised when the Company becomes obliged to make future payments.

## **10.0 INFORMATION TO BE PROVIDED TO SHAREHOLDERS**

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

## **11.0 SIGNIFICANT ACQUISITIONS**

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

## **12.0 ESTIMATED COMMERCIAL VALUE OF SHAREHOLDER'S INVESTMENT**

- 12.1** Net Assets in the Annual Report as at 30 June 2022 stood at \$11.94m.
- 12.2** An independent valuation of the shares in the company was undertaken in September 2022. The valuation method adopted for the valuation was an earnings capitalisation valuation (as opposed to an asset based valuation method). The valuation, using the earnings based approach, assessed that the fair value of 100% of the shares in the Company at 30 June 2022 was between \$5.1m and \$7.8m, with a midpoint of \$6.4m.
- 12.3** The Directors believe that as the business continues to deploy and realise value from business improvement initiatives, the company's operating performance and, in turn, the earnings based valuation of the shares will continue to grow.

## **13.0 CAPITAL SUBSCRIPTION**

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

**Document No:** A654337

## **Report To: Council**



**Meeting Date:** 28 March 2023

**Subject:** **Inframax Construction Ltd - Half Annual Report to 31 December 2022**

**Type:** Information Only

### **Purpose of Report**

- 1.1 The purpose of this business paper is to present the Half Annual Report to 31 December 2022 for Inframax Construction Ltd (ICL).

### **Background**

- 2.1 Section 66 of the Local Government Act 2002 determines that the Board of a Council Controlled Organisation (CCO) must deliver a half yearly report on the organisation's operations to the shareholder by end of February of each year and this report must contain any information required under its Statement of Intent.
- 2.2 Attached to and forming part of this business paper is a copy of the ICL half annual report for the six months ended 31 December 2022.

### **Commentary**

#### **3.1 Half Annual Report to 31 December 2022**

- 3.2 The Chairperson's report provides an overview of the first half of the 2022/2023 financial year, the key points are:

- Commencement of the Ruapehu road maintenance contract,
- Securing a full construction order book,
- Launch of graduate and cadet programme,
- Positive turnaround in performance and customer satisfaction, Taupo District Council contract,
- Ongoing investment in training and development,
- Challenging economic environment.

- 3.3 Overall revenue is down by 5.2% (\$0.838m) on the same period last year, while EDITDA has increased by \$337,000 over the corresponding period in 2022. Total assets have increased by \$866,000, while equity has decreased by \$132,000.

- 3.4 The Statement of Intent (SOI) for 2023 sets out performance measures and targets for the year ended 30 June 2023. These measures and targets are detailed in the following table along with indicative results for the six months.

- 3.5 The six month results provide an indication of progress towards target during the period. The full year result against SOI targets will be reported in the 2022/23 annual report.



SOI Measure	2022/23 Full Year Target	Dec-22 Result
Equity Ratio (Shareholder funds as % of total assets)	49%	54%
Current Ratio (current assets as a % of current liabilities)	Positive	Positive
EBITDA (earnings before tax, interest, depreciation and amortisation)	\$3.0	\$0.7m
Revenue Target	\$43.0m	\$15.0m
Bank Covenants	Met	Satisfied
Notifiable injuries	Zero	Zero
Accident compensation days	100	10
Achievement of ISO9001 accreditation	Standard achieved	Standard achieved
Achievement of ISO45001 accreditation	Standard achieved	Standard achieved
Environmental consent compliance	Full compliance	3 Partly compliant 5 Highly compliant 1 Not assessed
Number of local events supported	15	3

### Recommendation

- 4.1 The Inframax Construction Limited – Half Annual Report to the 31 December 2022 be received.

### Suggested Resolutions

- 1 The business paper on Inframax Construction Limited - Half Annual Report to the 31 December 2022 be received.
- 2 The Inframax Construction Limited – Half Annual Report to the 31 December 2022 be received.
- 3 The Inframax Construction Limited – Half Annual Report to the 31 December 2022 be published on Council’s website.

ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

Attachment: Inframax Construction Limited - Half Annual Report to the 31 December 2022 (A654338)



**Inframax Construction Limited**  
**Half Annual Report**  
**For the six months ended 31 December 2022**

## Contents

Report from the Chairman	3
Statement of Performance Measures	4

## Report from the Chairman

For the six months ended 31 December 2022

A key highlight in the first six months of the 2023 reporting year has been the return of Inframax, to providing services in the Ruapehu region, after an eight-year absence from the district. The business successfully transitioned and commenced the recently secured road maintenance contract with Ruapehu District Council and it was great to see us breath life back into our Manunui Depot as the contract commenced in October 2022. A comprehensive capital investment programme is being undertaken to ensure the Ruapehu team is well equipped to deliver services over the 8-year term of the contract.

Other highlights over the past six months includes:

- Securing a full construction order book for the 2022/2023 construction season;
- Launch of Graduate and Cadet Programme;
- Positive turnaround in performance and customer satisfaction on Taupō District Council contract; and
- Ongoing investment in training and development (particularly in the area of traffic management).

It continues to be a challenging economic environment for New Zealand businesses. Inflation continues to be stubbornly high, and non-tradable inflation (linked to wage growth) is pushing up operating costs. Inframax has had to adjust to accommodate cost inflation and materials, plant and equipment shortages. Labour constraints continues to be a challenge and ensuring our order book does not exceed our capacity to deliver has been a key focus for the business. It is pleasing to see, management's focus on business improvement initiatives paying off with EBITDA tracking ahead of the same period in the prior year.

The second half of the year will see the construction season in full swing. It is pleasing to report that the business is on track to at least meet budgeted NPAT.

## Summary of Financial Results

Dollars in Thousands	six months ended 31 December 2022	six months ended 31 December 2021
Revenue	15,361	16,199
EBITDA	761	424
Net cash inflow / (outflow) from operating activities	795	864
Net cash inflow / (outflow) from investing activities	(2,180)	(1,238)
Net cash inflow / (outflow) from financing activities	1,050	250
<b>Net Cash Flow Movement</b>	<b>(335)</b>	<b>(124)</b>
Total Assets	21,438	20,572
Total Equity	11,593	11,725
Equity Percentage	54%	57%



Earl Rattray  
Chairman

## Statement of Performance Measures

### For the six months ended 31 December 2022

The Statement of Corporate Intent states the Company will endeavor to exceed the targets of the Projected Business Plan. The results achieved compare with performance criteria in the Statement of Corporate Intent as follows:

	Statement of Intent 31 December 2022		Statement of Intent 31 December 2021	
	Achieved six months	Full Year Target	Achieved six months	Full Year Target
<b>Performance Measures</b>				
Equity Ratio	57%	65%	57%	62%
Current Ratio	Positive	Positive	Positive	Positive
Revenue (millions)	\$15	\$35	\$16	\$35
Bank Covenants	Satisfied	Unconditionally met	Unconditionally met	Unconditionally met
EBITDA (millions)	\$0.7	\$2.6	\$0.4	\$2.5

The Equity Ratio is the average Shareholders Funds expressed as a percentage of average Total Asset. Average Total Assets and Average Shareholders Funds are based on 31 December 2021 and 31 December 2022 figures.

Bank covenants were satisfied Sep-22 and Dec-22 due to waiver letters issued.

	Statement of Intent 31 December 2022		Statement of Intent 31 December 2021	
	Achieved six months	Full Year Target	Achieved six months	Full Year Target
<b>Non-Financial Performance Measures</b>				
Notifiable Injuries	zero	zero	n/a	n/a
Lost Time Injury Frequency Rate	n/a	n/a	23	Zero
Accident Compensation Days	10	850	25	200
ISO 9001 Accreditation	Standard Achieved (note: assessment scheduled Jun23)	Standard Achieved	Standard Achieved	Standard Achieved
ISO 45001 Accreditation	Standard Achieved (note: assessment scheduled Jun23)	Standard Achieved	n/a	n/a
Environmental Consent Compliance				
Non-compliant	0		0	
Partially compliant	3		2	
Highly compliant	5	All	5	All
Fully compliant	0		0	
Not Assessed	1		2	
Support of local events in operating area				
Number of local events where the company provided complimentary goods, service or financial support	3	15	7	15

#### Note

1. Lost Time Injury Frequency Rate – This is not a measure in the current year as agreed with the Shareholder.
2. Accident compensation days – are measured on a 1 April to 31 March year.

**Document No:** A657220

## **Report To: Council Meeting**



**Meeting Date:** 28 March 2023

**Subject:** Aotearoa Outdoor Access Commission Proposal for Waitomo District Council to become Controlling Authority

### **Purpose of Report**

- 1.1 The purpose of this workshop reader is to provide information to enable Council to take a decision at the Council meeting on 28 March 2023, on the Herenga ā Nuku Aotearoa – The Outdoor Access Commission (OAC) proposal for Waitomo District Council (WDC) to become a Controlling Authority for the proposed Walkway over Onetai Station, Manganui Road, Awakino.

### **Background**

- 2.1 The OAC, previously Walking Access Commission, approached WDC to establish whether WDC would consent to becoming a Controlling Authority over a proposed walkway for Onetai Station, near Awakino and approve the creation of Esplanade Strips along the coastal boundary with Onetai Station, alongside the Waioroko Stream and Manganui River.
- 2.2 All walkways created under the Walking Access Act 2008 ("WAA") require a public body as a Controlling Authority. The duties of the Controlling Authority are to maintain the Walkway as set out in Section 37 of WAA 2008.
- 2.3 The potential for a walkway to be developed arose when Ceol & Muir Inc was purchasing Onetai Station which was subject to the Overseas Investment Act ("OIA"). During the OIA process, the OAC was asked to recommend public access provisions on the property.
- 2.4 The Overseas Investment Office set consent conditions that Ceol & Muir Inc (consent holder) are required to implement, some of these conditions relate to creating public access within the property and include the creation of Esplanade Strips along the coastal boundary with Onetai Station, alongside Waioroko Stream and the Manganui River.
- 2.5 Since the initial approach, discussions have ensued between WDC staff and the OAC to clarify the ongoing requirements, responsibilities and costs of the proposal, should the proposal be accepted by Council. These matters are discussed further below.

### **Commentary**

#### **The Proposal**

- 3.1 The OAC proposes to gazette a walkway (approximately 1.7km in length) pursuant to the Walking Access Act 2008 ("the Act") over the property.
- 3.2 In order to facilitate this, the OAC have requested that WDC:
  - a) Assumes the Controlling Authority role for the Walkway;
  - b) Consent to Ceol & Muir Inc creating esplanade strips along the coastal boundary with Onetai Station, alongside the Waioroko Stream and Manganui River, in accordance with the requirements of the Resource Management Act 1991, and at the cost of Ceol & Muir Inc (the applicant).

3.3 The OAC considers the benefits of the proposal as providing a recreational opportunity for visitors to Awakino and travellers using Manganui Road. Further benefits are described as:

*"Securing enduring public access is proposed by a Walkway, pursuant to the Walking Access Act 2008 (WAA 2008). This involves creating a walkway easement over the track route which ensures that public use of the track is secured for future generations. The benefits of creating a Walkway are:*

- *Land ownership remains with the landowner*
- *Walkways come complete with its own compliance and enforcement provisions*
- *Limits liability on Landholders*
- *Is flexible in terms of rules and restrictions (can be closed for farming operations like spraying etc )*

3.4 The OAC proposal is attached as Appendix 1.

3.5 The full legal descriptions and ownership of each Records of Title proposed to be gazetted, along with a map showing the general extent of the walkway is as follows:

**Record of Title and Ownership Status**

Title Reference	Legal description	Owner
577153	Section 2 Block I Awakino North SD and Lot 2 DP 451985	Onetai Farm Limited

**Map one: Topographical view of walking tract (red dotted line) within Onetai Station (shaded yellow)** source [www.wams.org.nz](http://www.wams.org.nz)



**Legal Context**

3.6 The purpose of the OAC (as stated on their website) is to provide the public with free, certain, enduring, and practical walking access to the outdoors, so that the public can enjoy the outdoors.

3.7 The OAC is a Crown agent under the Crown Entities Act 2004 and was created following the passing into law of the Walking Access Act 2008.

3.8 The Act sets out the requirements for the establishment of walkways over public and private land. In summary, where the OAC considers that all or part of any public land should be made available for use as a walkway, it may propose to declare all or part of that land; however it must first obtain the written consent from the administering authority of the land (section 21 of the Act).

- 3.9 If the administering authority consents to the declaration of the walkway, the administering authority may impose any conditions in relation to the walkway when granting consent.
- 3.10 In addition, if the walkway proposal is consented to by the administering authority, the OAC must meet the following requirements:
- a) the walkway must be defined on a survey plan and registered with Land Information NZ; and
  - b) The OAC must assign a distinctive name to the walkway over public land (taking into account the views of Iwi/hapu and other persons/organizations the OAC considers to have an interest); and
  - c) The OAC must publish a notice in the NZ Gazette, which must specify conditions (if any); and publically notify the declaration in the local newspaper.
- 3.11 Walkways proposed by the OAC over private land essentially follow the same process, with the distinction being that the OAC negotiates an agreement with the landowner of the private land for an easement, lease, or purchase of the land.
- 3.12 Once a walkway is gazetted, the public may at any time, without charge pass or repass over the walkway on foot (subject to any conditions imposed, or access restrictions set by the Controlled Authority).
- 3.13 The OAC's powers in relation to walkways include:
- Making any arrangements that the Commission considers necessary or desirable to make a walkway reasonably accessible to members of the public;
  - Promotion, supervision or control of committees appointed, or organisations approved by the Commission for the establishment or enjoyment of walkways by the public;
  - Monitoring Controlling Authorities in the exercise of their powers and performance of their functions.
  - Enforcement (appointment and removal of enforcement officers).

### **Effect of Controlling Authority Status**

- 3.14 As discussed above, the OAC proposes that Council becomes the Controlling Authority for the walkway. The effect of this, should it be accepted, is discussed below.
- 3.15 Section 35 of the Act sets out that the OAC may appoint (and subsequently revoke) a department, local authority or public body, or the Commissioner of Crown Lands to be the controlling authority of a walkway.
- 3.16 Section 36 of the Act states as follows:
- "36 Appointment of controlling authorities for walkways on public land**
- (1) *If public land has been declared to be a walkway under section 24, the administering authority of the land is the controlling authority for the walkway.*
  - (2) *However, if the administering authority advises the Commission, in writing, that it does not consent to becoming the controlling authority,—*
    - (a) *subsection (1) does not apply; and*
    - (b) *the Commission may appoint a controlling authority in accordance with section 35.*
  - (3) *If there is no controlling authority under this section or section 35, the Commission is the controlling authority.*
  - (4) *To avoid doubt, if the Commission becomes the controlling authority under subsection (3), the Commission may subsequently, in accordance with section 35, appoint another person to be the controlling authority in place of the Commission."*
- 3.17 Section 37 of the Act sets out the functions and powers of Controlling Authorities as follows:
- "37 Functions and powers of controlling authorities**
- (1) *A controlling authority of a walkway has the following functions:*
    - (a) *erecting and maintaining poles, markers, or other suitable indicators to mark the line of the walkway:*



- (b) erecting and maintaining, at the controlling authority's discretion,—
          - (i) any stiles, fences, or other structures that are necessary or desirable to enable members of the public to use the walkway;
          - (ii) notices warning members of the public who use the walkway not to trespass on any land adjoining the walkway;
      - (c) providing for the proper control and use of the walkway;
      - (d) generally promoting and maintaining the walkway for the pleasure, safety, and welfare of members of the public.
  - (2) A controlling authority of a walkway has the power to do anything that is reasonably necessary or desirable to enable it to carry out its functions, including—
    - (a) developing, improving, and maintaining the walkway;
    - (b) establishing any camping grounds, huts, hostels, accommodation houses, or other facilities or amenities on the walkway or land adjoining the walkway;
    - (c) imposing charges for the use of facilities or amenities;
    - (d) spending money in the discharge of its functions and powers in respect of the walkway, as long as the controlling authority is not prohibited from doing so by another enactment or any rule of law.
  - (3) A controlling authority may establish, or impose a charge for, facilities or amenities on a walkway or land adjoining a walkway only if—
    - (a) it is not inconsistent with any conditions imposed in relation to the walkway; and
    - (b) either—
      - (i) it is provided for by the easement or lease relating to the walkway (if any), but only in the case of facilities or amenities on the walkway; or
      - (ii) the controlling authority obtains the written consent of the landholder of the land on which the facilities or amenities are, or are proposed to be, located."

3.18 In addition the Act sets out that the Controlling Authority is responsible for a range of other functions as follows:

a) Closure of the walkway for:

- Safety reasons;
- During an emergency;
- For maintenance /development;
- At the request of a landowner adjoining the walkway; and
- If it considers the closure is necessary to comply with a condition imposed in relation to the walkway.

Such closures must be notified to the OAC in advance or immediately after closure, the public must be notified, and the Controlling Authority must not close a walkway for any longer than it considers necessary.

b) When closed, the erection of signs at all points that the walkway can be entered, and public notice in the newspaper (stating the period it is closed, the reason for closure, and that it is an offence to enter the walkway); and

c) Enforcement – where the OAC appoints council staff (by agreement) as enforcement officers under the Act; and

d) The making of bylaws (optional) to provide for the maintenance of good order on walkways; and provide the conditions under which the public may use a walkway.

## **Liabilities**

3.19 Section 66 of the Act states:

### **"66 Limitation on liability of landholders**

- (1)A landholder is not liable for any loss or damage suffered by a person using—
  - (a) walking access on the landholder's land, in the case of private land; or
  - (b) a walkway on the landholder's land, in the case of public land.
- (2)The liability referred to in subsection (1)—
  - (a) means liability under—

- (i) the Occupiers' Liability Act 1962; or*
- (ii) any common law rule referred to in section 3 of that Act; and*
- (b) includes liability for both compensatory and exemplary damages.*
- (3) However, subsection (1) does not apply to any loss or damage caused by the landholder's deliberate act or omission."*

3.20 Notwithstanding the above, it is considered that WDC would have Health and Safety obligations (as per other tracks WDC maintains) under the Health and Safety at Work Act 2015 should WDC assume the Controlling Authority role. It is considered that this would likely require WDC staff to conduct an "inspections" of the pole track perhaps annually to check pole tags and for any actual or potential erosion and unstable/fallen trees on the track.

## Analysis of Options

4.1 The options available to Council are:

a) Consent to the entire OAC request, as follows:

- Assume the Controlling Authority role for the Walkway.
- Consent to Ceol & Muir Inc voluntarily creating Esplanade Strips along the coastal boundary with Onetai Station, alongside the Waioroko Stream and Manganui River, in accordance with the requirements of the Resource Management Act 1991, at the cost of Ceol & Muir Inc (the applicant).

b) Decline the proposal for WDC to become a Controlling Authority over the walkway.

4.2 It is noted that an option to decline the voluntary Esplanade Strips has not been included above, as this part of the OAC request is included here for completeness only, and does not require a council decision. This is discussed further below.

### Controlling Authority Status

4.2 As outlined above in section 3 of this business paper, consenting to the Controlling Authority status would result in Council assuming legal responsibility for the walkway. This would have implications in respect of the management of the walkway and associated required expenditure.

4.3 Should Council consent to this proposal, the potential (unbudgeted) annual maintenance cost implications for the 1.7km walkway is likely to be minimal if any cost is incurred at all as the track is a pole track and does not require any on-going maintenance, and the track would be able to be grazed.

4.4 It is noted that should Council not consent to the Controlling Authority status, the OAC will be unable to gazette the walkway.

### Creation of easements and declaration of walkway

4.5 As discussed previously, in order for the OAC to declare a walkway, it must obtain the consent of the Administering Authority (and private property owner).

4.6 Should Council consent to the declaration of the walkway, Council is able to impose conditions in relation to the walkway when granting consent (section 21 of the Act).

4.7 Consenting to the easement creation and declaration of walkway is appropriate as there is already a walkway over the land, and the WDC owned land is reserve land. However, it is noted that should Council take a decision not to become the Controlling Authority, the creation of easements and declaration will be unnecessary.

### Creation of voluntary Esplanade Strips by Ceol & Muir Inc

4.8 Esplanade Strips alongside rivers are commonly used instruments under the Resource Management Act 1991. They provide for public access next to rivers without land ownership changing, and Council does not incur any costs for their creation.

4.9 The creation of Esplanade Strips is a normal process undertaken regularly during subdivision processes (or at any time voluntarily), and these are consented by the Group Manager Compliance under delegated authority. Accordingly, Council consent (by resolution) to the creation of the Esplanade Strips is not required, however has been included in this report for completeness.

## Assessment of Options

4.10 The following table provides an assessment of the options:

Options	Assessment	
	Benefits	Costs
Status Quo – all proposals by AOAC declined by Council (excluding the voluntary creation of Esplanade Strips which is subject to the RMA)	<ul style="list-style-type: none"> <li>▪ No costs to Council</li> </ul>	<ul style="list-style-type: none"> <li>▪ No formal enduring access along the portion of walkway</li> <li>▪ OAC is unable to Gazette the walkway as the law requires a Controlling Authority to be appointed.</li> </ul>
Consent to AOAC request to become a Controlling Authority	<ul style="list-style-type: none"> <li>▪ Formal enduring access is provided for along the entire 1.7km length of walkway.</li> <li>▪ The walkway is listed on OAC website and is formally gazetted.</li> <li>▪ Liability for property owners along walkway is protected.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Council may incur administrative and maintenance costs.</li> <li>▪ Council takes on risk associated with managing the walkway not owned by WDC.</li> </ul>

## Considerations

### 5.1 Risk

5.2 The risks associated with this decision is limited to the legal and financial responsibilities Council would assume should Council take a decision to become the Controlling Authority for the walkway. Potential costs include maintenance, signs and materials, and administration.

5.3 It is anticipated that as this is poled route, not a formed track, that there will be no maintenance, other than the replacement of trial markers if and when required. Markers have been put onto fences already. It is also noted that given the open nature of the track there is unlikely to be a risk of trees falling on the track. Also, if Council desires, an MOU could be created with the landowner to cover any matters that the Council identifies that require clarification with the landowner. This could include a request that they undertake track retagging of the pole markers if necessary.

5.4 A carpark has been created by Onetai Station for the public to park off road.

5.5 In respect of the process under the RMA for Ceol & Muir Inc to voluntarily create Esplanade Strips, it is noted that there is no risk as the creation of Esplanade Strips alongside rivers are commonly used instruments; and these provide for public access next to rivers without land ownership changing.

### 5.6 Consistency with Existing Plans and Policies

5.7 A decision by Council to undertake either of the options discussed above in section 4 will not be inconsistent with any of Council's plans or policy.



## **Request to Waitomo District Council to become the Controlling Authority for a walkway on Onetai Station (OIO consent 201320047)**

When Ceol & Muir Inc purchased Onetai Station near Awakino, the sale was referred to the Overseas Investment Office. Herenga ā Nuku Aotearoa — The Outdoor Access Commission (previously Walking Access Commission) was asked to recommend public access provisions on the property as part of this process. The Overseas Investment Office set consent conditions that Ceol & Muir Inc (the consent holder) are required to implement, some of these conditions relate to creating enduring public access within the property.

The consent requires Ceol & Muir to create walking access and esplanade strips within the property.

This report outlines a request from Herenga ā Nuku Aotearoa for Waitomo District Council to:

1. Assume the Controlling Authority role for the Walkway within Onetai Station
2. Agree to accept voluntarily offered esplanade strips alongside the coastal property boundary and alongside Manganui River where there are gaps in riparian access.

### **Walking Track Description**

The proposed track links Manganui Road to a high point 380 on the ridge above the road, providing great views westward of Onetai to the Coast and the view to east is of surrounding farmland. The walking track is envisaged as a poled route (markers have been put onto the fence), so it will not require any maintenance, except perhaps the replacement of the trail markers. The track is about 1.7 km from the road to high point 380 (see map in Appendix 1), the same route is followed for the return journey.

A carpark has been created by Onetai for the public to park off road.

