



Council Agenda

Tuesday 28 October 2025, 7.00pm

The meeting will be held at the Manawatu Community Hub Libraries, 64 Stafford Street, Feilding, and a video recording made available on www.mdc.govt.nz.

www.mdc.govt.nz

MEMBERSHIP

Chairperson

His Worship the Mayor, Michael Ford

Deputy Chairperson

[TBC]

Members

Councillor Bridget Bell
Councillor Shelley Dew-Hopkins
Councillor Rob Duindam
Councillor Colin Dyer
Councillor Grant Hadfield
Councillor Sam Hill
Councillor Raewyn Loader
Councillor James McKelvie
Councillor Jerry Pickford
Councillor Andrew Quarrie
Councillor Alison Short



Shayne Harris
Chief Executive

ORDER OF BUSINESS

PAGE

1. MEETING OPENING

2. MAKING AND ATTESTING OF DECLARATIONS OF MAYOR AND COUNCILLORS

ENGLISH:

I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Manawatū District, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Manawatū District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

TE REO MĀORI:

Ko _____ ahau. Ka kī taurangi ahau kia tōmau, kia tōkeke, kia whakamahi au i aku pūkenga me taku atamai ki te whakatutuki i ngā kawenga mahi katoa, hei painga mō Te Rohe o Manawatū, i runga i te mana kua riro mai i ahau, kua tukua rānei ki ahau, hei Kaikaunihera mō Te Kaunihera ā-Rohe o Manawatū, i raro i Te Ture Kāwanatanga ā-Rohe 2002, Te Ture Pārongo, Huinga Ōkawa Kāwanatanga ā-Rohe 1987, i raro i tētahi ture kē atu rānei.

3. ADJOURNMENT

The meeting will adjourn, to reconvene on Wednesday, 29 October 2025 at 8.30am.

4. APOLOGIES

5. DECLARATIONS OF INTEREST

Notification from elected members of:

- 5.1 Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- 5.2 Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

6. NOTIFICATION OF LATE ITEMS

Where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if:

- 6.1 The Council by resolution so decides; and
- 6.2 The Chairperson explains at the meeting at a time when it is open to the public the reason why the item is not on the agenda, and the reason why the discussion of the item cannot be delayed until a subsequent meeting.

7. RECOMMENDATIONS FROM COMMITTEES

There are no recommendations from committees.

8. OFFICER REPORTS

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| | Report of the General Manager – People and Corporate. | |
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| | Report of the General Manager – People and Corporate. | |

9. CONSIDERATION OF LATE ITEMS

10. PUBLIC EXCLUDED BUSINESS

COUNCIL TO RESOLVE:

That the public be excluded from the following parts of the proceedings of this meeting, namely:

- 1. Sale of Council land at 79 South Street, Feilding

That the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
11.1 Sale of Council land at 79 South Street, Feilding	s7(2)(i) – commercial negotiations <i>The report discusses the potential purchase price for land</i>	s48(1)(a)

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

13. ADJOURNMENT

The meeting will adjourn, to reconvene on Thursday 30 October 2025 at 8.30 am.

13.1 ANNUAL REPORT 2024/25 – ADOPTION

27

Report of the Chief Financial Officer.

14. MEETING CLOSURE

Council

Meeting of 28 October 2025

Business Unit: People and Corporate

Date Created: 22 October 2025

Appointment of Deputy Mayor

Purpose Te Aronga o te Pūrongo

To advise Council of the appointment of the Deputy Mayor and to provide the Council with background information on the powers under section 41A of the Local Government Act 2002 for the Mayor to appoint the Deputy Mayor.

Recommendations Ngā Tūtohunga

1. That the Council notes that, under section 41A of the Local Government Act 2002, the Mayor has the power to appoint the Deputy Mayor and has chosen to exercise this power.
2. That the Council notes that the Mayor has appointed Councillor Grant Hadfield as Deputy Mayor.

Report prepared by:

Ash Garstang

Governance and Assurance Manager

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

1 Background Ngā Kōrero o Muri

- 1.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations and the goals of the district. Appointment of a Deputy Mayor ensures that the decision-making process and community engagement can continue during any absence of the elected Mayor.
- 1.2 The Local Government Act 2002 Amendment Act 2012 provided additional powers for mayors, which came into effect immediately after the 12 October 2013 elections. These powers were modelled on the powers given to the position of Mayor of Auckland Council, although not as extensive.
- 1.3 The additional powers mean the Mayor can:
 - Lead the development of Council plans, policies and budgets;
 - Appoint the Deputy Mayor;
 - Establish Council committees; and
 - Appoint Chairs to those committees.
- 1.4 The use of the powers is discretionary, and the powers can be used at any time during the triennium.

