



mike.drummond@tasman.govt.nz
Phone 543 8499

16 December 2022

David Wright
Chair
Waimea Water Limited
14 Oxford Street
RICHMOND 7020

Dear David

STATEMENT OF EXPECTATION

This Statement of Expectation is intended to inform Waimea Water Limited's Board of the Shareholders' high level strategic direction and performance expectations in advance of your preparation of the Statement of Intent (SOI) 2023/24. In clarifying our expectations early, we expect that the passage through to acceptance by both Shareholders will be more efficient and effective. Under the Local Government Act this Statement of Expectation will be made available to the public, on the Councils' website. Council has determined that will occur 30 days after delivery to the Company.

Statement of Intent 2023/24

Shareholders expect that CCOs will treat the SOI as more than a strict compliance document and will aim for best practice. This will entail a SOI covering more than the statutory minimum requirements. To be effective, your SOI should tell the performance story of the Company, providing a clear and succinct understanding of the Company's purpose, the goods and services it delivers and what success looks like. As shareholders, the Council and WIL are particularly interested in delivery of the project on revised timeline and within the revised cost to complete estimate.

The SOI must meet the requirements set out in the Local Government Act 2002. Your staff are likely to now be familiar with the CCO provisions of this Acts. The SOI should also cover the additional requirements being imposed on the company by the Water Services Entities Act 2022.

Both Shareholders wish to support the company in delivering a good SOI. Council has assigned a senior manager to each CCO to assist. In your case the person assigned is Mike Drummond. Mike is available to your team throughout the process.

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400
Fax 03 543 9524

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013
Fax 03 523 1012

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022
Fax 03 528 9751

Takaka
78 Commercial Street
PO Box 74
Takaka 7142
New Zealand
Phone 03 525 0020
Fax 03 525 9972

The general expectations set by Tasman District Council for all CCOs are as follows:

- 1.1 Set out below are the general expectations that form the basis for the SOE's for all Council CO's including the Nelson Airport, Port Nelson and TBHT. Any general expectation that is not applicable to WWL is noted.
- 1.2 SOIs/SOCI must include a complete set of summary prospective financial statements for at least three years (preferably five years) i.e. Statement of Comprehensive Income, Statement of Financial Position and cash flow statement.
- 1.3 SOIs/SOCIs should disclose measures like earnings before interest and tax (EBIT) and earnings before interest, tax, depreciation and amortisation (EBITDA) and balance sheet ratios where applicable.
- 1.4 SOIs must fully comply with the new Schedule 8 of the Local Government Act.
- 1.5 In the Public Records Act 2005, a local authority includes a Council Controlled organisation and a Council-Controlled Trading Organisation. As such, the requirements of this Act and its related mandatory Information and Records Management Standard - July 2016 applies for the management, retention, and disposal of records.
- 1.6 Compliance with legislation and reporting on Health and Safety matters must be given due emphasis.
- 1.7 Dividends are to be disclosed along with the dividend payout policies, where applicable. (For WWL, this will be that no dividend is payable as the company is operated on a cost recovery basis only.)
- 1.8 Capital Expenditure and Asset Management Intentions should be included. (For WWL this will any revision to the current estimated cost to *Completion of Dam and Time to Completion*.)
- 1.9 CCOs should use the same information for both managing the business and reporting through to the shareholders, i.e. the information used for setting targets and reporting against them for the SOI should overlap and be a subset of the information used for internal reporting.
- 1.10 SOIs and other CCO reports should be in a plain style, concise, relevant and accessible. They should be focused on meeting the needs of the Shareholding Councils and the public they represent. The use of graphs, tables and charts is expected to convey both financial and non-financial information along with trends (past, current and future numbers).
- 1.11 To be effective the SOI must disclose the performance story for the CCO providing a clear and succinct understanding of the CCO purpose, the goods and services it delivers and what success looks like. Providing a clear message to the Boards on these requirements and other expectations will assist in ongoing improvements in the SOI and reporting.
- 1.12 The main aspects of the SOI performance story are:
 - 1.12.1 Strategic context;
 - 1.12.2 Specifying and presentation of the outcomes framework;

- 1.12.3 Main measures and targets, outcomes and objectives;
- 1.12.4 Linking the strategy outputs performance together.

1.13 Risk management and climate change-

1.14 Shareholders would like to understand better in the SOI how the Board is considering and managing risks, including natural hazards

1.15 Shareholders would like to understand what measures and targets are in place to address environmental and climate change concerns, including measures to:

1.15.1 support the transition of the company to net zero carbon emissions by 2050

1.15.2 prepare for the impacts of climate change, including assessing key organisational climate change risks

1.15.3 minimise waste and support the shift to a circular economy.

1.16 Health and Safety - Given the requirements of the Health and Safety at Work Act 2015, it is appropriate for the Council to set out its expectations in relation to Health and Safety in the CCOs/CCTOs.

1.16.1 Under Section 44 (3) of the Act elected members do not have a duty to exercise due diligence to ensure that any Council-controlled organisation complies with its duties or obligations under the Act unless that member is also an officer of that Council-controlled organisation. However, as shareholders it is still appropriate to set out expectations of Health and Safety management in CCOs/CCTOs.

1.16.2 Shareholders expect the Boards of CCTOs/CCOs to set appropriate Health and Safety strategy and policy, understand the nature of risks/hazards within the business, monitor performance and activities to ensure risk is being managed and review H&S systems and performance.

1.17 Governance Performance – In order to aid the Council when making decisions on Director/Trustee remuneration and appointments, the Board should undertake regular evaluations of its own performance. The Council expects these reviews to be carried out at least once every eighteen months.

1.18 The Chair of the Board should reference this evaluation when making recommendations on the re-appointment or recruitment of Board members.

1.19 In the case of WWL the decisions on appointments relate only to the Council Appointed directors. Ngāti Koata and WIL have their own appointment process. The Board evaluation of its performance is however a matter for all shareholders to consider.

1.20 Ensure activities on their land or land they occupy have appropriate consents, appropriate leases are in place and the companies will ensure lessees are complying with both their lease and consent conditions. This is not applicable to WWL outside of ensuring land and access matters have been addressed.

- 1.21 Improve performance reporting by the inclusion of quantifiable measures and SMART targets, including enhanced measures on Health and Safety
- 1.22 Shareholders require that the Council controlled organisations, before making a decision that may significantly affect land or a body of water, must take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga. This is a new provision in the LGA 2002.

Specific expectations to be included in the WWL SOI

- 1.23 Shareholders would like to understand what measures the Company has in place to address key staff risk and the actions they are taking as the construction phase of the project comes to an end and the transition through commissioning to routine ongoing operations commences.
- 1.24 In addition, future operating budgets and an operating model based on prudent and efficient management (post dam completion) are to be prepared and presented to the shareholders for consideration.
- 1.25 The SOI should also disclose future estimated water charges (operational and funding components) for Council and Waimea Irrigators Ltd.

If you have any queries, please contact Mike Drummond, General Manager – Finance, Tasman District Council on telephone (03) 543 8499 or email Mike.drummond@tasman.govt.nz or contact John Wright, General Manager, Waimea Irrigators Limited on telephone 0274362358 or email john@wrightfarms.co.nz

Yours sincerely



Tim King
Mayor of Tasman District



Murray King on behalf of
Waimea Irrigators Limited

cc Waimea Irrigators Ltd