The walkway easement will cover both the poled route and the car parking area. Walking is the only permitted activity for the poled route. The designated car parking area will also allow for car parking. However, when the car parking area is surveyed, parts of the car park may be located within the road corridor. If this is the situation, no easement will be required within road corridor.

The walking track will provide a recreational opportunity for visitors to Awakino or travellers taking the “off the beaten track” Manganui Road.



Photo 1: View from high point 380 looking towards the west coast

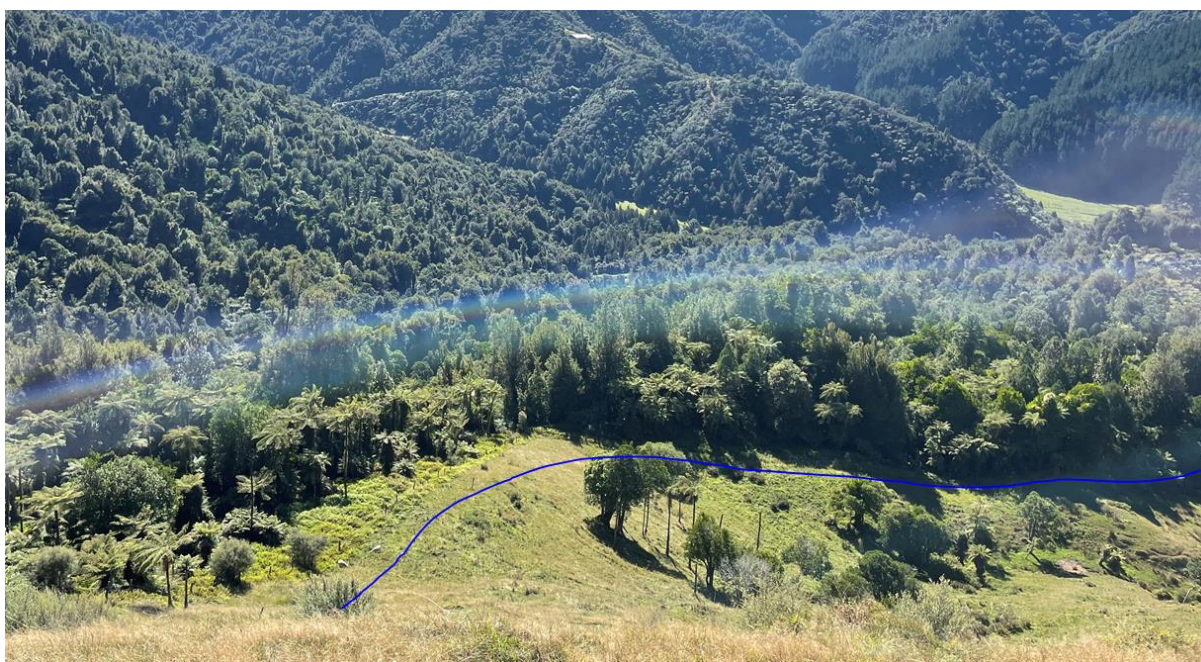


Photo 2: View from high point of walkway at walking route (blue line) to reconnect to Manganui Road

### **Iwi engagement**

Herenga ā Nuku Aotearoa approached Ngāti Maniapoto to discuss creating public access within the property and was directed to engage with Mokau-ki-runga Regional Management Committee. The RMC responded by email *"The committee endorse your organisations proposal, as presented at our October meeting [2019], to go ahead as is however, please be aware the coastal area between Awakino and Waikawau and inland is culturally significant and in the future your proposal could have adverse effect on those areas.*

*Please note, should any culturally significant discoveries occur in the future, we would expect to be notified and involved in decision making around pathways forward."*

## **Securing Enduring Public Access for the Walking Track**

Securing enduring public access is proposed by a Walkway, pursuant to the *Walking Access Act 2008* (WAA 2008). This involves creating a walkway easement over the track route which ensures that public use of the track is secured for future generation. The benefits of creating a Walkway are:

- Land ownership remains with the landowner
- Walkways come complete with its own compliance and enforcement provisions
- Limits liability on Landholders
- Is flexible in terms of rules and restrictions (can be closed for farming operations like spraying etc)

## **Waitomo District Council as Controlling Authority for the Walkway**

All Walkways created under the *WAA 2008* require a public body as a Controlling Authority. The duties of the Controlling Authority are to maintain the Walkway as set out in Section 37 of *WAA 2008* (see Appendix 2). Also attached is the template for a walkway easement.

## **Who maintains the Walkway?**

It is anticipated that as this is poled route, not a formed track, that there will be no maintenance required. If the Council desires, an MOU could be created with the landowner to cover any matters that the Council identifies that require clarification with the landowner.

## **Who pays to create the Walkway?**

The consent holder is required to pay for the legal and survey costs associated with the establishment of the walkway. Onetai have formed the car parking area alongside Manganui Road at their expense

## **Esplanade strips**

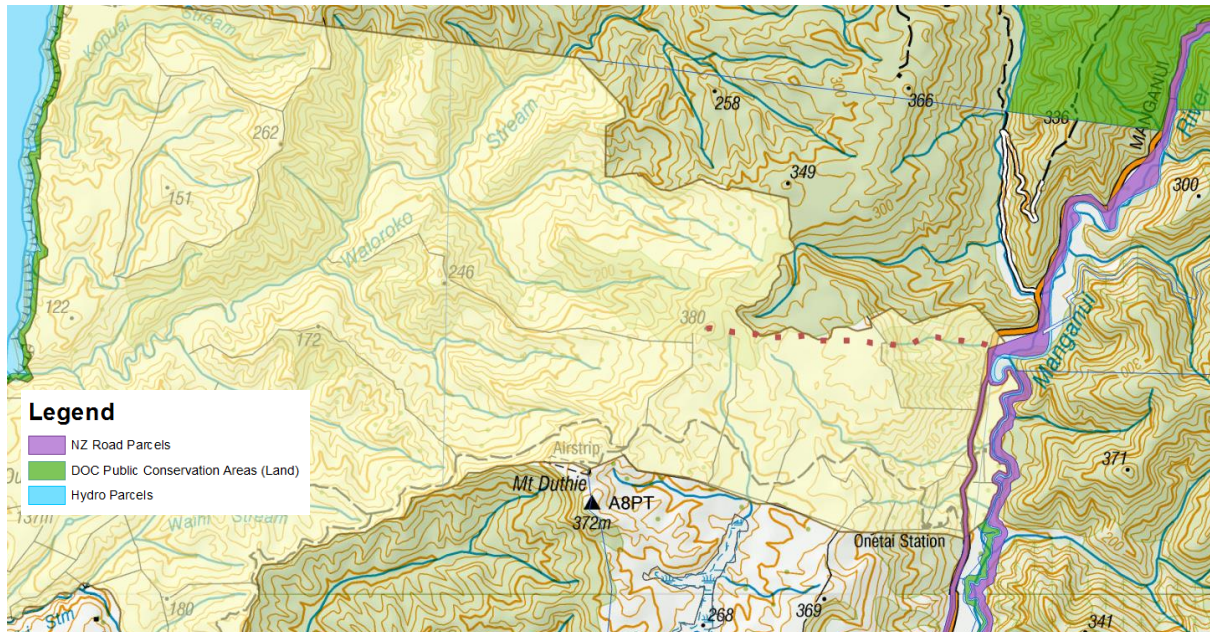
Onetai have agreed to create esplanade strips that allow for riparian protection and recreational use. The consent holder is responsible for the legal and survey costs associated with creating these instruments. There is no expectation that Council will contribute to any costs associated with creating the instruments or fencing or other costs associated with the esplanade areas

Areas covered by proposed esplanade strips are:

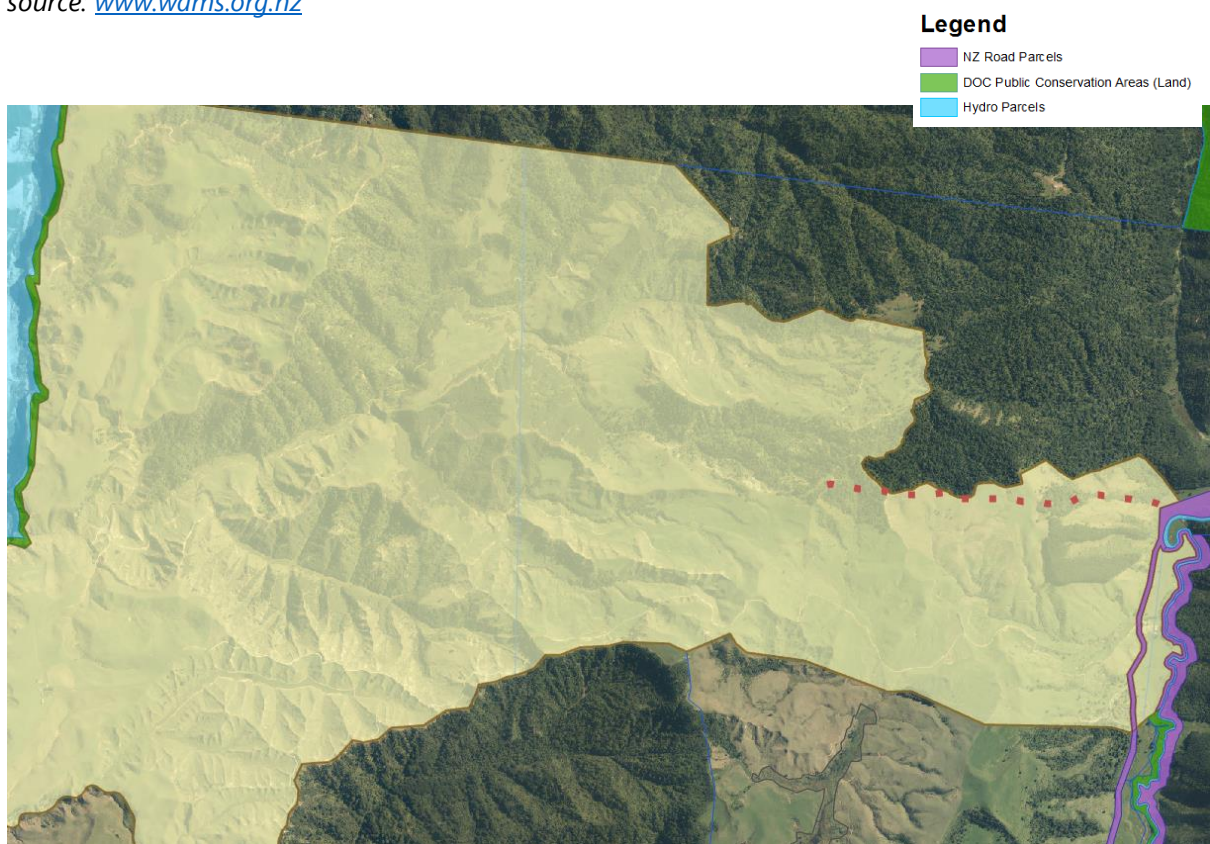
1. Alongside the coastal property boundary. An esplanade strip alongside the coastal boundary will improve connectivity for public access along the coast from the Awakino river mouth to the property. LINZ have agreed to the creation of a 100metre wide esplanade strip, in recognition of the highly erodible nature of the coastline and the steep drop offs. A strip of this width will facilitate public access along the coast.
2. Alongside the Manganui River where there are currently gaps in riparian protection. The Manganui River has public access for most of the river where it flows through Onetai Station, with access secured by unformed legal road. There are small gaps in

connectivity caused by movement of the river. Creating esplanade strips to cover the gaps will provide continuous public access alongside the river and use of the river.

**Appendix 1**



Map 1 Topographical view of walking track ( red dotted line) within Onetai Station (shaded yellow)  
source: [www.wams.org.nz](http://www.wams.org.nz)



Map 2 Aerial view of walking track ( red dotted line) within Onetai Station (shaded yellow)  
source: [www.wams.org.nz](http://www.wams.org.nz)



## Appendix 2 (excerpt from *Walking Access Act 2008*)

### 37 Functions and powers of controlling authorities

- (1) A controlling authority of a walkway has the following functions:
  - (a) erecting and maintaining poles, markers, or other suitable indicators to mark the line of the walkway;
  - (b) erecting and maintaining, at the controlling authority's discretion,—
    - (i) any stiles, fences, or other structures that are necessary or desirable to enable members of the public to use the walkway;
    - (ii) notices warning members of the public who use the walkway not to trespass on any land adjoining the walkway;
  - (c) providing for the proper control and use of the walkway;
  - (d) generally promoting and maintaining the walkway for the pleasure, safety, and welfare of members of the public.
- (2) A controlling authority of a walkway has the power to do anything that is reasonably necessary or desirable to enable it to carry out its functions, including—
  - (a) developing, improving, and maintaining the walkway;
  - (b) establishing any camping grounds, huts, hostels, accommodation houses, or other facilities or amenities on the walkway or land adjoining the walkway;
  - (c) imposing charges for the use of facilities or amenities;
  - (d) spending money in the discharge of its functions and powers in respect of the walkway, as long as the controlling authority is not prohibited from doing so by another enactment or any rule of law.
- (3) A controlling authority may establish, or impose a charge for, facilities or amenities on a walkway or land adjoining a walkway only if—
  - (a) it is not inconsistent with any conditions imposed in relation to the walkway; and
  - (b) either—
    - (i) it is provided for by the easement or lease relating to the walkway (if any), but only in the case of facilities or amenities on the walkway; or
    - (ii) the controlling authority obtains the written consent of the landholder of the land on which the facilities or amenities are, or are proposed to be, located.

## Appendix 3 Walkway Easement template

### Form 22

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#### Easement instrument to grant easement for use as a walkway

(Section 109 Land Transfer Act 2017 and section 26 Walking Access Act 2008)

#### Grantor

#### Grantee

New Zealand Walking Access Commission

#### Grant of Easement

**The Grantor** being the registered owner of the burdened land set out in Schedule A **grants to the Grantee**, in gross, the easement(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

#### Schedule A

Purpose of Easement	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Walkway under the Walking Access Act 2008			In gross

#### Easements rights and powers (including terms, covenants and conditions)

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018.

The implied rights and powers are hereby **added to** by the provisions set out in Annexure Schedule 1.

## Annexure Schedule 1

### **It is hereby agreed and declared that**

Subject to the rights below, created by the grant of this instrument, the Grantors and its successors or assigns may continue to exercise all of the rights of an owner over the Burdened land.

### **Rights, Powers and Remedies**

#### **Walkway**

1. The right of way easement in gross created by this instrument expresses a grant to the New Zealand Walking Access Commission for use as a walkway under the Walking Access Act 2008 of a right of way in gross on foot only to permit any member of the public to pass and repass and perform any activity that is reasonably incidental to that of passing and repassing over the land subject to the right.
2. The rights, powers and remedies which apply to the above grant are specified in the Walking Access Act 2008 and prevail if, and to the extent that, they are inconsistent with the covenants implied by s111 of the Land Transfer Act 2017.
3. "Grantee" shall mean the New Zealand Walking Access Commission ("the Commission"), and includes any Controlling Authority of this easement appointed by the Commission for the purposes of the Walking Access Act 2008 and the agents, employees, contractors, tenants, licensees, and other invitees of either the Commission or the Controlling Authority respectively.
4. Clause 12 of Schedule 5 of the Land Transfer Regulations 2018 must be read subject to the above definition of "Grantee" so that liability for damage arising from entering and doing work on the walkway or other land specified in that clause falls on either the Commission or the Controlling Authority as may be appropriate.

#### **Agreement**

This instrument is the entire agreement of the grantors and grantee.



Photo 1: View from high point 380 looking towards the west coast



Photo 2: View from high point of walkway at walking route (blue line) to reconnect to Manganui Road

**Document No:** A656583

## **Report To: Council Meeting**



**Meeting Date:** 28 March 2023

**Subject:** **2024-2034 Long Term Plan Development Process and Timetable**

**Type:** **Decision Required**

### **Purpose of Report**

- 1.1 The purpose of this Council Reader is to provide an overview of the work programme for the 2024-2034 Long Term Plan (LTP) Project.

### **Background**

- 2.1 The Local Government Act 2002 (LGA) requires Council to produce an LTP every three years.
- 2.2 Waitomo District Council's current LTP was prepared for the period 2021-2031 and was adopted in June 2021. It was named Ten Year Plan (10YP) rather than LTP so is referred to as such though the names are interchangeable.
- 2.3 The next LTP will cover the 2024-2034 period. Given the extensive range of issues to be considered for inclusion in a LTP, and the discussions required regarding Council's intended direction of travel, its development must start now.
- 2.4 A major difference for this LTP is the exclusion of 3 Waters, the equivalent of the LTP for 3 Waters is being developed by the transitional water entities who are working with WDC staff and contractors to complete this.
- 2.5 Due to the uncertainty on 3 Waters Reform (TWR) our approach as we work through the development of the LTP will be to capture or flag anything that we may change, reconsider, or remove should TWR not progress as planned.
- 2.6 The key legislation is in place for TWR so we need to work based on what is current and that is the delivery of 3 Waters services will be moved from WDC to Entity B on 1 July 2024.
- 2.7 We will keep a check and balances approach to ensure we are not overloaded should 3 waters services continue to be delivered by Local Authorities.
- 2.8 This Reader covers the key building blocks of a LTP, the project structure and various key milestones for Council inputs, feedback and direction.
- 2.9 The purpose of the LTP Project is to pull together a large number of complex 'building blocks' to produce an integrated LTP with a complete and accurate base of underlying financial, asset and performance information. It requires considerable resourcing, careful sequencing of tasks and Councillor input at every key milestone.
- 2.10 The LGA section 93(6) states that the purpose of a Long Term Plan is to:
  - (a) describe the **activities** of the local authority; and
  - (b) describe the **community outcomes** of the local authority's district or region; and
  - (c) provide **integrated decision-making** and **co-ordination of the resources** of the local authority; and

- (d) provide a **long-term focus** for the decisions and activities of the local authority; and
- (e) provide a **basis for accountability** of the local authority to the community.

2.11 Taituara recommends the following approach to LTP planning and following the process map outlined in appendix 1:

- **long-term planning needs an outward focus:** a successful long-term plan must be grounded in an understanding of the demographic, economic, cultural, environmental, and social factors that shape the world around your local authority, and of the needs and aspirations of the community
- **long-term planning means long-term:** the horizon for a long-term plan is the useful life of assets, as opposed to the triennial cycle or even the legislative timeframe of ten years.
- **long-term planning strikes a balance:** long-term planning balances the community's needs and aspirations, service realities and the community's willingness and ability to pay. Getting the balance right is a matter for the policy judgement on the part of elected members, informed through the community engagement process.
- **long-term planning tells one integrated story:** a long-term plan should tell a single and cohesive story, each part of the story should line-up in a way that supports and amplifies the other parts of this story.
- **long-term planning is grounded in the present:** planning must proceed from a detailed understanding of the present, including the financials and fundamentals such as asset condition and performance.
- **long-term planning requires project management disciplines:** a long-term planning process contains many moving parts. Successful long-term planning requires careful project planning and sequencing the correct things in the correct order.

## Commentary

### 3.1 Key Building Blocks

3.2 The table below provides a brief summary of the key building blocks for the development of the LTP.

Key Building Block	Brief Description
<b>Strategic Direction</b>	This is guided by the legislative requirement "to promote the wellbeing of communities in the present and for the future" and provides the direction of travel for the council to guide the development of the LTP.
<b>Context Setting</b>	Provides contextual information to elected members on council's business (what we do, why we do it, how it is funded) and seeks feedback on key issues to be considered through the LTP.
<b>Groups of Activities (GOA)</b>	Schedule 10 of the Local Government Act 2002 requires all councils to organise their work into groups of activities (GOAs). Staff will provide an assessment of the GOA structure against the new strategic direction to show the alignment of the activities against the community outcomes.

Key Building Block	Brief Description
<b>Engagement Coordination Plan</b>	<p>This Plan establishes what engagement is necessary and feasible in the lead up to the LTP, how we plan to engage on issues and rationalises engagement to the time and resource available.</p> <p>Work will be undertaken to identify recent engagements, and any upcoming opportunities to engage with key stakeholders.</p>
<b>Significance and Engagement Policy (SEP)</b>	<p>The 2014 changes to the Local Government Act (LGA) 2002 required all councils to have a Significance and Engagement Policy. Council's SEP was reviewed for the 10YP 2021-2031 and will require a review for this LTP.</p>
<b>Levels of Service (LOS) Reviews</b>	<p>Review of each activity and determining the changes to levels of service that will better meet the Council's Strategic Direction. (determination of what services and how much of each service we will deliver)</p>
<b>Infrastructure Strategy (IS)</b>	<p>The purpose of the Infrastructure Strategy is to identify the significant infrastructure issues for the Council over a 30-year period, the principal options for managing these issues, and the associated implications. The strategy will provide visibility to the regional community of the investment needed beyond the current 10-year long term planning horizon. For this LTP it will not include 3 Waters infrastructure unless there are TWR changes. This will mean the IS will only include Roading. The IS can be broadened to include other activities, but this is not recommended.</p>
<b>Financial Strategy</b>	<p>Required by the LGA to address statement of factors that are expected to have significant impact on the Council during the consecutive financial years covered by the Strategy.</p>
<b>Revenue and Financing Policy (RFP)</b>	<p>The Revenue and Financing Policy is the mechanism through which the council considers how it will fund the activities it undertakes. In accordance with the Local Government Act 2002</p>

### 3.3 **Long Term Plan - Project Plan Development**

3.4 A structured formal project management approach is being deployed to produce an integrated LTP. The Project is overseen by the Senior Management Team (Project Governance Group), with guidance and direction provided by a Project Control Group (PCG). Key expertise and input is sourced through a Project Reference Group.

3.5 This Project Structure provides the necessary guidance and appropriate decision making to ensure that the complexities and the resources required are being deployed at the right time towards the right issues. For ease of management the project is subdivided into six work streams.