2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations, and the strategic priorities identified by Council. The matter addressed by this report relates to the Council's Kawanatanga (Governance) role and therefore to all of the above strategic priorities in a wider sense.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 Although the Mayor has discretionary power to appoint the Deputy Mayor, the Local Government Act 2002 requires the Deputy Mayor to be appointed at the Council's first triennial meeting. This means that either the Mayor makes the appointment under his discretionary powers at this meeting (once they have made their official oath of office), or if the Mayor declines to appoint the Deputy Mayor, then the Council must elect one of its members to the office of Deputy Mayor.
- 3.2 If the Mayor declines to exercise his discretionary power to appoint the Deputy Mayor, then the Council will be required to make that appointment following the process described in Clause 25, Schedule 7 of the Local Government Act 2002.
- 3.3 The Council also has the power to remove a Deputy Mayor appointed by the Mayor, following the process outlined in Clause 18, Schedule 7 of the Local Government Act 2002.

4 Risk Assessment Te Arotake Tūraru

4.1 There are no risks associated with this report.

5 Engagement Te Whakapānga

Significance of Decision

5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

Māori and Cultural Engagement

5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

Community Engagement

5.3 No community engagement is required.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 The remuneration for the position of Deputy Mayor is yet to be determined by Council and the Remuneration Authority. This will be discussed at the Council meeting earmarked for 12 November 2025.

8 Statutory Requirements Ngā Here ā-Ture

8.1 As discussed in previous sections, new powers for Mayors came into effect from 12 October 2013. These powers are set out in Section 41A of the Local Government Act 2002. Included in these powers is the power to appoint the Deputy Mayor.

8.2 However, nothing in the above limits or prevents a Council from removing a Deputy Mayor that the Mayor has appointed (following the process contained in Clause 18, Schedule 7 of the Local Government Act 2002).

8.3 The power of the Council to appoint a Deputy Mayor, outlined in Clause 17, Schedule 7 of the Local Government Act 2002, does not apply unless the Mayor declines to exercise their Mayoral power to appoint the Deputy Mayor.

8.4 In the case of a Mayor choosing not to use their Mayoral powers for the appointment of the Deputy Mayor, the Council would then have to appoint the Deputy Mayor at its first triennial meeting and would have to follow the process outlined in Clause 25, Schedule 7 of the Local Government Act 2002 "Voting systems for certain appointments".

9 **Next Steps** Te Kokenga

9.1 Council staff will update official records and documentation to reflect the appointment.

9.2 The remuneration for the Deputy Mayor will be considered as part of the remuneration discussion scheduled for the 12 November 2025 Council meeting.

10 **Attachments** Ngā Āpitihanga

- There are no attachments.

Council

Meeting of 28 October 2025

Business Unit: People and Corporate

Date Created: 22 October 2025

Establishment of Committees

Purpose Te Aronga o te Pūrongo

To advise the Council that His Worship the Mayor has exercised his discretionary power in terms of Section 41A Subsection 3 of the Local Government Act 2002 to establish the committees of Council and to advise the appointment of chairpersons to those committees.

Recommendations Ngā Tūtohunga

That the Council notes the Committee structure established by His Worship the Mayor as follows:

Committee	Chairperson
Finance & Performance Committee	Stuart Campbell (external)
Chief Executive's Employment Committee	Councillor Grant Hadfield
Hearings Committee	Councillor Alison Short
Creative Communities Assessment Committee	Ben Caldwell (external)
District Development Committee	Councillor Colin Dyer
District Licensing Committee	Commissioner Ross Brannigan (external)
Water Services Unit Committee	Colin McFadzean (external)

Report prepared by:

Ash Garstang

Governance and Assurance Manager

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

1 Background Ngā Kōrero o Muri

- 1.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations and the goals of the district. The establishment of committees enhances efficient and effective decision making by distributing the workload of the Council amongst subordinate decision-making bodies.

2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations, and the strategic priorities identified by Council. The matter addressed by this report relates to the Council's Kawanatanga (Governance) role and therefore to all of the above strategic priorities in a wider sense.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 Under Section 41A of the Local Government Act 2002 the Mayor has the power to establish committees, and to appoint the chairperson of each of those committees. The Mayor is able to make the appointments of chairpersons before the other members of the committees are determined.
- 3.2 His Worship the Mayor has chosen to exercise this power. The following are the committees, and the appointed chairpersons, that have been established:

Committee	Chairperson
Finance & Performance Committee	Stuart Campbell (external)
Chief Executive's Employment Committee	Councillor Grant Hadfield
Hearings Committee	Councillor Alison Short
Creative Communities Assessment Committee	Ben Caldwell (external)
District Development Committee	Councillor Colin Dyer
District Licensing Committee	Commissioner Ross Brannigan (external)
Water Services Unit Committee	Colin McFadzean (external)

- 3.3 The Council has the power to establish, in accordance with Clause 30, Schedule 7 of the Local Government Act 2002, additional committees to those established by the Mayor.
- 3.4 The Council also has the power to discharge committees established by the Mayor, and also to discharge a chairperson appointed by the Mayor, following the processes outlined in Clauses 30 and 31, Schedule 7 of the Local Government Act 2002.
- 3.5 The Council will meet on two Wednesdays each month, with the other committee meetings being scheduled for the alternate Wednesday to the Council meetings. The Council meetings will be followed by a workshop session that would be chaired by His Worship the Mayor.

3.6 Full terms of reference for each of the committees established by His Worship the Mayor will be developed and brought to the Council meeting on 12 November 2025 for adoption.

3.7 The terms of reference will detail the responsibilities, the meeting cycle, the membership, and the delegated authority of each committee.

4 Risk Assessment Te Arotake Tūraru

4.1 There are no risks associated with this report.

5 Engagement Te Whakapānga

Significance of Decision

5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

Māori and Cultural Engagement

5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

Community Engagement

5.3 No community engagement is required.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 The remuneration for Councillors with additional responsibilities (e.g., Committee chairs) is yet to be determined by Council and the Remuneration Authority. This will be discussed at the Council meeting earmarked for 12 November 2025.

8 Statutory Requirements Ngā Here ā-Ture

8.1 As discussed in previous sections, new powers for Mayors came into effect from 12 October 2013. These powers are set out in Section 41A of the Local Government Act 2002. Included in these powers is the discretionary power to establish committees of the Council, and to appoint Chairpersons to those committees.

8.2 However, nothing in the above limits or prevents a Council from discharging or reconstituting the committees established by the Mayor, following the process set out in Clause 30, Schedule 7 of the Local Government Act 2002, or discharging a chairperson appointed by the Mayor following the process outlined in Clause 31, Schedule 7 of the Local Government Act 2002.

- 8.3 Clause 32, Schedule 7 of the Local Government Act 2002 sets out the ability of the Council to delegate authority to the committees established either by the Mayor under his discretionary powers or established by Council under Clause 30, Schedule 7.

9 Next Steps Te Kokenga

- 9.1 The Terms of Reference for each committee will be finalised and presented to Council at its 12 November 2025 meeting for adoption.
- 9.2 The Council and committee meeting schedule for the remainder of 2025 will be confirmed at this meeting.

10 Attachments Ngā Āpitihanga

- There are no attachments.

Council

Meeting of 28 October 2025

Business Unit: People and Corporate

Date Created: 24 September 2025

Setting of Meeting Dates for Remainder of 2025

Purpose Te Aronga o te Pūrongo

To confirm the date and time of the first meeting of Council in accordance with Clause 21(5)(d), Schedule 7 of the Local Government Act 2002, and;

To confirm the dates for the remaining Council meetings for 2025.

Recommendations Ngā Tūtohunga

1. That the Council confirms that the first regular meeting of Council will be held on Wednesday 12 November 2025 at 8.30 am.
2. That the Council notes that the remaining Council meetings for the year are scheduled as follows (all at 8.30 am):
 - 19 November 2025
 - 03 December 2025
 - 17 December 2025
3. That the Council notes that a report to adopt the meeting schedule for 2026 will be presented to the 19th of November Council meeting.