1. Foundations
2. Activity Planning
3. Performance Measures
4. Infrastructure
5. Financials
6. Engagement

3.6 The following table outlines the Key Milestones, including Council meetings and workshop and dates.

Council Touchpoint	Key Milestones	Date
<b>LTP Workshop 1</b>	Project Structure and Timeframes	14 March 2023
<b>Council Meeting</b>	Endorsement of Project development process and anticipated timeframes	28 March 2023
<b>LTP Workshop 2</b>	<ul style="list-style-type: none"> <li>• Review of Council’s Strategic direction including community outcomes and focus areas.</li> <li>• Context setting: Business we are in</li> <li>• 3 Waters approach</li> <li>• Pre-engagement</li> </ul>	11 April 2023
<b>LTP Workshop 3 (full day)</b>	<ul style="list-style-type: none"> <li>• S&amp;E Policy review</li> <li>• GOA structure</li> <li>• Performance measurement framework</li> <li>• LOS / AMP Rooding #1</li> <li>• Infrastructure strategy #1</li> <li>• Non-financial assumptions</li> <li>• Pre-engagement content</li> </ul>	9 May 2023
<b>Council Meeting</b>	Council’s Strategic direction community outcomes and focus – Adoption	30 May 2023
<b>LTP Workshop 4 (full day)</b>	<ul style="list-style-type: none"> <li>• Financial Strategy #1</li> <li>• Revenue and Financing Policy (RFP) #1</li> <li>• Financial forecasting assumptions</li> <li>• Rating structure review</li> <li>• Rate increase appetite</li> <li>• Rate remission policy review</li> </ul>	13 June 2023
<b>LTP Workshop 5</b>	<ul style="list-style-type: none"> <li>• CCO policy</li> <li>• Review of the Community Development Fund Policy</li> </ul>	27 June 2023
<b>LTP Workshop 6</b>	<ul style="list-style-type: none"> <li>• Financial Strategy #2</li> <li>• Revenue and Financing Policy (RFP) #2</li> <li>• Infrastructure strategy LOS / AMP Rooding #2</li> </ul>	11 July 2023
<b>LTP Workshop 7 (full day)</b>	<ul style="list-style-type: none"> <li>• Treasury Policy</li> <li>• SWAMMP</li> <li>• Solid Waste AMP</li> <li>• LOS/ AMP Parks and Reserves</li> <li>• LOS / AMP Community Facilities</li> <li>• LOS / AMP Public Facilities</li> <li>• LOS/ AMP Housing and Property</li> </ul>	8 August 2023
<b>LTP Workshop 8 (full day)</b>	<ul style="list-style-type: none"> <li>• LOS / AMP Community and Partnerships</li> <li>• LOS / AMP Information Services</li> <li>• LOS / AMP Regulatory / Resource Management</li> <li>• LOS and AMP wrap-up</li> </ul>	19 September 2023
<b>LTP Workshop 9</b>	<ul style="list-style-type: none"> <li>• Business cases for new projects</li> </ul>	10 October 2023
<b>LTP Workshop 10</b>	<ul style="list-style-type: none"> <li>• Development of capital programme</li> <li>• Waste Minimisation</li> <li>• BERL numbers due</li> </ul>	19 October 2023
<b>LTP Workshop 11</b>	<ul style="list-style-type: none"> <li>• Post election review</li> <li>• Review of capital programme</li> <li>• RFP and FS Analysis and discussion of issues</li> <li>• Confirm financial and non-financial assumptions</li> </ul>	14 November 2023



Council Touchpoint	Key Milestones	Date
<b>LTP Workshop 12</b>	<ul style="list-style-type: none"> <li>• RFP</li> <li>• Financial Strategy #3 (if required)</li> <li>• Confirm rate appetite and rating structure.</li> <li>• Rooding AMP and IS (NZTA funding numbers)</li> <li>• Draft budget forecasts - Strategic financial issues</li> <li>• Rates Remission Policy confirmed</li> </ul>	12 December 2023
<b>LTP Workshop 13</b>	<ul style="list-style-type: none"> <li>• Performance measures – outcome of reviews</li> <li>• Budget forecasts #2</li> <li>• Right debate – to be included in CD</li> <li>• Finalise big issues to be consulted on</li> </ul>	8 February 2024
<b>LTP Workshop 14</b>	<ul style="list-style-type: none"> <li>• Communication and Engagement Plan</li> <li>• Draft CD and WMMP</li> <li>• Preliminary draft financial forecasts</li> </ul>	20 February 2024
<b>Council Meeting</b>	<ul style="list-style-type: none"> <li>• Adopt Consultation Document for Audit</li> <li>• Adopt draft financials for Audit</li> <li>• Other supporting information for Audit</li> <li>• Finalising draft CD</li> </ul>	5 March 2024
<b>LTP Workshop 15</b>	<ul style="list-style-type: none"> <li>• Representation review</li> <li>• Preliminary draft Financial Strategy</li> <li>• Preliminary Draft Financials</li> </ul>	12 March 2024
<b>Audit of CD</b>		8 – 15 March 2024
<b>Hot Review OAG</b>		16-17 March 2024
<b>Council Meeting - <i>Adoption of Supporting Information</i></b>	<ul style="list-style-type: none"> <li>• Adopt CD for consultation</li> <li>• Adopt Supporting Information for Consultation</li> <li>• Supporting information on proposals for consultation</li> <li>• Financial statements</li> <li>• LoS and performance measures</li> <li>• Infrastructure strategy</li> <li>• SWAMMP</li> <li>• Financial Strategy</li> <li>• Revenue and Financing policy</li> <li>• Planning assumptions</li> <li>• Rates remission policy</li> <li>• Treasury policy</li> <li>• Appointment of Directors for CCO policy</li> <li>• SEP</li> </ul>	26 March 2024
<b>Public Notification</b>		2 April 2024
<b>Consultation Period</b>		2 April – 2 May 2024
<b>Council Hearings</b>	Hearing of Submitters	15-16 May 2024
<b>Council Meeting</b>	Deliberation of Submissions	28 May 2024
<b>LTP Council Meeting</b>	Adoption	25 June 2024

## Suggested Resolutions

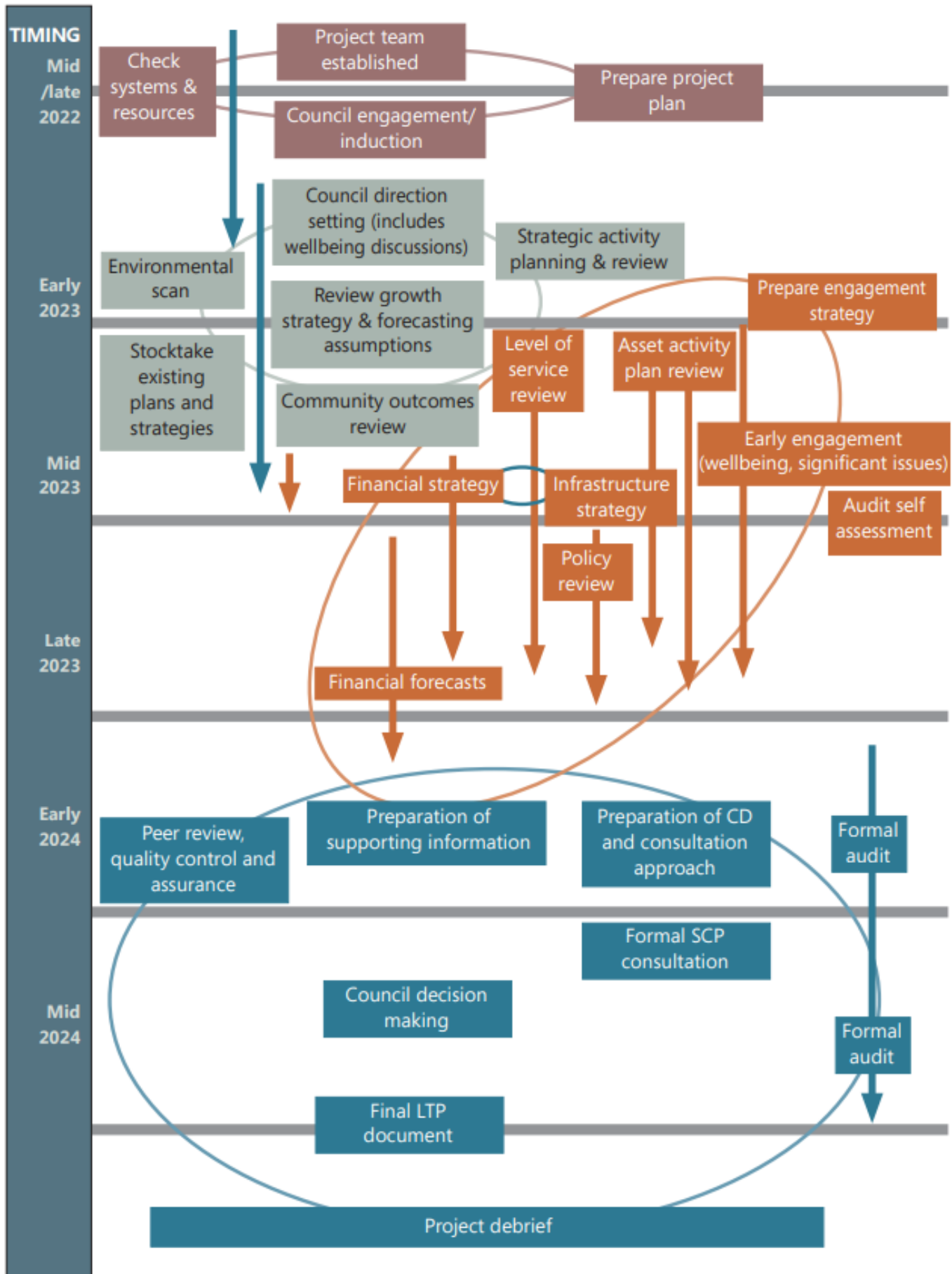
- 1 The business paper on review of 2024-2034 Long Term Plan Development Process and Timetable be received.
- 2 The Key Milestones and Indicative Timeframes for Development of 2024-2034 LTP, including a facilitated review of Council's Investment, Revenue and Financing Policy and Financial Strategy be approved / not approved / approved subject to amendment.



CHARMAINE ELLERY  
**MANAGER – STRATEGY AND POLICY**

Appendix 1: LTP Process Map

Appendix 1: LTP Plan Process Map



**Document No:** A656616

## **Report To: Council Meeting**



**Date:** 28 March 2023

**Subject:** **Review of the Public Health & Safety Bylaw 2014 and Determinations Report**

### **Purpose of Report**

- 1.1 The purpose of this workshop reader is to introduce the changes proposed to the Waitomo District Public Health & Safety Bylaw following a comprehensive review ahead of the deliberations report being presented to Council at the Council meeting on 28 March 2023.

### **Background**

#### **2.1 PUBLIC HEALTH AND SAFETY BYLAW 2014 (PH & S Bylaw)**

- 2.2 In 2014, the Council adopted the current PH & S Bylaw. It was reviewed in 2019 to give effect to section 446 of the Food Act 2014, to reflect the change in the way food premises are regulated; and section 152B of the Local Government Act 2002 (LGA), to reflect the transition of fire regulatory powers to the new entity under the Fire and Emergency New Zealand Act 2017. A copy of the current version is enclosed to this workshop reader as **Attachment 1**.

- 2.3 The current PH & S Bylaw controls a diverse range of activities to ensure that acceptable standards of public health and safety are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the Waitomo District. The PH&S addresses a wide range of issues that could have an adverse effect on the health and safety of the public by regulating scaffolding and deposit of building materials, keeping of animals, food safety, body piercing, hostels, and commercial sexual services.

- 2.4 Under sections 158 and 159 of the LGA, a bylaw must be reviewed no later than five years after a bylaw is made, and then no later than ten years after it is reviewed. A bylaw that is not reviewed as required is revoked two years after the due date for review. As such, the current Bylaw review must be completed by 25 June 2024 to stop it from being revoked under section 160A of the LGA. Staff have brought the review of the PH & S Bylaw forward to ensure that its review does not clash with the Long-Term Plan.

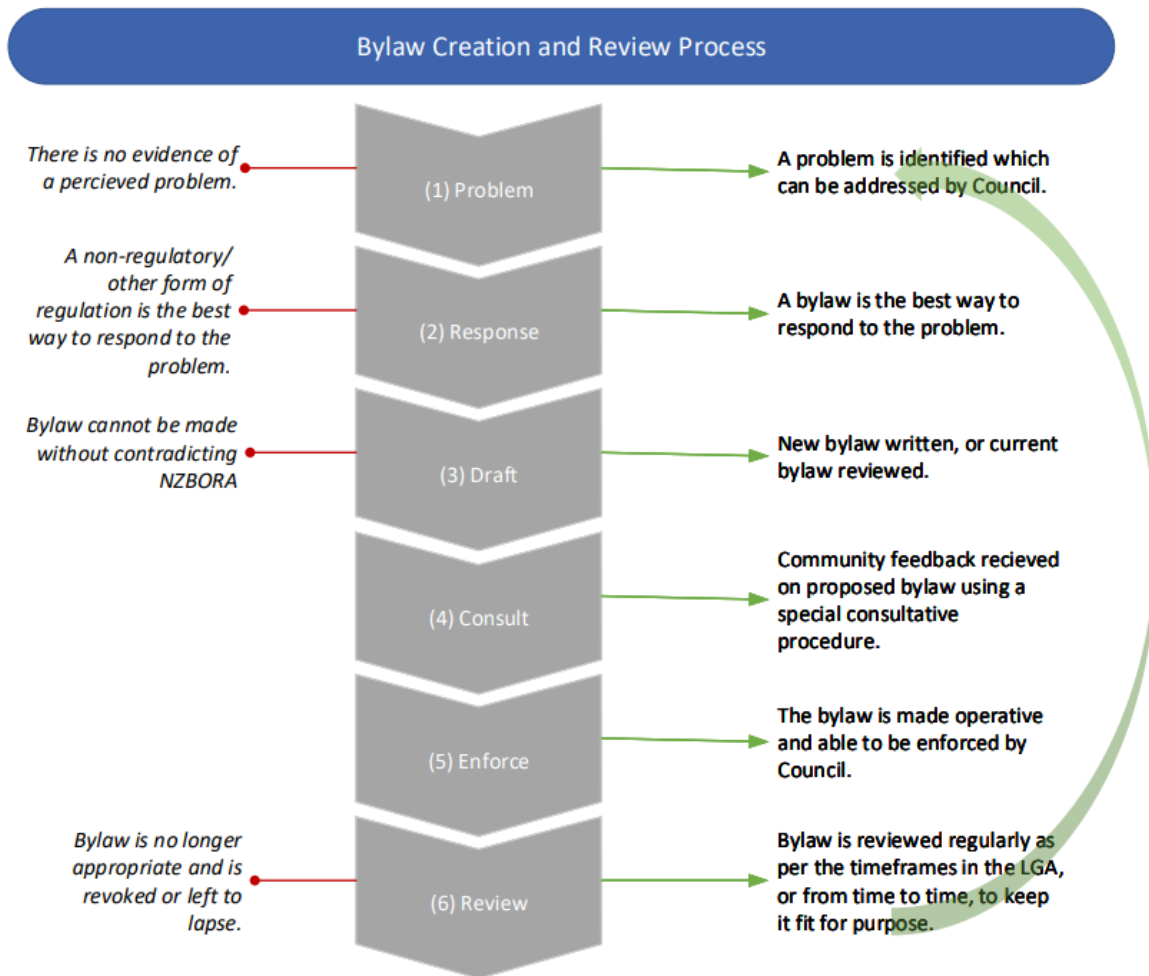
#### **2.5 LEGISLATIVE CONTEXT**

#### **2.6 The Local Government Act 2002**

- 2.7 The LGA gives councils the authority to make bylaws. This includes bylaws to regulate certain activities in order to protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places. More specific matters that can be covered in a bylaw include the keeping of animals, bees and poultry, and trading in public places. A bylaw may also be used to manage and protect particular land areas, structures and infrastructure (such as from damage, misuse and loss) including water races and supply; wastewater, drainage and sanitation; land drainage; and reserves, recreation grounds and other land that council's control.

- 2.8 Bylaws do not have the authority to override primary legislation, they seek to supplement and support national rules with local rules. All bylaws must be reasonable. Bylaws must focus on providing a remedy to the identified problem. Amongst other things, the requirement to be reasonable relates to the bylaw not unnecessarily impacting upon a person's freedom. A bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

- 2.9 In reviewing and developing bylaws the Council is required to follow both the decision making and consultation requirements set out in the LGA. Each bylaw must be assessed in terms of its costs and benefits to the community, as well as an assessment of the other options available to the council to regulate or remedy the problem. Under section 160 of the LGA, if after the review the Council considers that the bylaw should be amended, revoked, or revoked and replaced, it must use a special consultative procedure to effect these changes. If Council considers that the bylaw should continue without amendment, it must also use the special consultative procedure before the review is complete. The diagram below sets out the Bylaw creation and review process.



## **2.10 The Health Act 1956**

- 2.11 The Health Act 1956 (the Health Act) also provides guidance and empowers local authorities on the management and regulation of nuisance activities and behaviour to protect public health. Provisions in the Health Act apply regardless of any bylaw and issues raised under it are dealt with by the Ministry of Health. The definition of 'nuisance' under the Health Act includes things that may be offensive or injurious to public health, so the bar is high for what constitutes a 'nuisance'. A bylaw can address nuisance problems in the district that are valid problems but may not be offensive or injurious to public health to the extent that would mean the problem can be managed under the Health Act.

## **2.12 The Prostitution Reform Act 2003**

- 2.13 The Prostitution Reform Act 2003 (PRA) also is relevant to the regulation of commercial sexual services which is currently addressed within the Waitomo PH&S. The PRA allows councils to adopt a bylaw to control signage advertising commercial sexual services (under section 12), and the location of brothels (under section 14). The PRA also empowers

territorial authorities to utilise provisions in their District Plan to impose conditions on businesses offering sexual services or may simply treat them as they would any other commercial business.

- 2.14 Under section 155 of the LGA, no bylaw may be made which is inconsistent with, or gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA), however the PRA does allow that requirements set under section 12 regarding signs may be inconsistent with the NZBORA.
- 2.15 Regarding controlling signage advertising commercial sexual services, the PRA specifies that a council may only make a bylaw under Section 12 if they are satisfied that the bylaw is necessary to prevent the public display of signage that—
- (a) *is likely to cause a nuisance or serious offence to ordinary members of the public using the area; or*
  - (b) *is incompatible with the existing character or use of that area.*
- 2.16 It is important to note that the PRA Section 12 only relates to signage for commercial sexual services, which is defined in the PRA as meaning sexual services that—
- (a) *involve physical participation by a person in sexual acts with, and for the gratification of, another person; and*
  - (b) *are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).*
- 2.17 It is not the intention of the PRA to regulate or restrict all forms of commercial activity of a sexual nature.
- 2.18 Objectionable material, including signage, is governed by the Films, Videos, and Publications Classification Act 1993 (FVPCA). The Censorship Compliance Unit at the Department of Internal Affairs (DIA) is the main censorship enforcement agency. The FVPCA defines a publication (including signage) as objectionable (banned) if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good. Generally offensive or sexually explicit wording or images on signs may also be reported to the Advertising Standards Authority if they violate the Advertising Standards Code of Practice.
- 2.19 Section 15 of the PRA enables councils to manage a brothel's location and signage under their District Plan. If a brothel is required to apply for a resource consent based on District Plan rules, in addition to an assessment against District Plan provisions, Council may grant, refuse, or impose conditions on a resource consent, and apply the criteria with Section 12 of the PRA. We have not specified brothels as an activity in the Proposed District Plan (PDP), as we considered that the effects are like all other commercial activities and are appropriately managed by the relevant zone rules (i.e. traffic, signs, hours of operation etc.).

## Commentary

### 3.1 DETERMINATIONS

- 3.2 Under section 155 of the LGA, the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem, determine whether the proposed bylaw is the most appropriate form of bylaw, and determine that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The deliberations report, which will be submitted at the Council meeting at the end of this month, fulfils the first requirement of section 155, with an assessment against the NZBORA to be completed when a proposed draft bylaw is presented to the Council for consideration.

### 3.3 PERCEIVED PROBLEM ANALYSIS

3.4 Information about perceived problems has been gathered using Council records of public enquiries and complaints, advice from compliance staff, and from discussions with other relevant staff across the organisation. The below summary sets out the perceived problems in the District, which cause issues that are regulated through the current PH&S Bylaw.

3.5 Council has received and recorded 70 service requests for issues under the current PH&S Bylaw between the period of 2013 to 2022. These can be categorised under the following breakdown.

<b>Request category</b>	<b>Total 2013-2022</b>
Keeping of animals, poultry and bees	62
Stock welfare	6
Accommodation establishments	1
Body piercing	1
Advertising signs	0
Amusement devices	0
Commercial sexual services	0
Food safety	0
Scaffolding and deposit of building materials	0
<b>TOTAL</b>	<b>70</b>

3.6 The perceived problems are presented in two parts: 1) where a bylaw is considered the most appropriate mechanism; and 2) where a different primary approach is considered more appropriate than a bylaw.

### 3.7 Perceived problems appropriately addressed through a Bylaw

#### ***Regulation of general nuisance***

3.8 Generally undesirable behaviour of persons in public places which causes or may cause nuisances or public health and safety concerns to arise. As above, there have been 70 service requests pertaining to issues affecting public health and safety in some way. Such issues can often be complex and difficult to categorise, which can complicate Council response if the relevant bylaw provisions relied upon are not clear.

#### ***General nuisance regulation includes regulating fires in the open, keeping of Animals, Poultry and Bees***

3.9 Enabling members of the public to access the benefits of keeping animals, while ensuring the presence of animals within urban areas does not create health issues or public nuisance. This issue is what a vast majority of service requests have been related to, with 62 requests received by Council over the last 10 years. These requests can be further categorised as pertaining to the following animals:

<b>Keeping of Animals, Poultry and Bees – Further defined</b>	<b>Total 2013-2022</b>
Pigs	43
Poultry	6
Animal waste/offal	4
Bees	2
Pigs and sheep	2
Cattle	1

Pigs and poultry	1
Pigs and goats	1
Vermin	1
<b>TOTAL</b>	<b>62</b>

3.10 Also perceived problem of responding to feral animals causing health and safety concerns (animals with no clear owner may fall outside current regulation).

**3.11 *Body piercing***

3.12 Ensuring there are appropriate minimum standards of safety, professional practice, and customer protection within any service offering piercing, tattooing and other such services.

3.13 There are currently no overarching central regulations applying to this industry. Local authorities elsewhere in New Zealand have begun filling this regulatory loophole with bylaws, as has been requested from the industry.

3.14 Only one request received wanting further information for opening of a body piercing business. However, it is likely that additional requests may have been received via phone calls with the Environmental Health Officer staff.

***Regulation of location and signage of commercial sexual services***

3.15 Ensuring any commercial sexual service is located an appropriate distance from sensitive sites and ensuring that any related business signage is non-offensive to the general public.

**3.16 Perceived problems more appropriately addressed by non-bylaw approach**

***Scaffolding and deposit of building materials***

3.17 Regulations preventing hazards associated with unsafe deposit of materials, and unsafe erection of scaffolding.

3.18 This is covered in full by Health and Safety Act 2015. With no further specific problems needing to be addressed, use of a bylaw only produces repetition.

3.19 No service request data pertaining to these provisions has been recorded.

***Food safety***

3.20 Remove heading and other consequential amendments such as definitions, as content already revoked.

***Accommodation establishments***

3.21 Regulations to ensure hotels and other such establishments operate in a safe and legal manner.

3.22 Suggest entire removal as all regulations are already covered by various other instruments, including Housing Improvement Act 1945, Health and Safety at Work Act 2015, Fair Trading Act 1986, Consumer Guarantees Act 1993.

3.23 While one service request was received pertaining to accommodation establishments, this involved a private rental property. The current tenant was responding to ongoing issues with safety concerns, which potentially included a risk to public safety if the building itself was severely structurally unsafe. Such issues would be able to be best addressed under District Plan or other regulations.



### 3.24 Analysis of Options

3.25 The following options are the most practicable to address the perceived problems:

1. Review and amend the current bylaw (recommended); or
2. Retain without amendment; or
3. Revoke the bylaw and rely on alternative regulation and voluntary cooperation to ensure compliance.

### 3.26 **OPTION ONE REVIEW AND AMEND THE CURRENT BYLAW**

3.27 This option involves reviewing the bylaw in light of learnings from the operation of the bylaw since it was last reviewed.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides Council with the most appropriate tool to respond to issues pertaining to public health and safety, and general nuisance.</li> <li>• Allows Council to take into consideration and if appropriate incorporate any new information in the sector since the last review.</li> <li>• Consistent with Council's previous approach to having a bylaw on this matter.</li> <li>• Rules will be in one place, clear and known to key stakeholders and the public.</li> <li>• Proactive approach to regulation.</li> <li>• Community views and preferences will be collected as part of the review process.</li> <li>• Allows matters best dealt with outside a bylaw to be relocated for optimal operational efficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• Council resources and time required to undertake review.</li> <li>• Staff, public and key stakeholders will need to re-familiarise themselves with the changed instrument.</li> </ul>

### 3.28 **OPTION TWO: RETAIN THE CURRENT BYLAW WITHOUT AMENDMENT**

3.29 Under this option, the Council would resolve that, given the findings in this report, the current bylaw should continue without amendment under section 160(3)(b) of the LGA. This option is not recommended.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Saves resources and time in the review process.</li> <li>• Still allows the Community to participate in consultation relating to this issue via the special consultative procedure.</li> <li>• Avoids need to refamiliarize any parties with a new instrument or regulatory approach.</li> </ul>	<ul style="list-style-type: none"> <li>• Restricts Council's ability to make changes, and if significant changes are required as a result of public consultation, further consultation may be required.</li> <li>• The bylaw would not be updated and would not reflect any updates and new approaches to nuisance regulation and public health and safety responses within the local government sector.</li> <li>• Any views arising from SCP will not be incorporated into the bylaw.</li> </ul>

### **3.30 OPTION THREE: REVIEW AND REVOKE THE BYLAW AND RELY ON ALTERNATIVE MECHANISMS AND EXISTING LEGISLATION TO ENSURE COMPLIANCE**

3.31 This option would require Council to create an alternative approach to regulate general public nuisances, fires in open air, the keeping of animals, the abatement of feral animal nuisances, body piercing and licencing, and the location of brothels and associated signage. This alternative approach may be through policy, education or other approaches. Council would need to rely on alternative regulation where relevant to ensure compliance with any alternative regulations, for example the District Plan or other such provisions.