Report prepared by:
Steph Skinner
Governance and Strategy Officer

Approved for submission by:
Frances Smorti
General Manager - People and Corporate

1 Background Ngā Kōrero o Muri

- 1.1 The Local Government Act 2002 requires all Councils to fix a date and time for the first meeting of the Council or adopt a schedule of meetings.

2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 Not applicable as this is a legislative / operational item.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The Local Government Act 2002 requires the Council to hold the meetings necessary for the good government of its district.
- 3.2 The meetings must be called and conducted in accordance with the requirements set out in the Local Government Act 2002, Part 7 of the Local Government Official Information and Meetings Act 1987, and the Standing Orders of the Council.
- 3.3 The meetings must be held at the time and place specified in the notification of the meeting.
- 3.4 A proposed schedule of meetings for the 2026 calendar year will be brought to the Council meeting on 19 November 2025, for adoption. The schedule of meetings will be based on the committee structure adopted by the Council.

4 Risk Assessment Te Arotake Tūraru

- 4.1 There are no risks associated with this report.

5 Engagement Te Whakapānga

Significance of Decision

- 5.1 The decision discussed in this report is considered to be of low significance, in accordance with schedule 1 of the Council's Significance and Engagement Policy. The Special Consultative Procedure (s83, LGA 2002) is not required.

Māori and Cultural Engagement

- 5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

Community Engagement

- 5.3 The Council is required to give public notice of all Council and Committee meetings, and there are requirements around the amount of prior notice required. The Council is also required to make available to the public, at least three days prior to each meeting, the agenda and associated reports that would be considered at the meeting. This is to enable members of the public to be informed about decisions that the Council proposes to make, to give them an opportunity to make their views known to Council members prior to the debate, and to speak during public forum on matters of concern. Copies of the agendas and their associated reports

are displayed at Council's reception, at Te Āhuru Mōwai (Community Hub) and on the Council's website at least two clear working days prior to each meeting.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications with this report.

8 Statutory Requirements Ngā Here ā-Ture

8.1 The Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 set the framework for the scheduling and holding of meetings. Clause 21(5)(d), Schedule 7 of the Local Government Act 2002 sets out the requirement for fixing the date and time of the first meeting of Council.

9 Next Steps Te Kokenga

9.1 Once adopted, the meeting dates will be published on the Council's website as required.

10 Attachments Ngā Āpitihanga

- 2025 Meeting Calendar

		Oct			Nov			Dec
1	W		1	S		1	M	DLC YC
2	T		2	S		2	T	
3	F		3	M	YC	3	W	Council/WK
4	S		4	T		4	T	
5	S		5	W		5	F	
6	M	YC	6	T		6	S	
7	T		7	F		7	S	
8	W		8	S		8	M	
9	T		9	S		9	T	
10	F		10	M	DLC	10	W	
11	S	ELECTIONS	11	T		11	T	
12	S		12	W	Council/WK	12	F	
13	M		13	T		13	S	
14	T		14	F		14	S	
15	W		15	S		15	M	
16	T		16	S		16	T	
17	F		17	M	YC	17	W	Council/WK
18	S		18	T		18	T	
19	S		19	W	Council/WK	19	F	
20	M	DLC YC	20	T		20	S	
21	T		21	F		21	S	
22	W		22	S		22	M	
23	T	Induction Workshop	23	S		23	T	
24	F		24	M		24	W	
25	S		25	T	MHWBG	25	T	Christmas Day
26	S		26	W		26	F	Boxing Day
27	M	LABOUR WK	27	T		27	S	
28	T	Council	28	F		28	S	
29	W	Council	29	S		29	M	Day after observed
30	T	Induction Workshop	30	S		30	T	
31	F					31	W	

	School Holidays
	Non Working Day
	Council Meeting
	Induction Workshops
	Youth Council
	District Licencing Committee
	Manawatu Health and Wellbeing Group

Council

Meeting of 28 October 2025

Business Unit: People and Corporate

Date Created: 22 October 2025

Explanation of Legislation Affecting Members

Purpose Te Aronga o te Pūrongo

To provide a general explanation of the Local Government Official Information and Meetings Act 1987 and other laws affecting elected members, in accordance with Clause 21(5)(c), Schedule 7 of the Local Government Act 2002.

Recommendations Ngā Tūtohunga

That the Council receives the general explanation of laws affecting elected members.