<b>Advantages</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Provides a non-adversarial approach.</li> <li>• Reduces Council’s regulatory role and enforcement burden.</li> <li>• Still allows the Community to participate in consultation relating to this issue via the special consultative procedure for revocation.</li> <li>• All business operations are subject to the same equal regulation under the District Plan and any other relevant tools.</li> </ul>	<ul style="list-style-type: none"> <li>• The current Bylaw would still need to be revoked, requiring a special consultative procedure.</li> <li>• Inconsistent with Council’s previous approach to have a bylaw to regulate this matter.</li> <li>• Council will not have a specific tool to respond to general public nuisances, fires in open air, keeping animals in urban areas, feral animal concerns, body piercing licencing and controls, or the location and signage of brothels.</li> </ul>

### **Considerations**

#### **4.1 Risk**

4.2 There is very little risk involved in undertaking a bylaw review. Council will review and approve a draft statement of proposal and draft bylaw, prior to public consultation.

#### **4.3 Consistency with existing plans and policies**

4.4 Reviewing the PH&S Bylaw retains consistency with the historical Council position to have a bylaw on this matter.

#### **4.5 Significance and Community Views**

4.6 Community consultation via a special consultative procedure is required when a bylaw is made, reviewed, or revoked. If the Council resolves to initiate a review of the PH & S Bylaw.

### **Recommendation**

5.1 It is recommended that:

- (a) Determines that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Health & Safety Bylaw in accordance with section 155(1) of the Local Government Act 2002, and
- (b) Approves the initiation of a review of the Waitomo District Health & Safety Bylaw in accordance with section 158 of the Local Government Act 2002.

## Suggested Resolutions

- 1 The Business Paper on the Review of the Public Health & Safety Bylaw 2014 and Determinations Report be received.
- 2 Council determines that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Health & Safety Bylaw in accordance with section 155(1) of the Local Government Act 2002.
- 3 Council approves the initiation of a review of the Waitomo District Health & Safety Bylaw in accordance with section 158 of the Local Government Act 2002.



CHARMAINE ELLERY  
**MANAGER – STRATEGY AND POLICY**



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

15 March 2023

Attachment: Health and Safety Bylaw 2014



**Public Health and Safety Bylaw  
2014**

**CONTENTS**

**1.0 SCOPE..... 1**

**2.0 INTERPRETATION..... 1**

**3.0 OFFENCES AND PENALTIES..... 4**

3.1 OFFENCES..... 4

3.2 PENALTIES ..... 5

**4.0 FEES AND CHARGES ..... 5**

**5.0 SCAFFOLDING AND DEPOSIT OF BUILDING MATERIALS..... 5**

5.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 5

5.2 AUTHORITY REQUIRED FOR SCAFFOLDING AND DEPOSIT OF MATERIALS ..... 5

5.3 SHUTTING OF FENCE OR HOARDING ..... 5

5.4 SECURITY FOR POSSIBLE DAMAGE ..... 5

5.5 WORKS REQUIRED TO BE CARRIED OUT FOR PROTECTION OF THE PUBLIC ..... 6

5.6 HOARDINGS, ETC, TO BE LIGHTED..... 6

5.7 CONSTRUCTION OF HOARDINGS ..... 6

5.8 GUARDING AGAINST INJURY TO TRAFFIC ..... 6

5.9 ERECTION OF ENGINE OR CONCRETE MIXER ..... 7

**6.0 FIRES IN THE OPEN AIR ..... 7**

6.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 7

6.2 FIRES IN THE OPEN ..... 7

**7.0 THE KEEPING OF ANIMALS, POULTRY AND BEES ..... 7**

7.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 7

7.2 PIG KEEPING ..... 7

7.3 STOCK IN URBAN AREAS..... 7

7.4 FEEDLOTS AND STOCK STANDOFF AREAS..... 7

7.5 POULTRY KEEPING ..... 7

7.6 NOISE FROM ANIMAL, BIRD, OR FOWL ..... 8

7.7 BEE KEEPING ..... 8

**8.0 BODY PIERCING ..... 8**

8.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 8

8.2 APPLICATION OF BYLAW ..... 8

8.3 LICENSING ..... 8

8.4 TRANSFER OF LICENCE ..... 9

8.5 GENERAL REQUIREMENTS ..... 9

8.6 EXEMPTIONS FROM LICENSING REQUIREMENT ..... 10

**9.0 FOOD SAFETY ..... 10**

**10.0 PROSTITUTION..... 10**

10.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 10

10.1 PERMITTED AREAS OF OPERATION ..... 11

10.2 PROXIMITY TO SENSITIVE SITES ..... 11

10.3 SIGNAGE OF COMMERCIAL SEXUAL SERVICES ..... 11

10.4 SOLICITING OF COMMERCIAL SEXUAL SERVICES ..... 11

**11.0 ACCOMMODATION ESTABLISHMENTS..... 11**

11.1 OBJECTIVES OF THIS PART OF THE BYLAW ..... 11

11.1 RESPONSIBILITIES OF KEEPER ..... 11

11.2 KITCHEN STANDARDS ..... 12

11.3 EXEMPTIONS..... 12

**12.0 SIGNED UNDER COMMON SEAL..... 13**

<b>Adopted:</b>	25 June 2014
<b>Amended</b>	26 February 2019 to give effect to section 446 of Food Act 2014 and section 152B of the Local Government Act 2002

## 1.0 SCOPE

- 1.1 The Local Government Act 2002 (LGA 2002) confers general bylaw making powers on Council. The Local Government Act 1974 specifically gives authority to the Council to adopt bylaws to regulate activities which can be carried out in roads, public places and reserves. This bylaw controls a diverse range of activities to ensure that acceptable standards of public health and safety are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this bylaw addresses a wide range of issues that could have an adverse effect on the health and safety of the public by regulating Scaffolding and Deposit of Building Materials, Keeping of Animals, Food Safety, Body Piercing, Hostels and Prostitution.
- 1.2 Sections 145 and 146 of the LGA 2002 and other relevant Acts e.g. Health Act 1956 and Prostitution Reform Act 2003 outline some of the powers and requirements of the Council in regard to public health and safety. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw and therefore the relevant sections of these acts should be read in conjunction with the Bylaw.

## 2.0 INTERPRETATION

- 2.1 For the purposes of this bylaw the following definitions shall apply:

**ACCOMMODATION ESTABLISHMENT** means a building in which accommodation is provided in consideration of payment for a single night or longer for one or more persons who are unrelated by blood or marriage (or by or through a civil union or a de facto relationship) to the person providing the accommodation, with or without a common right to the use of common cooking, dining and laundry facilities. An accommodation establishment includes but is not limited to:

- (a) A boarding house;
- (b) A guest house or bed and breakfast establishment;
- (c) A rooming house;
- (d) A private hotel;
- (e) A motel;
- (f) A residential club;
- (g) A backpacker's accommodation

but does not include:

- (a) Any premises in respect of which a licence under the Sale of Liquor Act 1989 is in force;
- (b) Any hospital or residential care facility as defined in section 2 of the Health and Disability Services (Safety) Act 2001;
- (c) Any home for aged persons required to be licensed under section 120A of the Health Act 1956;
- (d) Any residence for the purposes of the Children, Young Persons, and Their Families Act 1989;
- (e) Any child care centre required to be licensed by regulations made under the provisions of the Education Act 1989;
- (f) Any camping ground required to be licensed under regulations made under section 120B of the Health Act 1956.

**ADJOINING** means allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

**ANIMAL** means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance.

**APPROVED** means approved by Council or by any officer authorised by Council to act on its behalf.

**AUTHORISED AGENT** means any person who is not an employee of the Council but is authorised by Council to act on its behalf under the relevant legislation.

**AUTHORISED OFFICER** means any person appointed or authorised by Council to act on its behalf and with its authority.

**BARBECUE** means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

**BODY PIERCING** any process involving piercing, cutting and puncturing the skin or any other part of the human body, or applying a dye or other substance for the purposes of colouring part of the skin. Body piercing includes such processes as acupuncture, pedicure, epilating (hair removal), body piercing, hair restoration and tattooing.

**BROTHEL:** means any premises kept or habitually used for the purposes of prostitution; but does not include a premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

**BYLAW** means a Bylaw of Council for the time being in force, made under the provisions of any Act or authority enabling Council to make Bylaws.

**CERTIFICATE** means a certificate in Food Safety that meets unit standards prescribed by the New Zealand Qualifications Authority or alternatively any certificate that has been approved by the Council.

**CHILDREN AND YOUNG PEOPLE** means individuals under 18 years of age.

**COMMERCIAL SEXUAL SERVICES** means sexual services that-

- a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

**COUNCIL** means the Waitomo District Council or any Officer authorised to exercise the authority of the Council.

**DISTRICT** means the district within the jurisdiction and under the control of the Council.

**DISTRICT PLAN** means the Waitomo District Plan or any subsequent amendments.

**DWELLING OR DWELLINGHOUSE** includes any house, tent, vehicle or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation, and includes the land appurtenant to a dwelling.

**ENGINEER** means the Group Manager: Assets or his or her representative appointed by Council.

**EXEMPTED FOOD HANDLER** means:

- (a) Any person employed in any food premises that is not involved in the manufacture, preparation or packing of food but does handle pre-packaged foodstuffs at the point of sale or in storage.
- (b) Any other person employed in food premises or who works in connection with any food premises who in the opinion of an Authorised officer is an exempted food handler.
- (c) Exempted food handlers may include:
  - (i) Supermarket checkout operators.
  - (ii) Persons employed exclusively in the handling of packaged goods in storage or the carriage of goods to and from storage.
  - (iii) Persons employed exclusively in the delivery of packaged goods to and from food premises.
  - (iv) Persons employed predominantly in the wholesale or retail sale of fruit or vegetables.

**FOOD** shall have the same meaning as it has in section two of the Food Act 1981.

**FOOD HANDLER** means any person employed in or on any food premises that at any time may be involved in the manufacture, preparation or packing of food.

**FOOD PREMISES** shall have the same meaning as in the Food Hygiene Regulations 1974 but shall not include occasional food premises as defined in that Regulation.

**GANTRY** means a framework of steel bars raised on side supports to bridge over or around something.

**GUEST** means a person for whom any room or part thereof or rooms in a hostel is or is provided as lodging or for his/her use or occupation in consideration of payment and to whom whole or partial board may also be supplied.

**HOARDING** means a temporary wooden fence around a building or structure under construction or repair.

**HOURS OF DARKNESS** means:

- a) Any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- b) Any other period of time when any hoarding or scaffolding within 2.5m of the ground is not clearly seen.

**KEEPER** means the person, whatever may be the nature or extent of his interest in the premises or the agent or manager appointed by that person, by whom or on whose behalf an accommodation establishment is operated or who for the time being receives or is entitled to receive the proceeds or profits arising from providing accommodation in consideration of payment.

**LICENSED** means holding a licence under this Bylaw or under any statute.

**LOCAL AUTHORITY** means the Council, person, or group of persons authorised by any Act to make Bylaws, and which has made this Bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

**MARAE** means land and buildings of premises that are used as a traditional Maori place of meeting.

**OCCUPIER** means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined.

**OFFENCE** includes any act or omission in relation to this bylaw for which any person can be punished either on indictment or by summary process.

**OPEN AIR** means in the open either on or above ground level.

**OWNER** of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rent, and where any such person is absent from New Zealand, shall include their attorney or agent.

**PERMITTED BROTHEL AREA** means the commercial and industrial area in any of the urban settlements in the District where Brothels may be located and includes a rural area.

**PERSON** includes a corporation sole and also a body of persons, whether corporate or unincorporated.

**PIT** means a hole excavated in the soil to such a depth that any live cinders, embers or ashes placed therein are at least one metre beneath mean ground level.

**PLACE OF WORSHIP** means land and buildings of premises that are used as a place of religious worship and are subject to Part 1 of Schedule 1 of the Local Government (Rating) Act 2002.

**PORTICO** includes every awning, porch, verandah, shed, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or accessway for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be attached.

**POULTRY** means any domesticated bird including fowl, ducks, geese, turkeys, guinea fowl, pheasants and pigeons.

**PREMISES** means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.



**PRINCIPAL ADMINISTRATIVE OFFICER** means the chief executive of Council, irrespective of the designation given to that officer, and includes any person for the time being appointed by Council to perform the duties or a particular duty of the principal administrative officer.

**PROSTITUTION** means the provision of commercial sexual services.

**PUBLIC NOTICE** shall have the meaning assigned to it from time to time by the Local Government Act 2002.

**PUBLIC PLACE** means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge; and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council.

**ROAD** shall have the same meaning as in the Local Government Act 1974 and shall where the context requires include a street.

**SCHOOL / LICENCED EARLY CHILDHOOD CENTRE** means a parcel or adjoining parcels of land that contain a school as defined in section 2 of the Education Act 1989 or a licenced Early Childhood Centre as defined in section 308 of the Education Act 1989.

**SENSITIVE SITE** means a site that is a school / Licensed Early Childhood Centre/ Kindergarten or, a place of worship or, a marae.

**SEX WORKER** means a person who provides commercial sexual services.

**SOLICIT** means any person who, in any public place offers any commercial sexual service not in pursuance to any invitation.

**STALLION** means a male horse which has not been wholly castrated.

**URBAN AREA** means any of the towns situated within the District and includes any community consisting of ten or more dwellings with or without (an) ancillary commercial building(s).

- 2.2 For the purposes of this Bylaw the word "shall" refers to practices that are mandatory for compliance with this Bylaw, while the word "should" refers to practices which are advised or recommended.

## **3.0 OFFENCES AND PENALTIES**

### **3.1 Offences**

- 3.1.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 3.1.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 3.1.3 Everyone commits an offence against this Bylaw who:
- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
  - (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
  - (c) Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
  - (d) Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
  - (e) Refuses or neglects to comply with any notice duly given under this Bylaw; or

- (f) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw: or
- (g) Fails to comply with any notice or direction given in this Bylaw.

## **3.2 Penalties**

- 3.2.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242(4) of the LGA 2002 and further if the offence is one to which Section 243 of the LGA 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.
- 3.2.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

## **4.0 FEES AND CHARGES**

- 4.1 The fees for any certificate, authority, approval, consent given, inspection made or service given by Council and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Manual from time to time.

## **5.0 SCAFFOLDING AND DEPOSIT OF BUILDING MATERIALS**

### **5.1 Objectives of this part of the Bylaw**

- 5.1.1 To ensure that scaffolding erected in public areas does not pose a risk to public safety or public and private property.
- 5.1.2 To limit the disruption of vehicular or pedestrian traffic flow due to unmanaged depositing of building materials or use of engines or concrete mixers in public areas.

### **5.2 Authority required for scaffolding and deposit of materials**

- 5.2.1 No person shall, without first obtaining permission from the Council:
  - a) Erect or cause to be erected any scaffold, gantry, hoarding, or barricade on or over any public place or any part thereof; or
  - b) Deposit any building material or building rubbish on, or make or maintain a hole or excavation in, or disturb the surface of any public place or any part thereof; or
  - c) Prepare building materials on any public place or part thereof.

### **5.3 Shutting of fence or hoarding**

- 5.3.1 No person shall erect or demolish any building, or alter, add to, repair, plaster, or cause to be altered, added to, repaired, plastered, painted, or cleaned, the walls, roofs, or other external part of any building abutting on any street or public place, or the footway thereof, unless or until he shall have erected a fence or hoarding so as to shut off and render safe the traffic passing or which may pass along such street, public place, or footway, or otherwise shall have obtained approval from the Council to dispense with such fence or hoarding.

### **5.4 Security for possible damage**

- 5.4.1 Council may grant approval for the work to be undertaken subject to the provisions of this part of the Bylaw to ensure the safety and convenience of the public and protection of the street. An applicant must deposit with the Council such a sum as Council shall direct, to be held as security for the making good by the applicant of any damage that may be caused to the public property by such work or act. If the applicant does not make good such damage Council may repair or

make good to the original standard, and charge the cost of such work to the applicant or deduct the cost needed aforesaid.

- 5.4.2 Council shall not grant approval until satisfied that the applicant has taken out insurance under a public liability policy in respect of injury to persons and damage to property arising out of the work involved for such sums and in such form as the Council may require.

## **5.5 Works required to be carried out for protection of the public**

- 5.5.1 Where in the opinion of the Council it is necessary in the public interest, the person intending to erect any scaffolding shall, before commencing the erection of the scaffold, form a gantry over the public footway, so as to allow pedestrians to pass beneath it. Such gantry shall be substantially constructed to the approval of the Council, and so constructed as to prevent tools, dust, rubbish, materials, or water falling upon the pedestrians, vehicular traffic and adjoining properties, and the applicant receiving the consent of the Council to erect such scaffold shall keep the public way beneath it clean to the satisfaction of the Council.
- 5.5.2 Where gantries are not required over the footway, the lower stage of the scaffold shall be close-boarded, such close-boarding to extend to a line with the outside edge of the kerb, or such other precautions taken as the Council may require so as to prevent tools, dust, rubbish, materials, or water falling upon the public.
- 5.5.3 No material shall be deposited under any scaffold on any portion of a footway used by the public.
- 5.5.4 Where needed, or where required by the Council, a boarded platform not less than 1m wide with stout post rails and wheel-kerbs on the outside of it shall be constructed outside the scaffold or enclosure.
- 5.5.5 In all cases where street channels are covered over, the person to whom the permit is issued shall prevent the obstruction of such channels during the currency of the permit.

## **5.6 Hoardings, etc, to be lighted**

- 5.6.1 All scaffolds and hoardings shall be well and sufficiently lit to the satisfaction of the Council during the hours of darkness.

## **5.7 Construction of Hoardings**

- 5.7.1 Builders' hoarding shall be not less than 2m in height; they shall be constructed in a substantial and workmanlike manner of approved material, the ends shall be splayed, and the outside sheeting, whatever the material, shall be left with a smooth and even surface and when required by the Council, any hoarding or any part thereof encroaching on any street or footway shall be painted white or other appropriate colour.
- 5.7.2 Openings in hoardings shall be provided with sliding panels, hung with approved hangers, and shall slide inside the line of hoarding, or such openings may be provided with a door fixed so as not to swing outwards. No such hoarding shall be used for advertising purposes.
- 5.7.3 All fire hydrants shall be left unenclosed in recesses formed of such size and in such a manner as to enable the hydrant to be easily accessible.
- 5.7.4 Access shall be provided to all underground services within the enclosed area.
- 5.7.5 Street lamps shall not be enclosed without the permission of Council. When such enclosure is permitted, the applicant shall put a lamp or lamps temporarily outside the scaffold so that the public way may be properly lit.

## **5.8 Guarding against injury to traffic**

- 5.8.1 Every person erecting, adding to, altering, repairing, plastering, painting, cleaning, or demolishing any building shall, during the operations or works necessary for such erection, additions, alterations, repairs, plastering, painting, cleaning, or demolishing, use all such other or further precautions for guarding against injury to persons using or passing along any street or public place as may be necessary or as may be directed by the Council.

## **5.9 Erection of engine or concrete mixer**

- 5.9.1 No person shall, without the written permission of the Council, place, erect, or use any stationary engine, concrete mixer, air-compressor, crane, hoist, or other machinery on any public place or part thereof in such a way as to cause an obstruction.

## **6.0 FIRES IN THE OPEN AIR**

### **6.1 Objectives of this part of the Bylaw**

- 6.1.1 To prevent nuisances from fires in the open air.

### **6.2 Fires In The Open**

- 6.2.1** No person shall light any fire in the open air:

- (a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
- (i) A smoke or ash nuisance to any person
  - (ii) An odour or fumes nuisance to any person.

- 6.2.2** Where a fire has been lit or allowed to burn that in the option of any officer or agent of the Council creates a nuisance, the officer or agent of the Council may extinguish any such fire or direct the occupier of the premises on which the fire is located, or the person who lit the fire, to extinguish such fire.

- 6.2.3** Where an authorised officer or agent of the Council has extinguished a fire pursuant to clause 6.2.2, the Council may recover any costs incurred in extinguishing the fire from the occupier of the premises on which the fire was located, or the person who lit the fire.

## **7.0 THE KEEPING OF ANIMALS, POULTRY AND BEES**

### **7.1 Objectives of this part of the Bylaw**

- 7.1.1 To prevent nuisances arising from the keeping of animals poultry and bees in urban areas.
- 7.1.2 To prevent nuisances for nearby residences occurring from intensive animal husbandry.

### **7.2 Pig Keeping**

- 7.2.1 No pigs shall be kept in any urban area within the District.

### **7.3 Stock In Urban Areas**

- 7.3.1 Any person keeping stock in an urban area shall ensure that premises where stock is kept meet such conditions as may be prescribed by an authorised officer.
- 7.3.2 No person, shall, without having first obtained the written approval of Council keep, have in his possession or control any stallion within any urban area.

### **7.4 Feedlots And Stock Standoff Areas**

- 7.4.1 No feedlot or stock standoff area shall be operated within 30m from the boundary with adjacent property not in the ownership of the same person on whose land such facilities are operated or within 150m from any residence on an adjoining site.

### **7.5 Poultry Keeping**

- 7.5.1 No poultry caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions) shall be kept in an urban area except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nib wall, to which a poultry run may be attached.

- 7.5.2 Except with the written consent of Council not more than 12 head of poultry and no roosters shall be kept in any urban area.
- 7.5.3 No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 m of the boundary of adjoining premises.
- 7.5.4 Every poultry run in an urban area shall be enclosed to confine the poultry.
- 7.5.5 Every poultry house and poultry run shall be maintained in good a clean condition free from any offensive smell or overflow and vermin.

## **7.6 Noise From Animal, Bird, Or Fowl**

- 7.6.1 No person shall keep on any premises in a predominantly urban area any noisy animal, which causes a nuisance to residents in the neighbourhood.

## **7.7 Bee Keeping**

- 7.7.1 No person shall keep bees in a predominantly urban area if in the opinion of an authorised officer the keeping of bees is, or is likely to become a nuisance or annoyance to any person or potentially dangerous to health.
- 7.7.2 An authorised officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area of the District.

## **8.0 BODY PIERCING**

### **8.1 Objectives of this part of the Bylaw**

- 8.1.1 To promote the health and safety of clients of persons practicing body piercing for jewellery, tattooing or other purposes.
- 8.1.1 To ensure that practice of body piercing is only carried out in premises licensed for this purpose.

### **8.2 Application of Bylaw**

- 8.2.1 This Part of the Bylaw does not apply to body piercing carried out in the practice of medicine, dentistry, nursing, physiotherapy or podiatry by:
  - (a) A medical practitioner registered under the Medical Practitioners Act 1968.
  - (b) A dentist registered under the New Zealand Dental Act 1988.
  - (c) A nurse registered under the Nurses Act 1977.
  - (d) A physiotherapist registered under the Physiotherapist Act 1949.
  - (e) A Pharmacist registered under the Pharmacy Act 1970.
  - (f) An Acupuncturist who is a member of the New Zealand Register of Acupuncturists Incorporated.
  - (g) A person acting under the direction or supervision of any such medical practitioner, dentist, nurse, physiotherapist or podiatrist.

### **8.3 Licensing**

- 8.3.1 A person must only carry out body piercing on a premises licensed by Council for that purpose.
- 8.3.2 A person must apply for a body piercing licence if they are the owner or manager of premises used or intended to be used for body piercing. Council will process an application for a body piercing licence if it is made by a natural person or persons, is on the form prescribed and includes all information requested by the Council and the required licence fee.
- 8.3.3 A body piercing licence will be granted by Council, if and only if the Council is satisfied that the premises and the proposed body piercing service will comply with:
  - (a) The requirements of all relevant Acts and Regulations.
  - (b) The relevant provisions of any District Plan.

- (c) Relevant New Zealand and Australian Standards including AS 4031:1992, AS 2182:1994, AS 2773:1985, NZS 4303:1990, AS/NZS 3816:1998, and AS/NZS 4261:1994.
- (d) The Ministry of Health's current Guidelines for the Safe Piercing of Skin (1998).

8.3.4 Council may require the person applying to complete a test to show that they are familiar with these documents.

## **8.4 Transfer of Licence**

- 8.4.1 A body piercing licence may not be transferred to another person or to another premise.
- 8.4.2 The person holding the body piercing licence will be responsible for ensuring that the provisions of this part of the Bylaw are complied with and that all persons working on the premises of the body piercing operation are adequately trained and supervised to prevent any breach of the requirements of this part of the Bylaw.
- 8.4.3 A body piercing licence must be displayed in a part of the premises to which the licence relates. The licence must be displayed in an area where the public has access to so that any member of the public or authorised officer can easily see it when visiting the premises.
- 8.4.4 Council will specify the date that the licence expires; this date will be recorded on the licence. The licence holder must apply for a renewal of expired licences, if body piercing is to continue. Applications for renewal of licences will be assessed as if it were a new application.
- 8.4.5 Council may grant a licence on such terms and conditions as are deemed necessary. The person applying must comply with any special terms and conditions specified in the licence in addition to the general requirements for body piercing set out below.

## **8.5 General Requirements**

- 8.5.1 The person holding the licence must comply with the standards in 8.3.3 (c) and (d) above to the extent that they are relevant to the body piercing premises and service.
- 8.5.2 It is the responsibility of the licence holder to ensure that no jewellery thinner than 14 gauge is used below the neck.
- 8.5.3 Body piercing must not be carried out on any person less than 16 years of age without the written permission of that person's parent or guardian.
- 8.5.4 A notice must be displayed in a prominent place within the public part of the premises asking customers to inform the licence holder if they have any communicable or infectious disease, which is likely to have an effect on body piercing.
- 8.5.5 If the licence holder or any other employee at the body piercing premises knows or suspects that they or any other staff member, whether paid or unpaid is suffering from or is carrying a skin infection or a communicable disease, or associated condition, body piercing must not be carried out, without first taking adequate precautions to prevent the transmission of that infection, disease or condition.
- 8.5.6 Before beginning body piercing on a customer, the customer must be advised of the risks associated with body piercing and the potential for infection to occur during and after the process. Written advice appropriate to the procedure to be undertaken must be given, in relation to precautions and post-piercing procedures, which should be followed by the customer.
- 8.5.7 Before any piercing of the skin is commenced, all potential customers must sign a consent form recording the following;
  - (a) Whether they have any reason to believe they have a communicable disease or skin disease.
  - (b) Whether they have a history of haemophilia (bleeding).
  - (c) Whether they are taking any medication, such as anticoagulants, which thin the blood or interfere with blood clotting.
  - (d) Whether they have a history of allergies or adverse reactions to pigments, dyes or other skin sensitivities, or a history of epilepsy or seizures.

- 8.5.8 Any customer who knows or suspects that he or she has any of the above diseases or conditions is required to inform the person who appears to be in charge of the premises before the body piercing begins.
- 8.5.9 The licence holder may decline to carry out any body piercing on such a person, or may agree to carry out the body piercing subject to such conditions and safeguards that are considered appropriate by the licence holder in the circumstances. Nothing in this Part of the Bylaw requires the licence holder to perform body piercing on any person.
- 8.5.10 The licence holder must keep records of the names, phone numbers and addresses of any person who undergoes body piercing at the premises, the date on which the body piercing was carried out, the nature of the body piercing, and the location on the body where the body piercing was undertaken. Those records must be kept for at least three years and made available to an Environmental Health Officer, Health Protection Officer or a Medical Officer of Health as defined in the Health Act 1956 who is carrying out any investigation pursuant to Part III of the Health Act 1956 or the Health (Infectious and Notifiable Diseases) Regulations 1966.
- 8.5.11 A copy of this part of the Bylaw and the Ministry of Health's current Guidelines for the Safe Piercing of skin must be kept on the premises and must be freely available for reading by any person employed on the premises and by any person attending the premises for the purpose of undergoing any body piercing.
- 8.5.12 Where Council is satisfied that compliance with any requirement of this part of the Bylaw would be impractical or unreasonable having regard to the premises and body piercing service in question, Council may grant a written exemption from the requirement. The exemption will be granted on such terms and conditions, as are consider desirable in the interest of public health.

## **8.6 Exemptions from Licensing Requirement**

- 8.6.1 The requirement to obtain a licence for body piercing premises does not apply to:
- (a) Carrying out acupuncture at a person's home where the person wishing to undergo acupuncture is unable to attend the licensed premises because of injury, infirmity or medical emergency, if the acupuncture is carried out in compliance with the general requirements in this part of the Bylaw, or
  - (b) Carrying out any body piercing in any temporary structure or premises for a maximum period of five days in any 30 day period, if the person carrying out the body piercing complies with all conditions specified by Council.
- 8.6.2 The written approval of Council and the payment of any fee for any inspection required and payment for Council's time to consider the matter may be required before an exemption from the licensing requirement is granted.

## **9.0 FOOD SAFETY**

*[Revoked pursuant to section 446 of the Food Act 2014]*

## **10.0 PROSTITUTION**

### **10.1 Objectives of this part of the Bylaw**

- 10.1.1 To support the purpose and intent of the Prostitution Reform Act 2003.
- 10.1.2 To enable commercial sexual service providers to operate within Waitomo District in a manner that both meets community demand for services and addresses community concerns and sensitivities.
- 10.1.3 To allow the establishment of brothels in areas where the effects associated with the operation can be readily controlled.
- 10.1.4 To limit the exposure of children and young people to commercial sex activities.

10.1.5 To control the establishment of signage associated with brothels to minimise community harm or offence.

10.1.5 To control the soliciting of commercial sexual services in Waitomo District.

## **Location of Brothels**

### **10.1 Permitted Areas of Operation**

10.1.1 Brothels are permitted to locate and provide commercial sexual services from premises located within the permitted brothel area, subject to meeting other conditions in the Bylaw.

### **10.2 Proximity to Sensitive Sites**

10.2.1 Any brothel shall not be located within 100 metres (in a straight line) of any sensitive site.

10.2.2 Where a sensitive site establishes within 100m of an existing and lawfully established brothel, the brothel will be exempt from this restriction, provided that this exemption shall not apply where the operation of the brothel is discontinued for a continuous period of more than 6 months.

### **10.3 Signage of Commercial Sexual Services**

10.3.1 Signage of commercial sexual services must conform with the provisions of the Waitomo District Plan and the additional limitations set out in 10.3.2 to 10.3.4 below.

10.3.2 Any sign advertising any brothel must be fixed to the premises at which the commercial sexual service is provided.

10.3.3 Only one sign is permitted per premises.

10.3.4 Signs must not:

- contain neon lighting or include or be lit by flashing lights; or
- contain words reasonably considered to be sexually explicit or offensive by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002); or
- contain any images (photographs or artwork) or models (human or mannequin) or shapes reasonably considered by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002) to be sexually explicit or offensive.

### **10.4 Soliciting of Commercial Sexual Services**

10.4.1 No person shall solicit within the Waitomo District area including in any street, road, footpath, road reserve or public place.

10.4.2 No person shall solicit within the Waitomo District area where that person is, or may be visible from any public place or reserve.

## **11.0 ACCOMMODATION ESTABLISHMENTS**

### **11.1 Objectives of this part of the Bylaw**

11.1 To ensure that establishments providing commercial accommodation services are maintained in a clean and hygienic condition.

11.2 To set requirements so that cooking and dining facilities for the use of guests in commercial accommodation establishments are of an acceptable standard.

### **11.1 Responsibilities of Keeper**

11.1.1 The keeper of an accommodation establishment shall maintain all of the building and all appliances, fixtures fittings and bedding in the building in good repair and in a clean and hygienic condition and cause all rooms, passages, stores, floors, ceilings, windows, doors and walls of the building to be kept clean and free from vermin;



11.1.2 The keeper of an accommodation establishment shall not:

- (a) At any time permit to be occupied any room in an accommodation establishment wholly or partly as a sleeping room unless such room has at least the area specified in the first column of the Second Schedule to the Housing Improvement Regulations 1947 for the number of persons sleeping in such room calculated in accordance with the second column of such schedule.
- (b) Permit any room that is not approved for use as a bedroom to be occupied or used for that purpose;
- (c) Permit equipment for the cooking or heating of food to be provided or used in any room except a kitchen.

## **11.2 Kitchen Standards**

11.2.1 Where a kitchen and a dining room is provided in an accommodation establishment it shall be to the following minimum standards for the preparation of meals for guests or where guests can provide their own individual meals:

- (a) All floors, walls and ceilings in the kitchen shall be kept in good repair, and finished to provide smooth, impervious, easily cleanable surfaces. All walls and ceilings shall be finished in a light colour.
- (b) All parts of the kitchen and dining room shall be maintained in a clean, hygienic and tidy condition, free from foul odours and vermin;
- (c) The kitchen shall be provided with a sufficient number of sinks and other sanitary fittings reasonably necessary for the cleansing of crockery, utensils and appliances used in the preparation, service and consumption of food. Every such sink shall be supplied with a piped supply of hot and cold water.
- (d) A wash-hand basin supplied with piped hot and cold water shall be located within the kitchen or within close proximity to the kitchen. The wash-hand basin shall be supplied with soap, a nail brush and hand-drying equipment.
- (e) All benches, shelves, tables, cupboards, appliances and equipment shall be constructed and finished so that they are capable of being easily cleaned;
- (f) Adequate means of preparing food and of cooking food, both by boiling and by baking, sufficient for the numbers of guests, shall be provided in the kitchen;
- (g) Adequate refrigerated and frozen storage shall be provided sufficient for the numbers of guests, for the storage of perishable and readily perishable foods. All refrigerated storage shall operate at 4°C or below and frozen storage at -18°C or below.
- (h) Adequate space for the storage of food shall be provided, so placed, fitted and ventilated as to protect the food from flies, dust, and other contamination and from the direct rays of the sun;
- (i) Adequate tables and chairs and utensils in the dining room for the consumption of food.

## **11.3 Exemptions**

11.3.1 Where an authorised officer is satisfied that compliance with the requirements of this Part of the bylaw would be unreasonable or impractical, an exemption in respect of any particular requirements may be granted in whole or in part, with such modifications and subject to such conditions including such time limitations as are desirable in the circumstances.

**12.0 Signed under Common Seal**

The Common Seal of the Waitomo District Council was hereto affixed in the presence of:

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Mayor

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Chief Executive

**12.0 Signed under Common Seal**

The Common Seal of the Waitomo District Council was hereto affixed in the presence of:



A handwritten signature in blue ink, appearing to be "A. B. Jones", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to be "S. Jones", written over a horizontal line.

Chief Executive

**Document No:** A657125

## **Report To: Council Meeting**



**Date:** 28 March 2023

**Subject:** **Review of the Public Places Bylaw 2009 and Determinations Report**

### **Purpose of Report**

- 1.1 The purpose of this workshop reader is to introduce the changes proposed to the Waitomo District Public Places Bylaw following a comprehensive review ahead of the deliberations report being presented to Council at the Council meeting on 28 March 2023.

### **Background**

#### **2.1 PUBLIC PLACES BYLAW 2009**

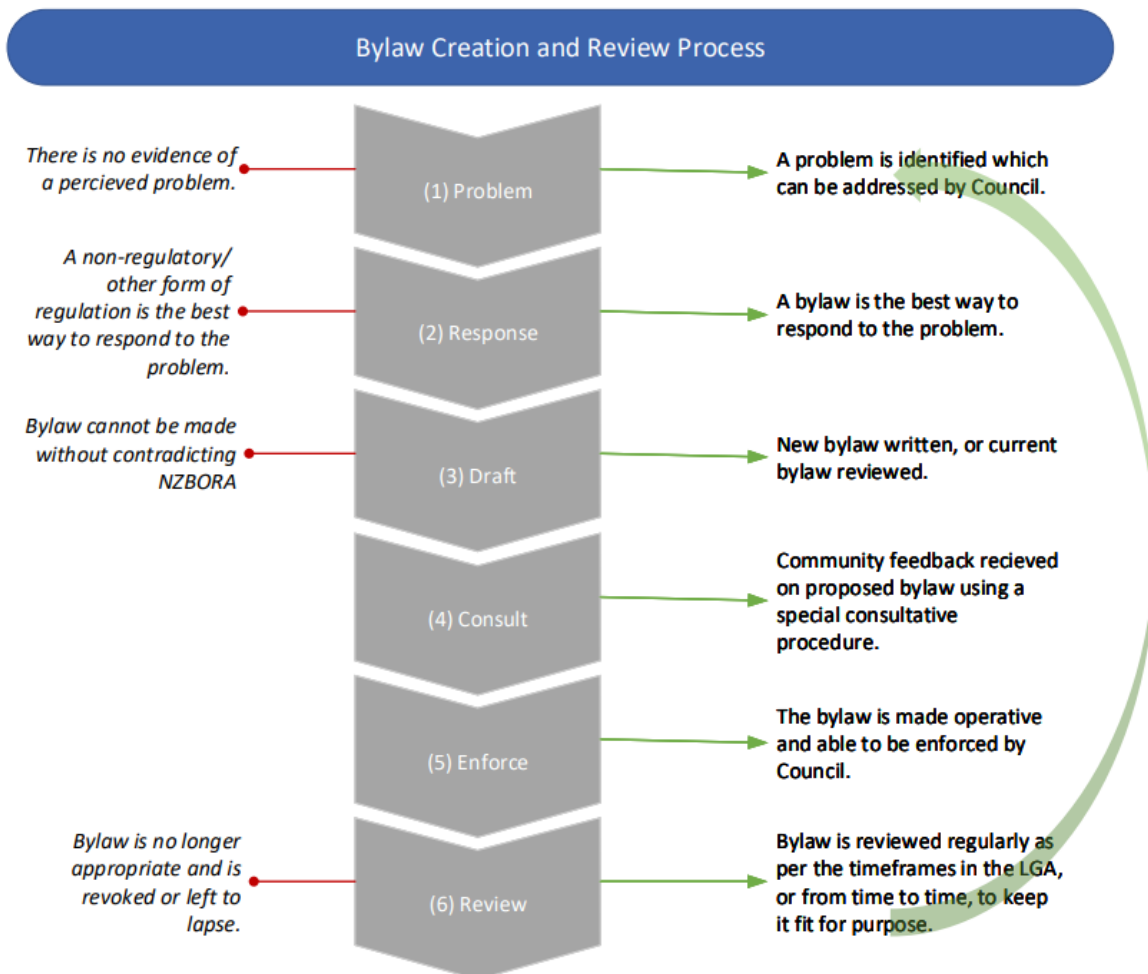
- 2.2 The initial resolution to create this bylaw combining existing bylaws pertaining to public places was passed by the Waitomo District Council at an ordinary meeting of the Council held on 29 October 2008. The Public Places Bylaw (the Bylaw) was adopted by Council following the special consultative procedure, by a resolution at a meeting of the Council on 24 March 2009. The Bylaw initially came into force on 1 April 2009. A copy of the current version of the Bylaw is enclosed as **Attachment 1**.
- 2.3 A partial review occurred on 3 February 2011 when Council resolved to amend the bylaw to expand the Schedule B liquor ban area. A full review was conducted in March 2014, as is required by the Local Government Act 2002 (LGA) within a new bylaw's first 5 years of operation. Further amendments were also made in 2019 due to the implementation of the Freedom Camping Bylaw 2018.
- 2.4 The Bylaw was made under the general bylaw making powers conferred by the LGA, as well as provisions of the Local Government Act 1974, Reserves Act 1977 and Health Act 1956. The scope of the Bylaw is regulating activities in public places, including roads and reserves, to protect against public nuisance issues. This bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district.
- 2.5 Under sections 158 and 159 of the LGA, a bylaw must be reviewed no later than five years after a bylaw is made, and then no later than ten years after it is reviewed. A bylaw that is not reviewed as required is automatically revoked two years after the due date for review. As such, the Bylaw review must be completed by June 2024 to stop it from being revoked under section 160A of the LGA. Staff have brought the review of the Bylaw forward to ensure that its review does not clash with the Long-Term Plan.

#### **2.6 LEGISLATIVE CONTEXT**

#### **2.7 The Local Government Act 2002**

- 2.8 The LGA gives councils the authority to make bylaws. This includes bylaws to regulate certain activities in order to protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places. More specific matters that can be covered in a bylaw include the keeping of animals, bees and poultry, and trading in public places. A bylaw may also be used to manage and protect particular land areas, structures and infrastructure (such as from damage, misuse and loss) including water races and supply; wastewater, drainage and sanitation; land drainage; and reserves, recreation grounds and other land that councils control.

- 2.9 Bylaws do not have the authority to override primary legislation, they seek to supplement and support national rules with local rules. All bylaws must be reasonable. Bylaws must focus on providing a remedy to the identified problem. Amongst other things, the requirement to be reasonable relates to the bylaw not unnecessarily impacting upon a person's freedom. A bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.
- 2.10 In reviewing and developing bylaws the Council is required to follow both the decision making and consultation requirements set out in the LGA. Each bylaw must be assessed in terms of its costs and benefits to the community, as well as an assessment of the other options available to the council to regulate or remedy the problem. Under section 160 of the LGA, if after the review the Council considers that the bylaw should be amended, revoked, or revoked and replaced, it must use a special consultative procedure to effect these changes. If Council considers that the bylaw should continue without amendment, it must also use the special consultative procedure before the review is complete. The diagram below sets out the Bylaw creation and review process.



## 2.11 Health Act 1956

- 2.12 The Health Act 1956 (the Health Act) also provides guidance and empowers local authorities on the management and regulation of nuisance activities and behaviour to protect public health. Provisions in the Health Act apply regardless of any bylaw and issues raised under it are dealt with by the Ministry of Health. The definition of 'nuisance' under the Health Act includes things that may be offensive or injurious to public health, so the bar is high for what constitutes a 'nuisance'. A bylaw can address nuisance problems in the district that are valid problems but may not be offensive or injurious to public health to the extent that would mean the problem can be managed under the Health Act.

## **2.13 Reserves Act 1977**

2.14 Sections 65, 104 and 106 of the Reserves Act 1977 (Reserves Act) empowers Council to make bylaws regulating recreational reserves under Council's administration. The purpose of such bylaw clauses can include preserving and managing recreational reserves for the benefit and enjoyment of the public by protecting the areas' recreational, natural, historical or other features.

## **2.15 Amusement Devices Regulation 1978 under the Machinery Act 1950**

2.16 The Amusement Devices Regulations, made under the Machinery Act, set out minimum requirements that apply to regulating amusement devices and mobile events to ensure public welfare and minimise nuisance in public places. Bylaw clauses pertaining to these issues should remain in line with these regulations.

<b>Commentary</b>
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### **3.1 DETERMINATIONS**

3.2 Under section 155 of the LGA, the Council is required to determine whether a bylaw is the most appropriate way of addressing the perceived problem, determine whether the proposed bylaw is the most appropriate form of bylaw, and determine that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The deliberations report, which will be submitted at the Council meeting at the end of this month, fulfils the first requirement of section 155, with an assessment against the NZBORA to be completed when a proposed draft bylaw is presented to the Council for consideration.

### **3.3 PERCEIVED PROBLEM ANALYSIS**

3.4 Information about perceived problems has been gathered using Council records of public enquiries and complaints, advice from compliance staff, and from discussions with other relevant staff across the organisation. The below summary sets out the perceived problems in the District, which cause issues that are regulated through the Bylaw.

3.5 Council has received and recorded 126 requests for services for issues under the current Public Places Bylaw between the period of 2013 to 2022. These can be categorised under the following breakdown.

Request category	Total 2013-2022
Animals and Stock in Public Places	58
Mobile Trading and Events	28
Roads and Footpaths	20
Public facility maintenance	18
Road and Building Identification	2
Advertising signs	0
Barbed wire and electric fencing	0
Control of skateboards	0
Damage to public places (excl. roads and footpaths)	0
<b>TOTAL</b>	<b>126</b>

3.6 The perceived problems are presented in two parts: 1) where a bylaw is considered the most appropriate mechanism; and 2) where a different primary approach is considered more appropriate than a bylaw.

## **3.7 Perceived problems appropriately addressed through a bylaw:**

### ***General Public Nuisance***

- 3.8 Generally undesirable behaviour of persons in public places which causes or may cause nuisance to members of the public. As above there have been 126 service requests pertaining to issues affecting public places in some way. Such issues can often be complex and difficult to categorise, which can complicate Council response if the relevant bylaw provisions relied upon are not clear.

### ***Obstructing Public Places and Placing of Articles on Public Places***

- 3.9 Safety concerns around temporary obstructions being put or left in public places and causing hazards.
- 3.10 Note this overlap with clause 5.0 of the current Public Health & Safety Bylaw and is likely best addressed solely by that bylaw. There is no recorded data on this perceived problem.

### ***Control of Skateboards***

- 3.11 Nuisance and safety concerns around improper or unsocial use of skateboards or other such devices within public places.
- 3.12 There have been no recorded instances of issues caused by skateboards or other such devices within any public place.

### ***Mobile Trading and Events***

- 3.13 Sufficient regulation of mobile traders and temporary event sites that operate within public places. Particularly responding to protection of public safety around use of what are often large, mechanical amusement devices.
- 3.14 Data was gathered for 28 service requests pertaining to mobile trading and events, with the vast majority arising in 2021 and 2022. Data gathering issues have been experienced. However, it is noted that staff are aware of a number of applications that have been received and requested for mobile traders. Council's Local Roads Professional Services Team have proposed potential locations for mobile traders, which is enclosed as **Attachment 2**.

### ***Animals and Stock in Public Places***

- 3.15 Regulating potential nuisance behaviour caused by animals, including stock (but excluding dogs) while in or passing through public places.
- 3.16 Public issues relating to animals have been the most common category. Out of the service request data collected from 2013-2022, about 46% of these were related to animals and stock in public places.

## **3.17 Perceived problems more appropriately addressed by non-bylaw approach**

### ***Advertising Signs***

- 3.18 Visual amenity and public safety concerns can arise from advertising signs situated in public places. The Proposed District Plan regulates most business activities such as signage and sign placement and may be the most appropriate method to address these perceived problems.

## **3.19 Analysis of Options**

The following options are the most practicable to address the perceived problems:

1. Review and amend the current bylaw (recommended).
2. Retain without amendment.
3. Revoke the bylaw and rely on alternative regulation and voluntary cooperation to ensure compliance.

### 3.20 OPTION ONE REVIEW AND AMEND THE CURRENT BYLAW

3.21 This option involves reviewing the bylaw in light of learnings from the operation of the bylaw since it was last reviewed.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides Council with the most appropriate tool to respond to issues pertaining to animals in public, mobile trading and events, public facility maintenance, and general public nuisance abatement.</li> <li>• Allows Council to take into consideration and if appropriate incorporate any new information available since the last review.</li> <li>• Consistent with Council's previous approach to having a bylaw on this matter.</li> <li>• Proactive approach to regulation.</li> <li>• Community views and preferences will be collected as part of the review process.</li> <li>• Allows matters best dealt with outside a bylaw to be relocated for optimal operational efficiency, including revising issues that overlap with the Public Health and Safety Bylaw (also due for review).</li> </ul>	<ul style="list-style-type: none"> <li>• Council resources and time required to undertake review.</li> <li>• Staff, public and key stakeholders will need to re-familiarise themselves with the changed instrument.</li> <li>• Some functions may remain but be located in other instruments.</li> </ul>

### 3.22 OPTION TWO: RETAIN THE CURRENT BYLAW WITHOUT AMENDMENT

3.23 Under this option, the Council would resolve that, given the findings in this report, the current bylaw should continue without amendment under section 160(3)(b) of the LGA. This option is not recommended.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Saves resources and time in the review process.</li> <li>• Still allows the Community to participate in consultation relating to this issue via the special consultative procedure.</li> <li>• Avoids need to refamiliarize any parties with a new instrument or regulatory approach.</li> <li>• Any current regulation would not be relocated to another instrument.</li> </ul>	<ul style="list-style-type: none"> <li>• Restricts Council's ability to make changes, and if significant changes are required as a result of public consultation, further consultation may be required.</li> <li>• The bylaw would not be updated and would not reflect any updates and new approaches to regulation within the local government sector.</li> <li>• Any views arising from SCP will not be incorporated into the bylaw.</li> <li>• Potential accidental restriction of active and low-carbon modes of transport</li> <li>• Unable to take into account any learnings from recent enforcement action.</li> </ul>

### 3.24 OPTION THREE: REVIEW AND REVOKE THE BYLAW AND RELY ON ALTERNATIVE MECHANISMS AND EXISTING LEGISLATION TO ENSURE COMPLIANCE

3.25 This option would require Council to create an alternative approach to regulate nuisance caused by animals and stock in public places, mobile trading and events, obstructions and hazards in public places, maintenance of public facilities, and other non-specific general public nuisance caused by activities in public places. This alternative approach may be through policy, education or other approaches. Council would need to rely on alternative regulation where relevant to ensure compliance with any alternative regulations, for example the District Plan or other such provisions.



Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides a non-adversarial approach.</li> <li>• Reduces Council’s regulatory role and enforcement burden.</li> <li>• Still allows the Community to participate in consultation relating to this issue via the special consultative procedure for revocation.</li> <li>• Would not require resources for future review.</li> </ul>	<ul style="list-style-type: none"> <li>• The current Bylaw would still need to be revoked, requiring a special consultative procedure.</li> <li>• Inconsistent with Council’s previous approach to have a bylaw to regulate this matter.</li> <li>• Council will not have a specific tool to respond to issues occurring as a result of use of public places.</li> <li>• Does not respond to the high number of service requests pertaining to issues currently addressed by this bylaw.</li> </ul>

## Considerations

### 4.1 **Risk**

4.2 There is very little risk involved in undertaking a bylaw review. Council will review and approve a draft statement of proposal and draft bylaw, prior to public consultation.

### 4.3 **Consistency with existing plans and policies**

4.4 Reviewing the Bylaw retains consistency with the historical Council position to have a bylaw on this matter.

### 4.5 **Significance and Community Views**

4.6 Community consultation via a special consultative procedure is required when a bylaw is made, reviewed, or revoked. If the Council resolves to initiate a review of the Bylaw.

## Recommendation

5.1 It is recommended that:

- (a) Determines that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Public Places Bylaw 2009 in accordance with section 155(1) of the Local Government Act 2002; and
- (b) Approves the initiation of a review of the Waitomo District Public Places Bylaw 2009 in accordance with section 158 of the Local Government Act 2002.

## Suggested Resolutions

- 1 The Business Paper on the Review of the Waitomo District Public Places Bylaw 2009 and Determinations Report be received.
- 2 Council determines that a bylaw continues to be the most appropriate way of addressing the perceived problems that arise in relation to the matters addressed within the Waitomo District Public Places Bylaw 2009 in accordance with section 155(1) of the Local Government Act 2002.
- 3 Council approves the initiation of a review of the Waitomo District Public Places Bylaw 2009 in accordance with section 158 of the Local Government Act 2002.



CHARMAINE ELLERY  
**MANAGER – STRATEGY AND POLICY**



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





# **Public Places Bylaw 2009**

**Effective 1 August 2014**

<b>Created:</b>	March 2009
<b>Review Date:</b>	April 2014
<b>Adopted:</b>	25 June 2014
<b>Amended:</b>	1 January 2019 (due to implementation of Freedom Camping Bylaw 2018)
<b>Next Review Date:</b>	June 2024

**Contents**

<b>1.0</b>	<b>SCOPE .....</b>	<b>1</b>
<b>2.0</b>	<b>INTERPRETATION .....</b>	<b>1</b>
<b>3.0</b>	<b>OFFENCES AND PENALTIES .....</b>	<b>3</b>
<b>3.1</b>	<b>Offences.....</b>	<b>3</b>
<b>3.2</b>	<b>Penalties .....</b>	<b>3</b>
<b>4.0</b>	<b>PUBLIC NUISANCES .....</b>	<b>4</b>
<b>5.0</b>	<b>OBSTRUCTING PUBLIC PLACES .....</b>	<b>4</b>
<b>6.0</b>	<b>DAMAGE TO PUBLIC PLACES .....</b>	<b>5</b>
<b>7.0</b>	<b>PLACING OF ARTICLES ON PUBLIC PLACES.....</b>	<b>5</b>
<b>8.0</b>	<b>ADVERTISING SIGNS .....</b>	<b>6</b>
<b>8.1</b>	<b>General Requirement for Siting of Signs .....</b>	<b>6</b>
<b>8.2</b>	<b>General Requirements for Construction and Maintenance of Signs .....</b>	<b>6</b>
<b>8.3</b>	<b>Removal of Offending Signs .....</b>	<b>7</b>
<b>9.0</b>	<b>CONTROL OF SKATEBOARDS .....</b>	<b>7</b>
<b>10.0</b>	<b>AMUSEMENT DEVICES .....</b>	<b>7</b>
<b>10.1</b>	<b>Fees .....</b>	<b>7</b>
<b>10.2</b>	<b>Safety Precautions .....</b>	<b>7</b>
<b>10.3</b>	<b>Reasonable and Proper Care .....</b>	<b>8</b>
<b>10.4</b>	<b>Speed.....</b>	<b>8</b>
<b>10.5</b>	<b>Overloading .....</b>	<b>8</b>
<b>11.0</b>	<b>AMUSEMENT GALLERIES .....</b>	<b>8</b>
<b>11.1</b>	<b>Licence Required.....</b>	<b>8</b>
<b>11.2</b>	<b>Application for Licence.....</b>	<b>8</b>
<b>11.3</b>	<b>Fee.....</b>	<b>8</b>
<b>11.4</b>	<b>Character References.....</b>	<b>9</b>
<b>11.5</b>	<b>Duration of Licence .....</b>	<b>9</b>
<b>11.6</b>	<b>Cancellation or Suspension of Licence .....</b>	<b>9</b>
<b>11.7</b>	<b>Display of Licence .....</b>	<b>9</b>

<b>11.8</b>	<b>Shooting Gallery .....</b>	<b>9</b>
<b>11.9</b>	<b>No Council Liability .....</b>	<b>9</b>
<b>11.10</b>	<b>Manager's Duty .....</b>	<b>9</b>
<b>11.11</b>	<b>Temporary Premises .....</b>	<b>9</b>
<b>11.12</b>	<b>Contrary to True Intent.....</b>	<b>9</b>
<b>11.13</b>	<b>Behaviour Controls.....</b>	<b>10</b>
<b>11.14</b>	<b>Intoxicated Persons .....</b>	<b>10</b>
<b>11.15</b>	<b>Sale of Food .....</b>	<b>10</b>
<b>11.16</b>	<b>Right of Appeal .....</b>	<b>10</b>
<b>12.0</b>	<b>LIQUOR CONTROL .....</b>	<b>10</b>
<b>12.1</b>	<b>Acts Prohibited in Specified Public Places within the Waitomo District</b>	<b>10</b>
<b>12.2</b>	<b>Exceptions to Prohibition for Residents and their Visitors.....</b>	<b>10</b>
<b>12.3</b>	<b>Exceptions to Prohibition for Licensed Premises .....</b>	<b>10</b>
<b>12.4</b>	<b>Exceptions for Special Licences.....</b>	<b>11</b>
<b>12.5</b>	<b>Offence .....</b>	<b>11</b>
<b>12.6</b>	<b>Police Powers.....</b>	<b>11</b>
<b>13.0</b>	<b>EXPOSING ARTICLES FOR SALE .....</b>	<b>11</b>
<b>14.0</b>	<b>HAWKERS AND KEEPERS OF MOBILE OR TRAVELLING SHOPS .....</b>	<b>11</b>
<b>14.1</b>	<b>Licence Required.....</b>	<b>11</b>
<b>14.2</b>	<b>Application.....</b>	<b>11</b>
<b>14.3</b>	<b>Sale of Food for Human Consumption .....</b>	<b>12</b>
<b>14.4</b>	<b>Fees and Expiry of Licence .....</b>	<b>12</b>
<b>14.5</b>	<b>Form of Licence.....</b>	<b>12</b>
<b>14.6</b>	<b>Production of Licence.....</b>	<b>12</b>
<b>14.7</b>	<b>Name to Appear on Vehicle .....</b>	<b>12</b>
<b>14.8</b>	<b>Moving On.....</b>	<b>12</b>
<b>14.9</b>	<b>Council May Prescribe Conditions.....</b>	<b>13</b>
<b>14.10</b>	<b>Licence not Transferable.....</b>	<b>13</b>
<b>14.11</b>	<b>Cleanliness of Vehicle .....</b>	<b>13</b>
<b>14.12</b>	<b>Exemptions .....</b>	<b>13</b>

<b>14.13</b>	<b>State Highways</b> .....	<b>13</b>
<b>15.0</b>	<b>ITINERANT TRADERS</b> .....	<b>14</b>
<b>15.1</b>	<b>Licence Required</b> .....	<b>14</b>
<b>15.2</b>	<b>Licence Fee</b> .....	<b>14</b>
<b>15.3</b>	<b>Refund of Licence Fee</b> .....	<b>14</b>
<b>16.0</b>	<b>STANDS AND STALLS</b> .....	<b>14</b>
<b>16.1</b>	<b>Permit Required</b> .....	<b>14</b>
<b>16.2</b>	<b>Application</b> .....	<b>14</b>
<b>16.3</b>	<b>Conditions of Permit</b> .....	<b>14</b>
<b>16.4</b>	<b>Permit Fee</b> .....	<b>14</b>
<b>16.5</b>	<b>Transfer</b> .....	<b>15</b>
<b>16.6</b>	<b>State Highways</b> .....	<b>15</b>
<b>17.0</b>	<b>AWNINGS AND BLINDS</b> .....	<b>15</b>
<b>18.0</b>	<b>PROJECTIONS ON PUBLIC PLACES NOT PERMITTED</b> .....	<b>15</b>
<b>19.0</b>	<b>ROAD AND BUILDING IDENTIFICATION</b> .....	<b>15</b>
<b>20.0</b>	<b>VEHICULAR CROSSINGS</b> .....	<b>16</b>
<b>21.0</b>	<b>RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES</b> .	<b>16</b>
<b>22.0</b>	<b>ANIMALS AND STOCK IN PUBLIC PLACES</b> .....	<b>16</b>
<b>22.1</b>	<b>Public Places</b> .....	<b>16</b>
	<b>SCHEDULE A: SKATEBOARDS</b> .....	<b>18</b>
	<b>SCHEDULE B: LIQUOR CONTROL</b> .....	<b>18</b>

## 1.0 SCOPE

- 1.1 The Local Government Act 2002 confers general bylaw making powers on Council. The Local Government Act 1974 specifically gives authority to the Council to adopt bylaws to regulate activities which can be carried out in roads, public places and reserves. This bylaw controls a diverse range of activities to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this bylaw addresses damage to public facilities such as roads, grass verges, garden places and reserves which may have an adverse effect on other users of these facilities.
- 1.2 Section 145, 146 of the Local Government Act 2002 and Section 684 of the Local Government Act 1974 and other relevant Act e.g. Reserves Act 1977, Health Act 1956, outline some of the powers and requirements of the Council in regard to streets, public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act, 1974 and 2002 should be read in conjunction with it.

## 2.0 INTERPRETATION

- 2.1 For the purposes of this bylaw the following definitions shall apply:

**AMUSEMENT DEVICE** means an appliance to which the motion of a prime mover is transmitted and which is used, or designed or intended to be used, for the amusement, recreation, or entertainment of persons being carried, raised, lowered, or moved by the appliance, or any part thereof while it is in motion; and includes the prime mover, transmission machinery, supporting structure, and any equipment used or intended to be used in connection therewith:

**AUTHORISED OFFICER** means any person appointed or authorised by Council to act on its behalf and with its authority including a Police Officer.

**BUSINESS SIGN** means any sign displayed on a premises, the sole purpose of which is to indicate the business name of the occupier and the type of business undertaken.

**BUSKER** means any transient street entertainer, performing for donations.

**COUNCIL** means the Waitomo District Council or duly authorised officer of Council.

**DROVER** means any person in charge of stock being moved along a road.

**HAWKER** means any person who carries or takes about any goods, wares or merchandise for sale not in pursuance of any invitation to call with, or of any previous order or request for, such goods and includes a pedlar and any person who exposes for sale any goods, wares or merchandise carried or taken about by him or solicits the custom of any other person; and whether any such person shall cry any such goods, wares or merchandise or not, but does not include any person who uses any vehicle as a mobile or travelling shop.

**ITINERANT TRADER** includes any person who, not having been continuously resident in the district under the jurisdiction of the local authority for a period of at least 6 calendar months immediately preceding, or not owning, or not having entered into a binding lease in writing of his business in such district for a period of at least 6 calendar months, carries on or engages in any business in such district involving the sale or exposure for sale in any premises in the said district, and whether by himself or by any other person employed by him, or any goods, wares or merchandise; but shall not include any hawker as above defined or any keeper of a mobile or travelling shop or any bona fide commercial traveller who deals only with or solicits orders only from persons, firms or companies carrying on business within the district aforesaid, as retailers of, or as manufacturers for sale of, articles manufactured from goods, wares and merchandise similar to those sold by the commercial traveller, or by him on behalf of his employer or employers.

**KEEPER** in relation to any mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of that mobile or travelling shop.

**LICENSED PREMISES** means premises licensed for the sale or consumption of liquor under the Sale of Liquor Act 1989.



**LIQUOR** has the meaning given to it by the Sale of Liquor Act 1989.

**MATERIAL** or **THING** means any material of whatever kind and includes jumbo bins and other containers for waste material, but excludes vehicles.

**MIND ALTERING SUBSTANCE** means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include:

- a) Medically prescribed substances ingested by the person for whom they were prescribed.
- b) Substances purchased from a pharmacy without a medical prescription;
- c) Nicotine;
- d) Alcohol as defined in the Sale of Liquor Act 1989.

**MOBILE OR TRAVELLING SHOP** means a vehicle, whether self-propelled or not, from which goods, wares or merchandise are offered or exposed for sale in the street, or from which goods, wares or merchandise may be ordered (whether or not in pursuance of any invitation to call with the goods, wares or merchandise) or from which services are offered for sale in the street; but does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares or merchandise pursuant to a prior order placed for the delivery of goods, wares or merchandise.

**NAME-PLATE** means any plate of metal, wood, glass, plastics, or other material fixed to a wall surface or in a sign-case near the entrance to premises to denote the name, business, designation, and agencies of an occupier of such premises.

**PUBLIC PLACE** means every road, footpath and thoroughfare of a public nature or open to or used by the public as of right, reserve, park, domain, walkway, walking track, beach, foreshore, river esplanade and recreational ground under the control of Council.

**RIDE A SKATEBOARD** means having either one or both feet, or any other part of the body or person, on the skateboard when it is moving.

**ROAD** has the meaning provided in Section 315 of the Local Government Act 1974, which includes every berm, bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits thereof.

**SIGN** includes every advertising device or advertising matter of whatever kind whether consisting of a specially constructed device, structure, erection, or apparatus, or painted, printed, written, carved, inscribed, endorsed, projected onto, placed, or otherwise fixed to or upon any premises, wall, fence, rock, stone, structure, stationary vehicle, or erection of any kind whatsoever if such advertising device or matter is visible from any public place

**SIGN-CASE** means any case, panel, board, or other device attached to any premises to which name-plates are affixed, or for the display of the names, business designations, agencies and addressees of the occupiers of the premises to which it is attached.

**SKATEBOARD** means a wheeled device controlled or propelled by gravity or by the muscular energy of the rider, including roller skates, in-line skates, or similar recreational devices. The definition does not include any wheelchair baby or invalid carriage or bicycles.

**SPECIFIED PUBLIC PLACE** means any public place that is within the area described in Schedule C to this Bylaw.

**STOCK** means and includes any cow, bull, ox, heifer, steer, sheep (includes any ram ewe, wether, lamb, goat, or kid), horse, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind, but excludes any animal that is under harnessed control.

**STREET APPEAL** means coordinated and organised events by organisations that ask for, or seek, any subscription, collection or donation from members of the public.

**STREET PERFORMANCE** means a musical, dramatic or other performance (including busking) involving musical, theatrical or circus performance skills including playing musical instruments, dancing, singing, clowning or juggling, pavement art, poetry or doing other acts of a similar nature in Public Places.

**TEMPORARY SIGN** means a sign to announce or advertise an event, function, sale, or product, erected or displayed on any public place or private premises, and displayed only for such limited period of time as is approved in writing by the duly authorised officer.

**TRADING** means the act of selling or trading or offering to sell or trade goods or services, with or without a vehicle.

**WINDOW-SIGN** means any sign displayed in or painted, printed, written, carved, inscribed, endorsed, or otherwise fixed to or upon any window.

## **3.0 OFFENCES AND PENALTIES**

### **3.1 Offences**

- 3.1.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 3.1.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 3.1.3 Everyone commits an offence against this Bylaw who:
- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
  - (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
  - (c) Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
  - (d) Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
  - (e) Refuses or neglects to comply with any notice duly given under this Bylaw; or
  - (f) Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw; or
  - (g) Fails to comply with any notice or direction given in this Bylaw.

### **3.2 Penalties**

- 3.2.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.
- 3.2.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

## **4.0 PUBLIC NUISANCES**

- 4.1 Except with the prior permission of Council or an authorised officer a person shall not on any public place:
- a) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
  - b) Cause or allow any material or thing to be deposited onto a public place or road.
  - c) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
  - d) Solicit any subscription, collection or donation, preach or undertake any busking;
  - e) Distribute any printed or written material advertising any product, service or entertainment;
  - f) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency;
  - g) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
  - h) Play any game or use any object including skateboards, roller blades, roller skates, bicycles or motorised or human propelled scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place.
  - i) Erect or place any structure on, over or under the public place except in compliance with this bylaw.
- 4.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an authorised officer could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.
- 4.3 Notwithstanding the requirement of any other clause of this bylaw a person shall not in any public place:
- a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking; subject to any restriction imposed by Council on the lighting of fires;

## **5.0 OBSTRUCTING PUBLIC PLACES**

- 5.1 A Person shall not:
- a) Obstruct the entrances to or exits from any public place;
  - b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed;
  - c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
  - d) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;
- 5.2 No person shall permit or allow vegetation to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place.

## **6.0 DAMAGE TO PUBLIC PLACES**

- 6.1 Except with the permission of the Council or an authorised officer a person shall not in any public place:
- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
  - b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
  - c) Nothing in clause 6.1(b) shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events or any other use approved by Council;
  - d) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
  - e) Damage or interfere with any natural feature, animal or plant;
  - f) Use any vehicle or be in control of an animal in any manner so that it damages any part of a public place;
  - g) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
  - h) Remove any sand, soil or other naturally occurring material found in a public place;
  - i) Open any drain or sewer on, or disturb or remove the surface of, any public place.
- 6.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer.
- 6.3 Any person wishing to gain access to a beach shall use a designated access where this is available.
- 6.4 A person shall not do, cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place.

## **7.0 PLACING OF ARTICLES ON PUBLIC PLACES**

- 7.1 A person shall not place or leave or cause or permit to be placed or left any material or thing, including signage, amusement devices or items for sale or hire, on any public place unless:
- a) Such action has first been approved by Council or an authorised officer, and then only in accordance with such conditions as he or she may impose; or
  - b) Such action is taken for the purpose of regular refuse or other collections authorised by the Council or is otherwise authorised by law; or
  - c) Such action is permitted pursuant to any other part of this bylaw.

## **8.0 ADVERTISING SIGNS**

### **8.1 General Requirement for Siting of Signs**

- 8.1.1 No person shall display or erect or cause to be displayed or erected any sign except in conformity with this bylaw and with the provisions set out in the District Plan in force within the District under the Resource Management Act 1991 and Council's Policy adopted under the Gambling Act 2003.
- 8.1.2 No person shall display, erect, or maintain or cause or permit to be displayed, erected, or maintained any sign so close to any part of a road, motorway, or to any corner, bend, safety-zone, traffic signs, traffic signal, or intersection as in the opinion of the Engineer would:
- a) Obstruct or be likely to obstruct the view of traffic; or
  - b) Distract unduly or be likely to distract unduly the attention of road users; or
  - c) Constitute or be likely to constitute in any way a danger to the public.
- 8.1.3 No person shall place, display, or permit or suffer to be placed or displayed, or to remain any sign containing any reflective material which tends to reflect vehicle lights, or contains any material dependent for illumination upon the lights of traffic in such a position as in the opinion of the Council would distract or be likely to distract the attention of the driver of any motor vehicle.
- 8.1.4 No person shall place, display, cause, or permit to be placed or displayed on or upon or against any public place, public building, bridge or other structure, any post, pole, or other upright for whatever use including those for the guidance and control of traffic, or any tree or other vegetation, traffic sign, traffic signal, or pavement any sign for advertising of any other purpose unless the prior permission in writing of the appropriate officer of Council has been obtained.
- 8.1.5 No person shall cause or permit any sign other than a name-plate or sign-case to be erected over any public place unless every part of such sign is at least 2.5m above the footpath or 5.5m above the carriage way, and then only with the prior permission in writing of the appropriate officer of Council.
- 8.1.6 No person shall erect any sign-case in such a position as to project over any road, private street, or public place unless the prior permission in writing of the appropriate officer of Council has been obtained.
- 8.1.7 No person shall leave or place, or cause to be left or placed, any advertising sign, notice or placard on or over a road or other public place without the express approval, in writing of the appropriate officer of Council. This part of the bylaw shall extend to include all areas of State Highways over which control of signs has been specifically delegated to the Council by the New Zealand Transport Agency.
- 8.1.8 No person shall leave any vehicle on a road in circumstances where it is used or may be reasonably be assumed to be used, for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to that vehicle. This part of the bylaw shall extend to include all areas of State Highways over which control of signs has been specifically delegated to Council by the New Zealand Transport Agency.

### **8.2 General Requirements for Construction and Maintenance of Signs**

- 8.2.1 No sign shall be made, erected, or constructed otherwise than in a good and workmanlike manner of materials approved by Council.
- 8.2.2 Every such sign shall at all times be maintained in good repair and condition to the satisfaction of Council.
- 8.2.3 If any sign shall at any time not be in good order and condition, or if it shall at any time be unsightly or dangerous, the appropriate officer of Council may, by notice in writing signed by him and addressed to the owner or lessee to repair or secure or otherwise put in order or remove such sign within a period stated in such notice, and if such owner or lessee shall fail to

comply with the requirements of such notice within the time therein specified he shall be liable to prosecution for an offence against this bylaw.

## **8.3 Removal of Offending Signs**

- 8.3.1 If any sign, fails to conform to all the provisions of this bylaw, it shall be the duty of the occupier for the time being of the premises on which such sign shall have been displayed or erected, after being served with a notice in writing under the hand of the appropriate officer of Council requiring him so to do, to take down and remove such sign or so much thereof as does not conform to the provisions of this bylaw within the period of time specified in such notice. In the event of failure to comply with such notice, the Council shall be empowered to take whatever steps are necessary for the removal of any such sign. The cost incurred by Council shall be charged to the occupier.
- 8.3.2 If the person on whom such notice has been served fails to comply with the terms of such notice within the time stated therein he shall be liable to prosecution for an offence against this bylaw.

## **9.0 CONTROL OF SKATEBOARDS**

- 9.1 No person shall ride a skateboard in any area defined in Schedule A attached to this Part of the bylaw.
- 9.2 No person shall ride a skateboard on any footpath outside areas defined in Schedule A, without due care to ensure no damage is caused to any property or without reasonable consideration for other persons using the footpath.
- 9.3 The Council may from time to time by resolution publicly notified, amend Schedule A, to add, delete or amend the areas to which the provisions of this bylaw shall apply.
- 9.4 A Police Officer, Council Enforcement Officer or other authorised Officer may enforce the provisions of this Bylaw. Persons in breach of this Bylaw may risk impounding of any skateboard and be required to supply details necessary for infringement registration purposes. The owner of an impounded skateboard may retrieve it from the Council Offices or the Police Station during normal business hours, after the expiry of 10 working days from the date of impounding. A fine not exceeding that detailed in Council's Fees and Charges Manual will apply per impoundment.