Report prepared by:

Ash Garstang

Governance and Assurance Manager

Approved for submission by:

Frances Smorti

General Manager - People and Corporate

1 Background Ngā Kōrero o Muri

1.1 The Local Government Act 2002 (Clause 21(5)(c), Schedule 7) requires that at the first meeting of the Council following the triennial general election, a general explanation is given of the following laws affecting elected members:

- The Local Government Official Information and Meetings Act 1987; and
- Other laws affecting members, including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968, Sections 99, 105 and 105A of the Crimes Act 1961, the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013.

1.2 In addition to the above laws, we have included a general explanation of other key statutes, being the Local Government Act 2002, Contract and Commercial Law 2017, the Public Records Act 2005, the Privacy Act 2020 and the Health and Safety at Work Act 2015.

2 Strategic Fit Te Tautika ki te Rautaki

2.1 The Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations, and the strategic priorities identified by Council. The matter addressed by this report relates to the Council's Kawanatanga (Governance) role and therefore to all of the above strategic priorities in a wider sense.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

Local Authorities (Members' Interests) Act 1968

3.1 This matter is covered in detail in the Audit Office's handbook circulated separately "A Guide to the Local Authorities (Members' Interest) Act 1968." The Act deals, in the main, with two matters:

- a) Contracts entered into by members of local authorities; and
- b) Restrictions on members discussing and voting on matters in which they have a pecuniary interest.

3.2 The Act provides that no person may be elected or appointed to a local authority if that person is concerned or interested in any contract made by the local authority if in respect to that contract payments in excess of \$25,000 per annum are made. The same limits apply to subcontracts. This limit may be exceeded with the prior approval of the Audit Office.

3.3 The Act also applies where a member's interest in a contract arises through an incorporated company and where the member or the member's spouse owns 10% or more of the capital of the company.

3.4 A member can also be disqualified through an interest his or her spouse may have in some other type of business, such as a partnership.

- 3.5 There are a number of exemptions which, under certain circumstances, may be granted in accordance with the Act.
- 3.6 The Act also prohibits a member of a local authority from voting or taking part in any discussion on any matter in which the member has a pecuniary interest. Such interest must be declared when the matter is raised.
- 3.7 The Manawātū District Council keeps an interests register. This register enables relevant managers to be aware of most relevant ongoing interests and acts as a reminder to members and officials of the need to be alert for conflicts of interest. Members will be asked to complete a declaration listing specified personal interests for inclusion on the register. Placing interests on record is consistent with the principle of transparency.

Local Government Official Information and Meetings Act 1987

- 3.8 This Act applies to every local authority in New Zealand. Its overriding principle is that information is to be made available, unless there is good reason under the Act to withhold it. The purposes of the Act are:
- a) To provide for the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order:
 - i) To enable more effective participation by the public in the actions and decisions of local authorities; and
 - ii) To promote the accountability of local authority members and officials.
 - b) To provide for proper access by each person to official information relating to that person.
 - c) To protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.
- 3.9 Official information includes virtually all information held by a local authority, its members, officers, or employees and includes file records, computer data, plans, photographs, and manuals. It does not include the following:
- a) Information contained in library or museum material made or acquired and preserved solely for reference or exhibition purposes.
 - b) Information which is held by a local authority solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a local authority.
 - c) Information contained in any correspondence or communication that has taken place between the Office of the Ombudsman and any local authority and relates to an investigation conducted by an Ombudsman other than information that came into existence before the commencement of that investigation; and
 - d) Information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any local authority and relates

to any investigation conducted by the Privacy Commissioner under the Privacy Act 1993, other than information that came into existence before the commencement of that investigation.

- 3.10 The Act details the reasons for which official information may be withheld. Conclusive reasons for withholding information are where release would be likely to prejudice maintenance of the law or would endanger the safety of any persons. There are other general reasons for withholding information.
- 3.11 Every meeting must be open to the public unless the Council or committee resolves to exclude the public.
- 3.12 Members of the news media are deemed to be members of the public and therefore under the same conditions as apply to the general public.
- 3.13 Copies of agendas and reports (except those to be dealt with in “non-public”) must be made available for members of the public. Likewise, the public may inspect the minutes of any open meeting of the local authority.