## **10.0 AMUSEMENT DEVICES**

No person shall use any land or building or any part of any land or building, structure, or enclosure, or any part of any public place as a site for an amusement device to which the public have admission or access by payment or otherwise, until he/she has obtained from the Council a permit under the Amusement Devices Regulations 1978 to operate such a device. The term of any such permit shall not exceed one year.

### **10.1 Fees**

- 10.1.1 The fee payable for the issue of a permit shall be such sum as is prescribed in the Amusement Devices Regulations 1978 from time to time.

### **10.2 Safety Precautions**

- 10.2.1 In addition to regulations contained in the Amusement Devices Regulations 1978, the proprietor of an amusement device shall, for the prevention of danger from such device:
- a) Cause such amusement device to be so placed as to have about it a clear space from the outermost point covered or which may be overhung by such device, to the satisfaction of Council.
  - b) Cause such amusement device to be erected in a proper manner, and sited on ground able to support the device under full operating conditions without risk of subsidence and to the satisfaction of an authorised officer to inspect such device. Compliance with the authorised officer's directions (if any) in this case will not absolve the proprietor from

the prime responsibility for ensuring that the requirements of this sub clause are carried out.

- c) Cause every part of such amusement device and of the apparatus for driving the same to be maintained at all times in good repair and condition, and to be under proper management and control.
- d) Cause the apparatus for driving such amusement device to be tended and regulated by a competent person responsible for the care and management of such appliance.
- e) Cause such amusement device, if in motion and if any person riding in or upon such device be ill or be desirous of alighting wherefrom, to be stopped as quickly as may be practicable for the purpose of allowing such person to alight or be removed from such device.

### **10.3 Reasonable and Proper Care**

- 10.3.1 The proprietor or any other person for the time being having the management or control of any amusement device or of the apparatus for driving the same, or any part of such device or apparatus, shall, in the exercise of such management or control, take all reasonable and proper care so as to prevent danger to any person or property.

### **10.4 Speed**

- 10.4.1 Such proprietor or other person shall not cause or suffer such amusement device to be driven at any greater speed than shall be consistent with the safety of any person riding in or upon such device and with all other circumstances attending or affecting the use thereof.

### **10.5 Overloading**

- 10.5.1 Such proprietor or other person shall not allow any person to enter or mount upon such amusement device at any time when such device shall be already occupied by the full number of persons for whose accommodation such device shall be constructed or intended or adapted to be used.

## **11.0 AMUSEMENT GALLERIES**

Every amusement gallery shall be located and operated in accordance with the requirements of the District plan and no amusement gallery shall be occupied or used for the purposes of any amusement unless licensed under this part of this Bylaw.

### **11.1 Licence Required**

- 11.1.1 Every amusement gallery premises shall have either an individual licence or be specified on a "multiple site licence" held by a franchise operator, such licence to be in the form approved by Council from time to time.
- 11.1.2 A multiple site licence shall include the name and address of the premises managers and the premises covered by the licence.

### **11.2 Application for Licence**

- 11.2.1 Every application for a licence shall be in writing by the proposed manager of the amusement gallery and shall set forth the name, address and occupation of the applicant, the address of the building sought to be licensed and the type or types of amusements proposed to be engaged in.

### **11.3 Fee**

- 11.3.1 No licence shall be granted except on payment of such fee as may from time to time be prescribed by resolution of the Council.

## **11.4 Character References**

11.4.1 Prior to the issue of any licence or the renewal or transfer of any licence, the Council shall be satisfied as to the character of the applicant for such licence renewal or transfer and may call upon the applicant to provide two references from responsible Persons vouching for the applicant's good character and for a police report as to the applicant's suitability.

## **11.5 Duration of Licence**

11.5.1 Every such licence shall remain in force from the date of issue until the 30th day of June following and shall be renewed annually. The annual fee for each licence shall be such sum as may from time to time be prescribed by resolution of Council.

## **11.6 Cancellation or Suspension of Licence**

11.6.1 The Council may at any time cancel or suspend the licence granted in respect of any amusement gallery if the manager shall be convicted of any Offence against this Bylaw or of any offence touching his or her character or conduct as such manager or if council shall be satisfied that the manager is acting or has acted in a manner contrary to the true intent and meaning of this Part Bylaw. During the period of suspension the amusement gallery shall be deemed to be unlicensed, and shall cease to operate.

## **11.7 Display of Licence**

11.7.1 The manager of any amusement gallery shall display a copy of the licence in a suitable and conspicuous position in such room at all times.

## **11.8 Shooting Gallery**

11.8.1 In any amusement gallery in which gallery shooting is carried on, the manager shall provide complete protection, to the satisfaction of Council, against danger to every person in or about or outside such amusement gallery. At all times while firearms may be loaded in such gallery the firearms shall be kept directed towards a target and no person shall while firearms may be loaded, remove or permit to be removed, any firearm from such gallery.

## **11.9 No Council Liability**

11.9.1 Council shall accept no liability for any injury or damage arising from activities in any amusement gallery licensed under this Bylaw.

## **11.10 Manager's Duty**

11.10.1 The manager shall at all times:

- a) Provide sufficient toilets in accordance with the New Zealand Building Code for use by staff and persons using the amusement gallery except where expressly provided by the licence.
- b) Keep the amusement gallery and conveniences in good repair, in clean condition, and well ventilated, to the satisfaction of Council.

## **11.11 Temporary Premises**

11.11.1 Premises equipped with amusements and operated for a period not greater than 14 days shall be regarded as Temporary Premises and shall not require a licence. However Temporary Premises shall comply with all other relevant clauses of this Bylaw.

## **11.12 Contrary to True Intent**

11.12.1 Where, in the opinion of the Council, the conduct of an amusement gallery is considered contrary to the true intent and meaning of the Bylaw, the Council may require removal of any amusements or take such other action as is deemed appropriate.



## **11.13 Behaviour Controls**

11.13.1 From and after the issue of any licence issues pursuant to this Bylaw and while he or she shall be the manager of the amusement gallery, the manager shall be personally responsible for the proper conduct of such amusement gallery and shall personally see that all the provisions or requirements of this Bylaw are duly carried out and observed.

## **11.14 Intoxicated Persons**

11.14.1 The manager of any amusement gallery shall not allow any intoxicated person or person under the influence of alcohol or mid altering substance to enter or remain in such amusement gallery nor shall the manager allow any person to use obscene or improper language, or behave in a noisy or improper manner.

## **11.15 Sale of Food**

11.15.1 If any food or drink is to be sold or intended to be sold in any amusement gallery, the approval of Council must be obtained before any licence is granted, renewed or transferred and the manager shall comply with all Statutes, regulations and Bylaws relating to premises in which food or drink are sold.

## **11.16 Right of Appeal**

11.16.1 Any manager or proprietor of any amusement device or amusement gallery who disagrees with any decision, order or direction given by Council shall have the right of Appeal to the Council. On hearing the Appeal, the Council committee may revoke, confirm or modify any such decision, order or direction.

# **12.0 LIQUOR CONTROL**

## **12.1 Acts Prohibited in Specified Public Places within the Waitomo District**

12.1.1 Subject to clauses, 12.2, 12.3 and 12.4 the following acts are prohibited at all times:

- a) The consumption of liquor in or at any Specified Public Place
- b) The bringing of liquor into any Specified Public Place
- c) The possession of liquor in or at any Specified Public Place
- d) In conjunction with any of the above prohibited acts, the presence or use of a vehicle in a public place, or other devices for the purposes of carrying liquor.

12.1.2 Specified Public Places are listed in Schedule B.

## **12.2 Exceptions to Prohibition for Residents and their Visitors**

12.2.1 Clause 12.1 does not apply to liquor in an unopened container for the purpose of the transport of that liquor from outside a Specified Public Place to premises that adjoin a Specified Public Place:

- a) By, or for delivery to, a resident of those premises or by his or her bona fide visitors or
- b) From those premises to a place outside the Specified Public Place by a resident of those premises or his or her bona fide visitors, provided the liquor is promptly removed from the Specified Public Place

## **12.3 Exceptions to Prohibition for Licensed Premises**

12.3.1 Clause 12.1 does not apply:

- a) In the case of liquor in an unopened container, to the transport of that liquor from premises adjoin a Specified Public Place during any period when under the Sale of Liquor Act 1989 it is lawful to sell liquor on those premises provided the liquor is promptly removed from the Specified Public Place.

- b) In the case of in an unopened container, to the transport of that liquor from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989.
- c) To the possession and or consumption of liquor at any premises within the Specified Public Place in compliance with a licence for the sale and or consumption of liquor under the Sale of Liquor Act 1989 including any footpath area that is defined under the appropriate liquor licence.

## **12.4 Exceptions for Special Licences**

- 12.4.1 Clause 12.1 does not apply to any part of the Specified Public Place in respect of which a Special Licence under the Sale of Liquor Act 1989 has been granted for any occasion or event described in the licences.

## **12.5 Offence**

- 12.5.1 Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine as provided for in the Local Government Act 2002 which specifies a fine not exceeding \$20,000.

## **12.6 Police Powers**

- 12.6.1 Police powers of arrest, search and seizure under this Bylaw are outlined in sections 169 and 170 of the Local Government Act 2002. In summary, where a person is found to be in breach of this Bylaw, liquor is subject to seizure and forfeit to the Crown, if the person is convicted of breaching the Bylaw. A person may be arrested if found to be committing an offence under this Bylaw, or refusing to leave the area or refusing to surrender the liquor.
- 12.6.2 No warrant is required for the police to conduct a search to ascertain if liquor is present in a container or vehicle that is in or entering a Specified Public Place. However prior to exercising the power of search, a person must be informed that they have the opportunity to promptly remove the suspected container or vehicle from the Specified Public Place, and be given a reasonable opportunity to do so.

## **13.0 EXPOSING ARTICLES FOR SALE**

- 13.1 Except as provided for elsewhere in this bylaw no person shall expose for sale any article whatsoever on any footpath, or outside of any shop, shop window, or doorway abutting on any public place, so as to encroach on or over that public place, without the prior permission of Council, and then only in accordance with such conditions as Council may think fit to impose.

## **14.0 HAWKERS AND KEEPERS OF MOBILE OR TRAVELLING SHOPS**

### **14.1 Licence Required**

- 14.1.1 No person, whether acting on his/her own account, or as the servant of another person, shall engage in the trade of calling on, or carrying on business in any manner or to any extent as a hawker or keeper of a mobile or travelling shop with respect to goods or articles of any description whatsoever (except as provided in clause 12 and 13 of this part of the Bylaw), without having first obtained a licence from the Council to do so.

### **14.2 Application**

- 14.2.1 Every person desirous of obtaining a hawker's or keeper's licence shall make application to the Council on the standard application form for licences and permits in use at that time, and shall with such application furnish such evidence of good character as the Council may require, and in the case of an application for a keeper's licence shall state the number of vehicles to be used.

## **14.3 Sale of Food for Human Consumption**

- 14.3.1 Every application under the last preceding clause shall also state whether the applicant is desirous of hawking or selling from a mobile or travelling shop articles of food for human consumption and whether with or without other goods, wares or merchandise and in any case where a motor vehicle is to be used, shall specify the registered number of that vehicle.
- 14.3.2 If the applicant is desirous of hawking or selling articles of food for human consumption such application shall be accompanied by all licences which the applicant may be required to obtain under the provision of any Act, regulation or bylaw relating to the licensing and regulation of certain trades and businesses.
- 14.3.3 Before issuing any licence for a hawker or keeper of a mobile or travelling shop the Council shall satisfy itself that any motor vehicle to be used in connection with hawking or selling food for human consumption and that any premises to be used for the storage of such food, are suitable for the purpose.

## **14.4 Fees and Expiry of Licence**

- 14.4.1 The Council may issue licences to trade and carry on business as hawkers or keepers of mobile or travelling shops and every such licence, at whatever time of the year the same may be issued, shall terminate on a day and month then next ensuing as may be prescribed by resolution by the local authority, and for every such licence there shall be paid to Council such fee as the Council may by resolution from time to time prescribe for that particular class of licence.
- 14.4.2 The Council may at its discretion issue temporary licences upon payment of such fee whether per day or otherwise, and subject to such conditions as the local authority may impose.

## **14.5 Form of Licence**

- 14.5.1 Every hawker's or keeper's licence shall be in the format in use at the time of issuing and shall take effect according to the tenor thereof.

## **14.6 Production of Licence**

- 14.6.1 Every licensed hawker or keeper of a mobile or travelling shop shall at all times when hawking, or selling from his mobile or travelling shop carry his licence with him and shall show the licence to any constable or authorised officer of the local authority who shall demand production of the licence.

## **14.7 Name to Appear on Vehicle**

- 14.7.1 Every licensed hawker or keeper of a mobile or travelling shop whilst hawking or selling from his mobile or travelling shop or exercising or carrying on his business, trade or calling of hawker or keeper of a mobile or travelling shop in some conspicuous place on the exterior of any vehicle or container in which he takes or carries his goods or wares have his name legibly painted thereon in letters not less than 25mm in height.

## **14.8 Moving On**

- 14.8.1 No hawker or keeper of a mobile shop shall stand or remain stationary in any street save for such reasonable time as is required for the transaction of his business with any one customer.
- 14.8.2 Every licensed hawker or keeper of a mobile or travelling shop shall upon being requested so to do by any any Police officer or authorised officer of the Council and as often as so requested, alter his position and remove from the place in any street or public place where such hawker or keeper of a mobile or travelling shop may for the time being be hawking his goods or selling from his mobile or travelling shop to any other part or parts of such street or place or to any other street or public place indicated by such Police officer or authorised officer of the local authority.
- 14.8.3 Any person who fails to comply with any request made by any Police officer or authorised officer of the Council shall be guilty of an offence under this bylaw.

## **14.9 Council May Prescribe Conditions**

14.9.1 The Council may, either upon the issue of any licence to any hawker or keeper of a mobile or travelling shop or at any time by notice in writing served on any licensed hawker or keeper of a mobile or travelling shop:

- a) Prescribe any condition or conditions in compliance with which such hawker or keeper of a mobile or travelling shop must carry on his trade or business and any hawker or keeper of a mobile or travelling shop who shall fail to comply in all respects with any such requirements within any period specified for compliance shall be guilty of an offence against this part of this bylaw; or
- b) Require such hawker or keeper of a mobile or travelling shop to discontinue the use of any vehicle so employed by him.

14.9.2 It shall be a condition of the licence where a vehicle is to be used for the sale of food for human consumption that no vehicle other than that specified in that licence shall be used for the purpose without the approval of the Environmental Health Officer of the Council.

## **14.10 Licence not Transferable**

14.10.1 No licence issued under this part of this bylaw shall be transferable to any other person and no such licence shall authorise any person other than the person named therein to carry on the trade or business of a hawker or to keep a mobile or travelling shop.

## **14.11 Cleanliness of Vehicle**

14.11.1 Every licensed hawker or keeper of a mobile or travelling shop or any person operating on behalf of such hawker or keeper who takes or carries about any article of food for sale shall keep and maintain every vehicle, box, basket, pack or other container used or connected therewith in a thoroughly clean and sanitary condition to the satisfaction of the Council's Environmental Health Officer.

## **14.12 Exemptions**

14.12.1 The provisions of this part of this bylaw shall not apply:

- a) to the owner of a fishing boat registered under the fisheries Act 1983 and in respect of which a boat-fishing permit is for the time being in force, where he or a person appointed by him in that behalf sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed or beached or from a stall (including a vessel used as a stall) within 450m of that place; or
- b) To the sellers of printed books, pamphlets, magazines or newspapers.

## **14.13 State Highways**

14.13.1 In the case of a state highway, with the prior consent of the New Zealand Transport Agency, Council may prohibit hawkers, pedlars, keepers of stalls (including vehicles used as stalls), and keepers of mobile or travelling shops to occupy stands:

- a) In specified roads or state highways or parts of specified roads or state highways; or
- b) Where the presence of the stall or stand is likely to cause an obstruction or a danger to traffic, in any public place adjoining specified roads or state highways or parts of specified roads or state highways.

## **15.0 ITINERANT TRADERS**

### **15.1 Licence Required**

- 15.1.1 No itinerant trader shall sell or offer to expose for sale any goods, wares or merchandise whatsoever without having first obtained a licence from the Council authorising him to do so.
- 15.1.2 Such application shall be on the standard application form for licences and permits in use at that time, and the applicant shall with his application furnish such evidence of good character as the Council may require.
- 15.1.3 Every itinerant trader's licence shall be in the format in use at the time of issuing and shall remain in force for the term of 1 year from the day of issue thereof and no longer.

### **15.2 Licence Fee**

- 15.2.1 For every such licence there shall be paid to the Council before the issue of such licence such amount by way of licence fee as is prescribed from time to time by resolution of the Council.

### **15.3 Refund of Licence Fee**

- 15.3.1 If during the continuance of any such licence the licensee named therein shall remain continuously in business in the district aforesaid for a period of not less than 6 months, the licence fee paid by him as aforesaid in respect of the licence in force during such period shall be refunded.

## **16.0 STANDS AND STALLS**

### **16.1 Permit Required**

- 16.1.1 No person shall without having first obtained a permit from the Council so to do:
- a) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place, any stall, structure or contrivance for the purpose of distributing or selling any food or refreshments, newspapers, lottery tickets, textiles, hardware; or
  - b) Stand in or occupy any portion of any public place with, or place or maintain on any portion of any public place any weighing, knife-grinding, automatic vending or slot entertainment machine or any other similar structure, apparatus or contrivance.

### **16.2 Application**

- 16.2.1 Every application for a permit shall be on the standard application form for licences and permits in use at that time.

### **16.3 Conditions of Permit**

- 16.3.1 Every permit shall be issued by the Council and shall be subject to such conditions as the Council may impose and shall state therein the term of expiry thereof, the portion of any public place on which the applicant is permitted to stand, the hours during which he may so stand, the class of article or goods he proposed and is permitted to sell, and no person shall stand or sell except in conformity with the terms of such permit.

### **16.4 Permit Fee**

- 16.4.1 For every such permit there shall be payable to the Council such fee as the Council may by resolution from time to time prescribe.

## **16.5 Transfer**

16.5.1 No person shall transfer his permit to any other person neither stand nor sell either under the authority of a permit issued to any other person or at a place not mentioned in his permit or directed by the Council.

## **16.6 State Highways**

16.6.1 In the case of a state highway, with the prior consent of the New Zealand Transport Agency, Council may prohibit hawkers, pedlars, keepers of stalls (including vehicles used as stalls), and keepers of mobile or travelling shops to occupy stands:

- a) In specified roads or state highways or parts of specified roads or state highways; or
- b) Where the presence of the stall or stand is likely to cause an obstruction or a danger to traffic, in any public place adjoining specified roads or state highways or parts of specified roads or state highways.

## **17.0 AWNINGS AND BLINDS**

17.1 No person shall erect or maintain, or cause to be erected or maintained, any awning over any public place, or hang any awning, blind, or screen from any portico on any public place except with the permission of an authorised officer. In granting such permission an authorised officer may set such conditions as is deemed appropriate. Any such permission may be revoked at any time by an authorised officer.

## **18.0 PROJECTIONS ON PUBLIC PLACES NOT PERMITTED**

18.1 Except where permitted by this bylaw or by Council consent no person shall put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place.

18.2 This restriction shall not apply to any veranda or awning erected pursuant to a requirement of a District Plan.

18.3 In any such projection or obstruction as aforesaid has been placed against or in front of any building before the coming into operation of this bylaw and which is contrary to any bylaw in force, Council may give notice to the owner or occupier of such building to remove, or to alter such projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

18.4 No person shall stand on any veranda erected over a public place except for the purpose of inspection, maintenance or egress in the case of fire.

## **19.0 ROAD AND BUILDING IDENTIFICATION**

19.1 The Council shall have the exclusive right to cause to be painted or affixed on a conspicuous part of the building, the name of the road, private road or public place to which it has frontage.

19.2 Notwithstanding that a building or property is identified by other means, the owner or occupier of every building or group of buildings forming part of a complex or of the property shall mark such building or complex with numbers no less than 50 mm in height for residential buildings and not less than 150mm in height for all other buildings. Numbers shall be as allocated or approved by an authorised officer and displayed in a position so as to be readily visible from the road to which it has frontage. Numbers required by shall be maintained by the owner or occupier in such a manner as to readily identify the property at all times.

- 19.3 Council shall have power at any time to alter the number of any building where in the Council's opinion it may be necessary or advisable to do so.

## **20.0 VEHICULAR CROSSINGS**

- 20.1 Any person wishing to construct, repair, remove or widen any vehicular crossing over any public place shall first obtain a permit from the Council.
- 20.2 A permit issued by the Council may be subject to such conditions concerning dimensions and materials as the Council may consider reasonably necessary to protect the road (including any footpath or berm) adjacent to the vehicular crossing, and to ensure safe and convenient use of the road by pedestrians and vehicles.
- 20.3 No person shall drive, ride, propel, or wheel any motor vehicle across any footpath or water channel in any public place otherwise than upon a crossing properly constructed under the provisions of this bylaw.
- 20.4 If in the opinion of the Council any crossing is in a bad or unsafe state of repair, Council may by notice in writing, require the owner of the land which the crossing provides access to, to repair, reconstruct, or renew such crossing to the satisfaction of Council. Every such owner or occupier who fails to comply with any such notice within the period specified shall commit an offence against this Part of this bylaw.

## **21.0 RESTRICTIONS ON USE OF BARBED WIRE AND ELECTRIFIED FENCES**

- 21.1 Except with the permission of an authorised officer:
- a) No person shall erect or permit to be erected any electrical fencing or barbed wire along, or within 1 metre of any boundary line between any land or building on the one side, and any public place on the other side:
- Provided that this sub-clause shall not prohibit the placing of such barbed wire at a height if not less than 2 metres or electrified fencing not less than 3 metres from the level of the ground of any such public place.
  - Further provided that this Sub-clause shall not apply within any area which has a predominantly rural character under the District Plan prepared by Council, except when the fence abuts or adjoins a footpath; provided that Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

## **22.0 ANIMALS AND STOCK IN PUBLIC PLACES**

### **22.1 Public Places**

- 22.1.1 No person shall take or allow any animal under their control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- 22.1.2 Any person having control of stock or any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 22.1.3 No person shall drive any stock on any road during the periods between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective device or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.

22.1.4 No person shall:

- a) Permit stock to be moved across or along any public place unless an alternative route is not reasonably available;
- b) Permit any stock to be on a reserve, beach or other area designated as an areas prohibited to stock without the prior consent of an authorised officer;
- c) The grazing of stock on road reserves in predominantly rural areas is permitted subject to the animals being contained in adequate temporary fences.
- d) Graze stock in any other public place except in accordance with Council policy.

22.1.5 Any person having control of stock in any public place shall ensure that the stock are moved in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place.

22.1.6 Any person having control of stock being moved on any public place in an urban area shall ensure that excrement; urine or other matter deposited upon the public place from such work is removed, and disposed of in an appropriate manner.

22.1.7 Any person being the owner of, or having control of any horse in a public place in an urban area shall immediately remove any faeces deposited by that horse from the public place.

22.1.8 Subject to the requirements of this section every person being the owner or having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

## **Common Seal of Waitomo District Council:**

The Common Seal of the Waitomo District Council  
was hereto affixed in the presence of:

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Mayor

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Chief Executive



## **SCHEDULE A: SKATEBOARDS**

Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:

- Rora Street, Te Kuiti (between Alexandra Street and Lawrence Street)
- King Street East and Sheridan Street, Te Kuiti (between Rora Street and Taupiri Street) and Moa Street, Piopio (from Kea Street North to Tui Street).