Secret Commissions Act 1910

- 3.14 This Act details offences in relation to receiving gifts and rewards for procuring contracts. Every person commits an offence who:
 - a) Gives or offers a gift as an inducement or reward for any act.
 - b) Obstructs, diverts, or interferes with the affairs of Council with the intent to obtain a gift or other consideration.
 - c) Makes a contract and then fails to notify any pecuniary interest (any pecuniary interest of a partner or immediate family also applies).
 - d) Advises any person to enter a contract with a third person and receives a gift or consideration for that advice.

Crimes Act 1961

- 3.15 The legislation requires that elected members be briefed on this Act, in particular Sections 99, 105 and 105A. The sections referred to are contained in Part 6 of the Act and relate to bribery and corruption.
- 3.16 Section 99 provides definitions of words contained in the Act. An “official” includes any member or employee of any local authority, and “bribe” means any money, valuable consideration, office or employment, or any benefit whether direct or indirect.
- 3.17 Sections 105 and 105A describe offences under this section of the Act and Council is advised that every official who accepts a bribe commits an offence.
- 3.18 Likewise, it is an offence for anyone to offer a bribe with the intent to influence an official.
- 3.19 Additionally, any person who corruptly uses or discloses information acquired in an official capacity to obtain an advantage or pecuniary gain commits an offence.

Financial Markets Conduct Act 2013

3.20 The main purposes of this Act are:

- a) To promote the confident and informed participation of businesses, investors, and consumers in the financial markets; and
- b) Promote and facilitate the development of fair, efficient, and transparent financial markets.

3.21 Its application to Council would arise if Council wished to borrow money by public stock issues. In such a case, Council would be required to publish an investment statement and a prospectus. Where published documents relating to an issue of securities are found to contain false or misleading information or are likely to mislead or confuse or contain untrue statements, the directors (in this case the Mayor and Councillors) of the issue may be held both criminally liable and civilly liable.

3.22 However, this Council does not borrow money by issuing public stock.

Local Government Act 2002

3.23 The Local Government Act 2002 sets out the general powers of the local government, purpose and operating principles as well as detailing the personal liability of members.

3.24 The Act provides that members have qualified privilege; however, elected members can be held personally accountable for losses incurred by a local authority where:

- (a) Money belonging to, or administered by, a local authority has been unlawfully expended; or
- (b) An asset has been unlawfully sold or otherwise disposed of by the local authority; or
- (c) A liability has been unlawfully incurred by the local authority; or
- (d) A local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.

3.25 Members will not be personally liable where they can prove that the act or failure to act resulting in the loss occurred as a result of one of the following:

- (a) Without the member's knowledge.
- (b) With the member's knowledge but against the member's protest made at or before the time when the loss occurred.
- (c) Contrary to the manner in which member voted on the issue; and
- (d) In circumstances where, although being a party to the act or failure to act, the member acted in good faith and relied on reports, statements, financial data, or other information from professional expert advisers, namely staff or external experts on the matters.

- 3.26 In certain situations, members will also be responsible for paying the costs of proceedings (LGA 2002, s47).

Pecuniary Interests Register (Local Government Act 2002)

- 3.27 In accordance with sections 54A to 54I of the Local Government Act 2002, the Council is required to maintain a register of members' pecuniary interests.
- 3.28 The register must record the pecuniary interest returns made by each member under section 54C, and must disclose all of the matters specified in sections 54E and 54F, including (but not limited to):
- Any company in which the member holds shares or other securities.
 - Any employment held by the member, including the name of each employer and a description of the main business activities of each employer, and any business or professional activities carried on by the member for pecuniary gain.
 - Any business relationships involving contracts for goods or services with the Council.
 - Any land or property in which the member has a beneficial interest, either as an owner or beneficiary of a trust.
 - Any trusts under which the member is a beneficiary.
 - Any directorships, partnerships, or appointments to boards or management positions (whether paid or unpaid).
 - Any gifts, hospitality, or payments received in connection with their role.
- 3.29 The purpose of the register is to provide transparency and to strengthen public trust and confidence in local government decision-making.
- 3.30 Members must make their return within the statutory timeframes (for example, within 120 days of taking office and annually by the end of February) and must notify the Registrar of any errors or omissions as soon as practicable. Council officers will distribute an Annual Return Form to members in January 2026, which includes guidance on what needs to be declared.
- 3.31 The Council must make a summary of the information publicly available, ensure the register is only used or disclosed in line with its purpose, and retain the information for a minimum period of seven years.

Public Records Act 2005

- 3.32 The purpose of this Act is to provide a framework to keep central and local government organisations accountable by ensuring that records are full and accurate, well maintained, and accessible. The Public Records Act 2005 provides for the continuity of the National Archives and the role of the Chief Archivist. The Act enables accountability by ensuring that full and accurate records of the affairs of local government are created and maintained. It also provides a framework within which local authorities create and maintain their records and has a role in enhancing public confidence in the integrity of local authority records.

- 3.33 The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. The definition also includes (but is not limited to) a signature, seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process.
- 3.34 In the conduct of their affairs elected members may receive information directly, for example from constituents. Members will need to consider whether that information meets the definition of a local authority record and if so will need to ensure it is included in the Council's records.

Contract and Commercial Law Act 2017

- 3.35 The purpose of this Act is to re-enact, in an up-to-date and accessible form, certain legislation relating to contracts, the sale of goods, electronic transactions, the carriage of goods and various other commercial matters, including mercantile agents and bills of lading.
- 3.36 Since October 2017, with the enactment of the Contract and Commercial Law Act 2017, the Chief Archivist has authorised Councils to retain their public records in electronic format only, provided the Council has in place an effective system for managing and protecting the integrity of those records.

Privacy Act 2020

- 3.37 The Privacy Act 2020 governs how organisations and businesses can collect, store, use and share personal information.
- 3.38 It ensures that:
- (a) Individuals know when their information is being collected.
 - (b) Information is used and shared appropriately.
 - (c) Information is kept safe and secure.
 - (d) Individuals can get access to their information.

Health and Safety at Work Act 2015

- 3.39 On 4 April 2016, the Health and Safety at Work Act 2015 came into force. This Act was a response to the scrutiny placed on New Zealand's health and safety practices following the Pike River tragedy and significantly changed New Zealand's health and safety legislation.
- 3.40 The Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace, and for the person conducting a business or undertaking (PCBU) (i.e., the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes.
- 3.41 The Act specifies the role of an "Officer", who is any person occupying a position in relation to the business or undertaking, that allows the person to exercise significant influence over the management of the business or undertaking.

- 3.42 For the purposes of the Health and Safety at Work Act 2015, elected Council members (which include the Mayor and Councillors) and the Chief Executive are by default identified as “Officers”.
- 3.43 Officers have obligations of due diligence, which are:
- a) To acquire, and keep up-to-date, knowledge of work health and safety matters.
 - b) To gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations.
 - c) To ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking.
 - d) To ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information.
 - e) To ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act; and
 - f) To verify the provision and use of the resources and processes referred to in paragraphs (c) to (e).
- 3.44 Elected members are exempt from the liabilities of failure to meet the due diligence duty. The focus of any liability is on the Council as the PCBU.

4 Risk Assessment Te Arotake Tūraru

- 4.1 There are no risks associated with this report.

5 Engagement Te Whakapānga

Significance of Decision

- 5.1 The Council’s Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

Māori and Cultural Engagement

- 5.2 There are no known cultural considerations associated with the matters addressed in this report. No specific engagement with Māori or other ethnicity groups is necessary.

Community Engagement

- 5.3 No community engagement is required.

6 Operational Implications Ngā Pānga Whakahaere

6.1 There are no operational implications with this report.

7 Financial Implications Ngā Pānga Ahumoni

7.1 There are no financial implications with this report.

8 Statutory Requirements Ngā Here ā-Ture

8.1 Clause 21(5)(c), Schedule 7 of the Local Government Act 2002 sets out the statutory requirement to brief the Council on certain laws affecting members

9 Next Steps Te Kokenga

9.1 No further action is required.

10 Attachments Ngā Āpitihanga

- There are no attachments.

Council

Meeting of 28 October 2025

Business Unit: Finance

Date Created: 07 May 2025

Annual Report 2024-25 - Adoption

Purpose Te Aronga o te Pūrongo

To adopt the Annual Report for the year ending 30 June 2025.

Recommendations Ngā Tūtohunga

1. That the Council adopt the Annual Report for the year ending 30 June 2025.
2. That the Council note that Audit New Zealand will issue a formal Audit Report with findings and recommendations which will be presented to the Finance & Performance Committee.
3. Council permits the Chief Executive to make minor changes as necessary within the Annual Report in order to meet any further requirements from Audit New Zealand and the proofreader.