## **SCHEDULE B: LIQUOR CONTROL**

Specified Public Places:

The part of this Bylaw dealing with Liquor Control applies to the following locations:

- Redwood Park, Te Kuiti
- Rora Street, Te Kuiti
- Lawrence Street, Te Kuiti – between Rora Street and the Esplanade
- Sheridan Street, Te Kuiti - between Rora Street and the Esplanade
- King Street East, Te Kuiti- between Rora Street and Jennings Street
- Alexandra Street, Te Kuiti
- Taupiri Street, Te Kuiti - between Lawrence Street and Alexandra Street
- Both banks of the Mangaokewa River, Te Kuiti between Redwood Park and the Te Kuiti Bowling Club
- RSA Memorial Park, Te Kuiti

Public Places include, but are not limited to, Streets, Service Lanes, Lanes, Footpaths, Carparks and Reserves.

This schedule may be amended from time to time by public notice made by the Waitomo District Council. Such notices shall be made in the public notice section of newspapers as Waitomo District Council sees fit and be made no less than fourteen (14) days before the change is to apply.

**Document No:** A657248

**Report To:** Council



**Meeting Date:** 28 March 2023

**Subject:** Regional Strategic Priority Setting – 'Shifting Landscapes Project'

**Type:** Information Only

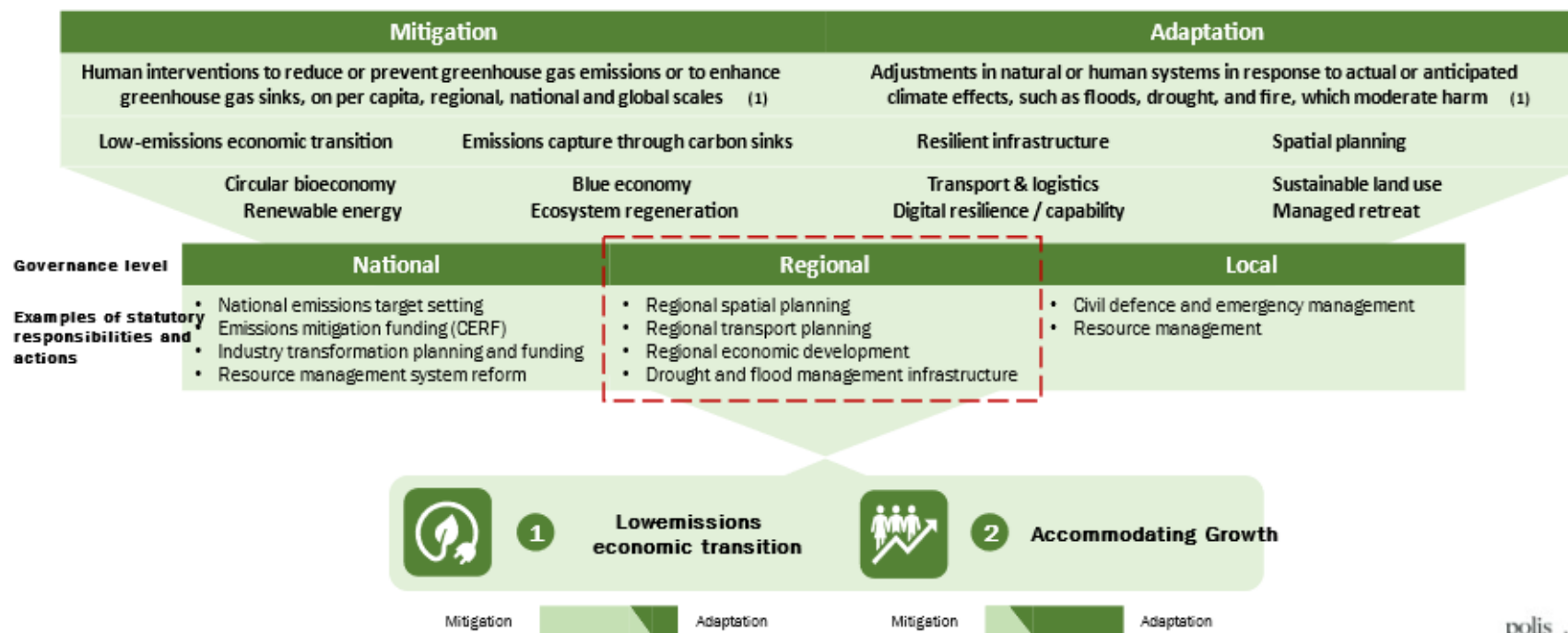
## Purpose of Report

- 1.1 The purpose of this business paper is to provide an overview to Elected Members of the Waikato Mayoral Forum / CoLab Shifting Landscapes project.

## Background

- 2.1 Work was initiated through the Waikato Chief Executive Forum to consider the most significant strategic regional priorities that will face the region in the future so that there was focus for Council collaborative regional work and the regional agencies undertaking this work.
- 2.2 A series of workshops were held and the outcomes presented in a range of forum including the Elected Member induction programme on 8 December 2022.
- 2.3 The Waikato Mayoral Forum are now looking to adopt the strategic priorities as part of the triennial agreement. After that adoption investment is required regionally, through CoLab, to develop this work further.
- 2.4 Two priority focuses have been determined:
- Low-emissions economic transition
  - Accommodating growth
- 2.5 The table below provides an overview of the components of Climate change mitigation and adaption. There was discussion about where the balance of resource should be applied. The graphic at the bottom of the table shows that, for climate change, the emphasis will be on mitigation rather than adaption but for accommodating growth the opposite emphasis applies:

## Climate change mitigation and adaptation can be supported in this programme of work



Source: Adapted from: OECD. "Climate Mitigation." Glossary of Statistical Terms (2019).

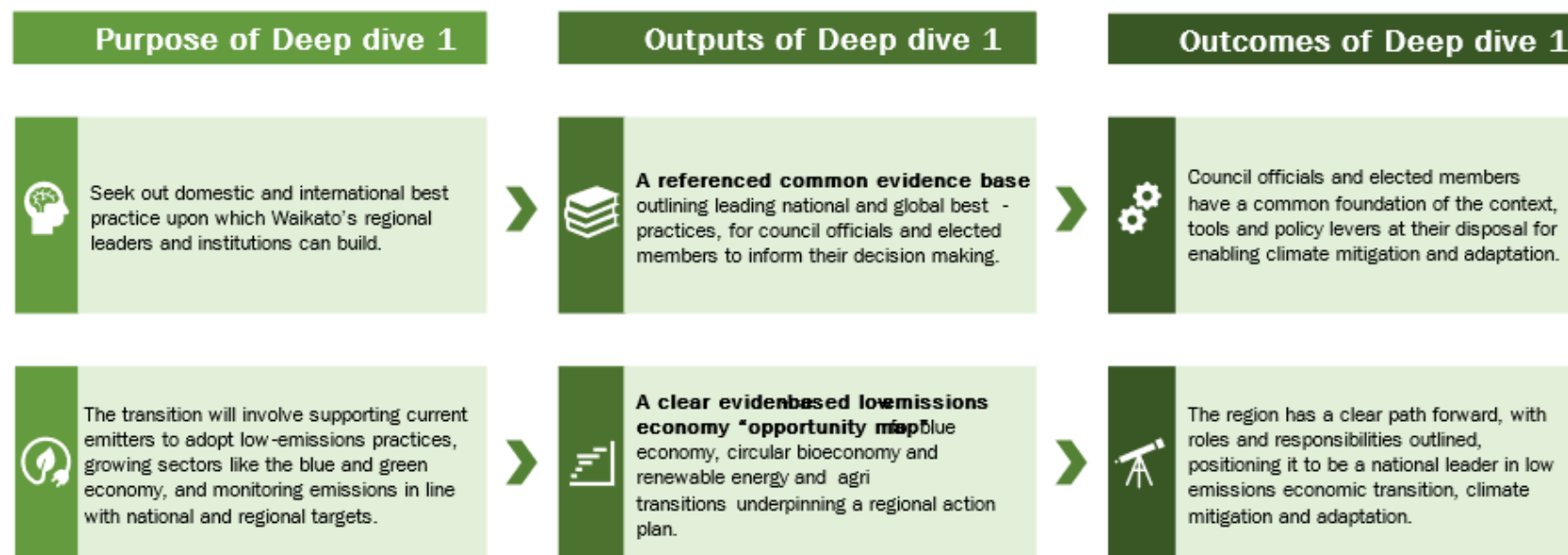
2.6 The development of this work is planned from now until August 2023 so that the outcomes of it can be used in Council's Long Term Plans.

**Commentary**

3.1 The Work will involve three components:

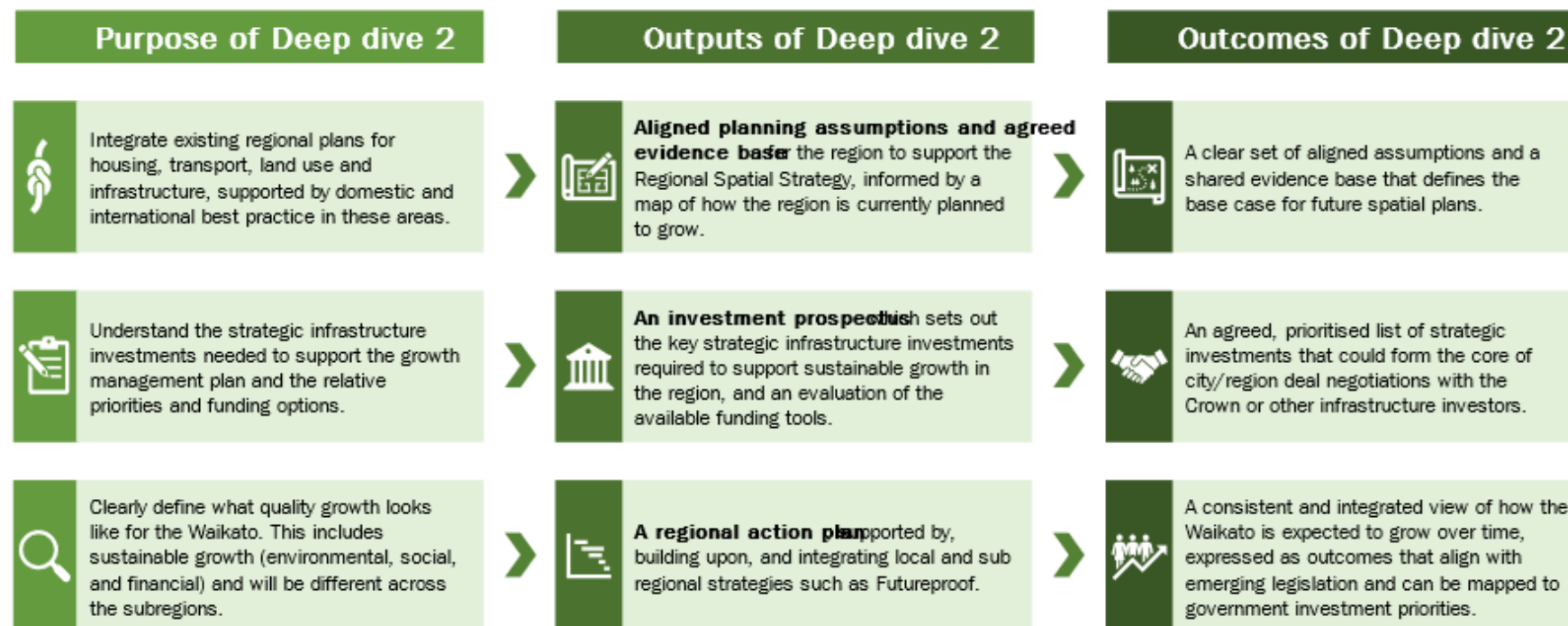
3.2 **Climate Change Mitigation and Adaptation 'Deep Dive 1'.**

**From knowledge to action: Deep dive 1 seeks to deliver best practices and tools for the low -emissions economic transition**



3.3 Accommodating Growth 'Deep Dive 2'.

**Long-term infrastructure should occur in a planned and coordinated manner, while promoting climate resilience and connecting the region**



### 3.4 Review of existing 'Regional Machinery'.

3.5 This, in effect, is a review of the structures and organisations that the region currently has to undertake regional work. There a significant number of these structures which have an impact across the total region and have a greater or lesser impact on councils such as WDC. Examples are Co-Lab, Te Waka, Creative Waikato, Community Waikato, Waikato Wellbeing Project, Waikato Housing Initiative.

## A review of existing regional machinery\* makes sense to diagnose and strengthen alignment of strategy, activity and resources across the Waikato



\*Regional machinery could include but is not limited to Co-Lab, Te Waka, Creative Waikato, Community Waikato, Waikato Wellbeing Project, Waikato Housing Initiative etc.

**Suggested Resolution**

The business paper on Regional Strategic Priority Setting – 'Shifting Landscapes Project' be received.

A handwritten signature in black ink, appearing to read 'Ben Smit', enclosed within a hand-drawn oval shape.

BEN SMIT  
**CHIEF EXECUTIVE**

22 March 2023

**Document No:** A654723

**Report To:** Council



**Meeting Date:** 28 March 2023

**Subject:** Infrastructure Services Group Activity Update Report

**Type:** Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to update Council on activities that form part of the Infrastructure Services Group.

## Background

- 2.1 At its meeting on 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 Infrastructure Services report provides commentary on activities and operational projects covering three waters, roading, waste management, housing and other property.
- 2.4 The report provides relatively high-level detail and will provide commentary on significant, not 'business as usual' matters.
- 2.5 Each sub-group will cover the following:
  1. **Current Activity** - This narrative will cover operational projects, any further narrative on Capex projects not covered in the bi-monthly financial report, issues, and operational topics in these activities.
  2. **Risk and Opportunities** that are important to note.
  3. **Looking Forward** - What is happening in the next 1-3 months to give a picture of what is coming up.

## Roads and Footpaths

- 3.1 The Road and Footpaths group of activities incorporates maintenance and renewal of the road surface, pavement, footpaths and other roading assets such as bridges and structures.
- 3.2 **CURRENT ACTIVITY**
- 3.3 **CYCLONE RECOVERY**
- 3.4 In February 2022, July-August 2022 and January 2023 the Region was struck with severe adverse weather in a concentrated period which left some of our towns and villages isolated.
- 3.5 During this time our Maintenance Contractor was working around the clock to reinstate the network back to an operational standard and provide practitioner solutions for emergency reinstatement.



- 3.6 The initial response works have been completed. The focus is now on the relatively minor work which still needs to be done in cyclone affected areas.
- 3.7 The start of the construction season was delayed because of the inclement weather, however WDC and its contractors are now well underway with some significant contracts.
- 3.8 View Terrace in Piopio is currently being constructed with Kopaki Road Retreat due to start in the next few weeks. The tender for the four sites on Mangatoa closes 20th March with award shortly after and design investigation works is ongoing at Taumatatotara Road.
- 3.9 Design & Investigation work is ongoing for the July – August Storm Event.
- 3.10 **CONTRACT RENEWAL/EXTENSION**
- 3.11 The current Road Maintenance and Reseals contract expires in February 2024.
- 3.12 A request has been made to Waka Kotahi to extend the contract through to 30 June 2024 to align with the Council financial year and Waka Kotahi Funding Cycles.
- 3.13 Work is underway on the new maintenance contract. This includes gathering the data and information which will be used to draft new specifications and provisions. The procurement plan also in development stages.
- 3.14 **ACTIVITY MANAGEMENT PLAN**
- 3.15 A draft Activity Management Plan (**AMP**) is being developed to provide a high-level plan for the next ten years. The AMP will incorporate details from the next National Land Transport Program (**NLTP**). This will give an indication to Waka Kotahi what funding will be required in the near and distant future.
- 3.16 The draft AMP will be presented to Council later in the year before being submitted for approval.
- 3.17 A key focus of the draft AMP will be on roading infrastructure resilience.
- 3.18 **RISK AND OPPORTUNITIES**
- 3.19 Indications are, there is an increasing likelihood of more regular and more intense weather events which will affect the region going forward. These types of events interrupt scheduled work programs and potentially push jobs into the next financial year.
- 3.20 Further increases in inflation and material prices will be reflected in Contractors' rates. This is of particular relevance with the new Maintenance Contract coming up for tender next year.
- 3.21 **LOOKING FORWARD – THE NEXT 3 MONTHS**
- 3.22 Cyclone recovery emergency works are ongoing, and some sites will be completed.
- 3.23 Maintenance Contract Renewal is well underway and ready to be finalised for release towards the end of 2023.
- 3.24 Activity Management Plan is well underway with the aim to be finalised towards the end of 2023.
- 3.25 Speed Management Review is to be presented at a workshop to Council in April / May before going to public consultation.

## **Three Waters**

- 4.1 The Three Waters group of activities includes drinking water, wastewater and stormwater management of treatment plants and the reticulation network. This section will also cover a summary of transition activities relating to three waters reform.

## 4.2 **THREE WATERS REFORM**

4.3 WDC staff continue to work with the Department of Internal Affairs (**DIA**) legal workstream team on legal issues. Staff are also revising the draft Capex and Opex submission from last year, working through minor concerns raised by the DIA team.

4.4 Jan Pedersen (Workforce Lead – Entity B) has been onsite to update Waters staff on employment status and general progress.

4.5 A meeting was held on 15 March 2023 between the CE, WDC staff and DIA representatives to review WDC's debt settlement account on 15 March. This was a successful meeting with parties in general agreement with the calculation methodology for debt and reserves.

## 4.6 **CURRENT ACTIVITY**

### 4.7 **DRINKING WATER**

4.8 The Mokau Water Treatment Plant upgrade has been completed.

4.9 Resource Consent to take water and discharge waste from the Piopio Water Treatment Plant will expire in August 2023. An application to extend the consent is progressing well.

4.10 A water pipe that was damaged due to heavy rain in late January 2023 was repaired at Mangarino Street, Te Kuiti. Approximately 150 houses around the Mangarino area were left without water for 21 hours. A watermain that was damaged during further landslips on View Terrace in Piopio will be repaired after the retaining wall work has been completed. View Terrace residents are currently serviced with an overland pipe.

4.11 New water lines to replace the old AC pipelines are to be installed along Lawrence and Taupiri Streets in Te Kuiti.

4.12 The four draft Water Safety plans and four draft Source Water Risk Management plans were submitted to Taumata Arowai before 15 November 2022 to ensure compliance with the Water Services Act 2021.

### 4.13 **WASTEWATER**

4.14 The oxidation pond at the Te Kuiti Wastewater Treatment Plant overflowed during the high rainfall event late January 2023. In accordance with Resource Consent conditions, Waikato Regional Council was notified of the incident. No further action was required.

### 4.15 **STORMWATER**

4.16 Te Kuiti's Stormwater Reticulation network did not cope with the 150-year heavy rainfall event in late January 2023. Investigations are being carried out to identify where improvements and corrective actions can be made. The district's stormwater network is generally designed to cater for a 2-year storm.

## 4.17 **RISK AND OPPORTUNITIES**

4.18 It is predicted that there will be an increased likelihood of stormwater flooding in Te Kuiti and other towns due to the predicted increase in frequency and severity of storm events in the future. The network is not designed to cater for rainfall exceeding a 2-year storm event.

4.19 Sludge removal and dewatering at Te Kuiti Wastewater Treatment Sludge Pond will increase the capacity of the ponds and improve the wastewater quality being discharged into the receiving environment.

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

4.21 A watermain that was damaged during further landslips on View Terrace in Piopio will be repaired.

4.22 To improve the wastewater network system, inflow investigations will be undertaken over the next six to nine months. This will involve visiting all the properties in Te Kuiti and

identifying illegal downpipes connected to the wastewater system. The low gully traps that get flooded will also be identified. The stormwater manholes will also be inspected for blockages. A media release will be done before visiting the properties.

- 4.23 The compliance monitoring instruments are required to be calibrated annually. An external service provider will be calibrating all three waters instruments towards the end of this financial year.
- 4.24 The critical stormwater inlets that require grills or domes will be identified. The physical work will be carried out next financial year. A wingwall on Ngatai Street will be installed this financial year.

## **Waste Management**

- 5.1 The waste management activity incorporates landfill, kerbside collections, and transfer station operations.
- 5.2 **CURRENT ACTIVITY**
- 5.4 The landfill's financial viability and risks are currently being reviewed. The outcome of this review will be discussed with Council during a workshop. The new cell development, high wall stabilization and gas flaring projects have been put on hold while the review is underway.
- 5.3 Fire and Emergency have recommended the installation of water storage tanks at the landfill tip head for firefighting purposes. This is a safety related improvement. The 6 x 30m<sup>3</sup> water tanks which will serve as the first firefighting response have been delivered onsite. The connection is in progress.
- 5.4 **RISK AND OPPORTUNITIES**
- 5.5 The landfill high-wall is a known and managed risk which is continually monitored. Work near the highwall is prohibited due to falling rocks from the unstable face of the wall.
- 5.6 The kerbside collection contract ends 1 May 2024. There is a risk that any new contract will cost significantly more for a like-for like service due to escalation of operational costs. The end of the contract does provide Council with an opportunity to review the level of service and consider changes such as incorporating wheelie bins for refuse, recycling, glass instead of the current bag and bins system. This will be discussed during the Long Term Plan process.
- 5.7 50,000 official refuse bags have been ordered. There could be possible delays due to supply chain issues, however, we consider it to be a relatively low risk which can be managed using non-council bags.
- 5.8 **LOOKING FORWARD – THE NEXT 3 MONTHS**
- 5.9 Installation of a meter to measure the quantity of leachate at the landfill is required to meet Resource Consent conditions.
- 5.10 A Kerbside/Landfill/Transfer Station SWAP Audit will be completed. The SWAP Audit covers the analysis of the composition of waste entering the landfill via kerbside, transfer stations and commercial disposal activities. This will provide information for an updated Waste Minimization Plan.

## **Property and Other Facilities**

- 6.1 The property and other facilities activity covers parks and reserves, public amenities, residential and elder housing, library, i-Site, Railway and Admin buildings, aerodrome and camping grounds.

## **6.2 CURRENT ACTIVITY**

- 6.3 Alterations, renovation and fit out to the i-Site and Railway Building 1 are at the procurement stage with the tender closing 22 March 2023. After the renovation, Customer Services will be managed from the i-site.
- 6.4 WDC Admin building seismic strengthening work is at the design and cost estimate stage.
- 6.5 There are walking tracks closed at Motakiora and Esplanade riverbank due to recent weather events. Contractors have been engaged to remove slips and fallen trees at Motakiora and remedial work will begin on the tracks.
- 6.6 An Aerodrome Business Plan is being developed. The operating costs will be analysed, and a self-sustaining revenue model developed. This will be discussed with Council during a workshop.
- 6.7 Recent weather events caused flooding and damage to entrance gates and non-sealed taxiways at the Aerodrome. These issues will be addressed in the coming weeks.
- 6.8 A security access upgrade is in the planning process and should be completed within the next eight weeks. Sites covered by the upgrade include the Aerodrome, Te Kuiti Treatment plants, the Landfill, Library, Aquatic centre, i-site, Les Munro centre, Stadium and the Administration building.
- 6.9 WSP (consultant) is completing building condition assessments for WDC halls, housing, Council Administration building, Library, Aquatic Centre and the Aerodrome clubhouse. Condition assessments will identify which buildings require maintenance and repairs and inform a five year maintenance program.

## **6.10 RISK AND OPPORTUNITIES**

- 6.11 Risks relating to damage at the Aerodrome entrance gates and non-sealed taxiways will be addressed in the coming weeks.
- 6.12 There is a risk of the Administration Building seismic cost estimate exceeding the projected budget.

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

- 6.14 Remedial track work will be undertaken at Motakiora and the Esplanade riverwalk to ensure safety within our green space. Several dead Elm trees will be removed and the lifting of others undertaken.
- 6.15 The Te Kuiti Aerodrome power supply relocation project will be completed next month. A lessee has released his right of use of a site that had an electrical transformer. This now minimizes the scope of the project to the extent the project will be completed well underbudget.
- 6.16 Analysis of options for the future of solid waste disposal being developed.

## **Suggested Resolution**

The business paper on Infrastructure Services Group Activity update report be received.



SHYAMAL RAM  
**GENERAL MANAGER – INFRASTRUCTURE SERVICES**