Report prepared by:
Amanda Calman
Chief Financial Officer

Approved for submission by:
Amanda Calman
Chief Financial Officer

1 Background Ngā Kōrero o Muri

- 1.1 Each year the Council is required to report against its key performance indicators, financial projections and projects set in the Annual Plan and the relevant year of the Long-Term Plan.
- 1.2 The Annual Report for the year ending 30 June 2025 compares actual performance against year one of the 2024-34 Long Term Plan. Performance has also been reported quarterly to the Audit and Risk Committee during the financial year.
- 1.3 The draft Annual Report was presented to the Audit and Risk Committee meeting 25 September 2025 and subsequently adopted by Council at the following meeting.
- 1.4 The annual Infrastructure revaluations for 30 June 2025 are undertaken and were externally reviewed as part of the 3 yearly cycle.
- 1.5 The three yearly revaluation of land and buildings was undertaken at 30 June 2025 by Quotable Value. This was a routine three yearly valuation of land and buildings, with a fair value assessment being conducted during intermediate years.
- 1.6 Changes made to the report during the audit process are summarised in section 3.

2 Strategic Fit Te Tautika ki te Rautaki

- 2.1 This is a report on the 2024-34 Long Term Plan which is one of Council's key strategic documents.

3 Discussion and Options Considered Ngā Matapakinga me ngā Kōwhiringa i Wānangahia

- 3.1 The draft report outlined a financial result of \$12.7M surplus against a budget deficit of \$2.6M, with the main variances outlined in note 36. The result, after changes from audit, are now \$11.7M surplus against budget deficit of \$2.6M. Key adjustments made during the audit process include:
 - 3.1.1 An adjustment to personnel costs of \$696k, this reflects that the portion of the last payrun in the financial year had been overallocated into the new financial year, this error was identified by the finance team during the audit process and highlighted to the auditors.
 - 3.1.2 An increase in finance costs \$307k. This adjustment was made to recognise the fair value movement of the six interest rate swaps Council holds with BNZ. This is a book value movement recognising future costs of the swaps.
- 3.2 The draft report outlined Council achieved 88 of the 102 performance indicators (86.3%). In previous year's the results were: 77.9% (2023/24) and 78.2% (2022/23). The final result is now 83% due to:
 - 3.2.1 Additional measures were required for Water Supply activity as required by the Department of Internal Affairs (DIA).

The measure reports on the extent to which Council's drinking water complies with the Water Services Regulations 2022 and the Drinking Water Quality Assurance Rules 2022 in relation to Microbiology Compliance.
Of the six Zones Council reports on two met this new measure and four were not met. (see page 103 for details).

4 Risk Assessment Te Arotake Tūraru

- 4.1 There are no significant risks associated with adopting the Annual Report, as the document has been audited by Audit New Zealand and reviewed by the Audit and Risk Committee.

5 Engagement Te Whakapānga

Significance of Decision

- 5.1 The Council's Significance and Engagement Policy is not triggered by matters discussed in this report. No stakeholder engagement is required.

6 Operational Implications Ngā Pānga Whakahaere

- 6.1 A summary of the Annual report document will be created and subsequently audited by Audit NZ.
- 6.2 A copy of the adopted Annual Report including the Audit Opinion is required to be published on the website within 28 days of adoption.
- 6.3 The Audit report will be presented to the Finance & Performance Committee (replacing the Audit & Risk Committee) once received from Audit NZ. Recommendations received through the Audit Report are then brought into business as usual practices as required.

7 Financial Implications Ngā Pānga Ahumoni

- 7.1 There is no unplanned/unbudgeted consequences of this report going forward.

8 Statutory Requirements Ngā Here ā-Ture

- 8.1 Section 98 of the Local Government Act 2002 sets out the requirements for preparing and adopting the Annual Report.
- 8.2 The Annual Report (including the Audit opinion) must be completed and adopted, by resolution of Council, within four months after the end of the financial year to which it relates (31 October 2024).

9 Next Steps Te Kokenga

- 9.1 Audit New Zealand will issue a formal Audit Report with findings and recommendations
- 9.2 A summary Annual Report will be produced within 30 days of adoption of the Annual Report and requires to be audited and an audit opinion issued.

10 Attachments Ngā Āpitihanga

10.1 Annual Report for the year ending 30 June 2025 – late attachment (separate to the agenda)