From: Sent: To: Subject: Kathy Guy **9(2)(a)** Monday, 8 January 2018 8:46 am Sophie Austin RE: Concession approval [54074]

Morning Sophie

Happy New Year

Thanks you for the notification via email and by hard copy that the Chateau Lease renewal has been approved. I am awaiting the return of our legal advisor on the 15th January before signing the document. We do not foresee any issues and hope to have this to you by the 22nd January.

Kind regards Kathy Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro 9(2)(a)

www.wairakei.co.nz and www.chateau.co.nz

From: Sophie Austin [mailto:saustin@doc.govt.nz] Sent: Friday, 22 December 2017 1:03 p.m. To: Kathy Guy 9(2)(a) Subject: Concession approval [54074]

Kia Ora Kathy,

We are pleased to advise you that your application for a concession has been approved and we are now able to offer you contracts for both the easement and lease outlining the terms and conditions of this approval. I have put the contracts in the post, but also attached them to this email for convenience.

These documents contain all the terms and conditions of your concession to operate on public conservation land and represent the formal agreement between the Department and Kah New Zealand Limited.

Please read them carefully before signing so that you clearly understand your obligations. It is advised that you seek legal advice.

Both copies of the contract have already been signed by the Minister of Conservation's representative. Once you have signed both copies, please return a copy to the Department by 22 January 2018.

Merry Christmas

Thanks,

Sophie

Sophie Austin

Permissions Advisor Department of Conservation - *Te Papa Atawhai* M: 9(2)(a)

Kirikiriroa / Hamilton Shared Service Centre Level 4 73 Rostrevor Street Hamilton 3204

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From: Sent: To: Subject: Kathy Guy **9(2)(a)** Tuesday, 9 January 2018 4:14 pm Sophie Austin RE: Concession approval [54074]

Hi Sophie

I will be sending tomorrow the signed docs via courier but wanted to query 1 item in Schedule 1 of lease doc clause
6. In the past we have paid a fee based on Gross Operating Profit not Annual Revenue. Is this a typo or has the formula changed - if so what formula has been used to calculate Annual Revenue?
Kind regards
Kathy

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo

9(2)(a)

www.wairakei.co.nz and www.chateau.co.nz

From: Sophie Austin [mailto:saustin@doc.govt.nz] Sent: Friday, 22 December 2017 1:03 p.m. To: Kathy Guy 9(2)(a) Subject: Concession approval [54074]

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Both copies of the contract have already been signed by the Minister of Conservation's representative. Once you have signed both copies, please return a copy to the Department by 22 January 2018.

Merry Christmas

Thanks,

Sophie

Sophie Austin

Permissions Advisor Department of Conservation - *Te Papa Atawhai* M: 9(2)(a)

Kirikiriroa / Hamilton Shared Service Centre Level 4 73 Rostrevor Street Hamilton 3204

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From: Sent: To: Subject: Attachments:

Kathy Guy 9(2)(a)

Wednesday, 10 January 2018 8:21 am Sophie Austin FW: Scan Data from FX-D6D578 10012018071010-0001.pdf; 10012018070850-0001.pdf

Hi Sophie

Further to my email yesterday:

I have attached the current lease schedule that explains the breakdown of components that are included and excluded from the GAR calculation in our existing lease - can this definition also be put forward as an attached schedule in the new lease?

Thanks Kathy

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo

9(2)(a)

www.wairakei.co.nz and www.chateau.co.nz

-----Original Message-----From: Reservations - Wairakei Resort Sent: Wednesday, 10 January 2018 8:10 a.m. To: Kathy Guy 9(2)(a) Subject: Scan Data from FX-D6D578

Sent by: 8628 Number of Images: 1 Attachment File Type: PDF

Device Name: DocuCentre-V C5575 T2 Device Location: The following items are not included in calculating the Gross Operating Income.

Administration - Payroll Administration and General Management Fees Advertising and Promotion Energy Repairs and Maintenance Depreciation Proceeds of insurance claims, damages or compensation Proceeds of the sale of chattels, fixtures and fittings after use thereof in the conduct of the Lessor's business.

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House Profit

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All calculations shall be on GST exclusive figures.

JAW099

il.

9(2)(a

SCHEDULE E

(Clause 3.06 of Lease)

CALCULATION AND PAYMENT OF RENTAL APPLICABLE WHERE LESSEE PAYS PERCENTAGE OF GROSS OPERATING INCOME

The amount of rent payable by the Lessee pursuant to Clause 3.06(b)(i) of the Lease shall be calculated and payable as follows:-

<u>1. THE</u> Lessee will pay on account of the yearly rent monthly instalments in advance on the 1st day of each month calculated as 1/12th of the total annual rent payable in accordance with the formula herein provided for the previous Lease Year. At the end of the Lease Year the Lessee's Gross Operating Income in the course of the Lessee's business on the Land shall be calculated as provided in this Schedule and thereupon any overpayment or underpayment shall be refunded or paid.

2. FOR the purposes of determining the rent the following are the factors to be used in calculating the Gross Operating Income:-

(a) <u>Revenue</u>

Rooms Food Beverage Other Trading Departments Rental and Other Income

TOTAL REVENUE

Less Cost of Goods Sold

Food Beverage Other Trading Departments

TOTAL COST OF GOODS SOLD

Less Department Expenses

Payroll Expenses Rooms Food Beverages Other Trading Departments

Other Department Expenses Rooms Food Beverages Other Trading Departments

TOTAL DEPARTMENTAL EXPENSES

GROSS OPERATING INCOME



From: Sent: To: Cc: Subject: Sophie Austin Wednesday, 10 January 2018 10:57 am Kathy Guy Arna Litchfield RE: Scan Data from FX-D6D578

Hi Kathy,

Because I haven't been involved on this application, and I don't want to give you inaccurate information, I think it's best that I discuss this with Arna when she returns and reply next week.

Thanks,

Sophie

-----Original Message-----From: Kathy Guy <mark>9(2)(a)</mark> Sent: Wednesday, 10 January 2018 9:47 a.m. To: Sophie Austin <saustin@doc.govt.nz> Subject: RE: Scan Data from FX-D6D578

Hi Sophie

Yes the fees were discussed - there is no issue with these. Sorry, there seems to be a misunderstanding - all I require is a breakdown of the schedule that I attached in my previous email that shows what constitutes the charging components. Kathy

-----Original Message-----From: Sophie Austin [mailto:saustin@doc.govt.nz] Sent: Wednesday, 10 January 2018 9:22 a.m. To: Kathy Guy **9(2)(a)** Cc: Arna Litchfield <alitchfield@doc.govt.nz> Subject: RE: Scan Data from FX-D6D578

Hi Kathy,

I'm afraid that because I haven't been involved in this application, I don't have the background/context to be able to reply fully to your emails until Arna returns from leave. What I can tell you is that charging concessionaires a percentage of their annual revenue is standard for these types of concessions now, and that concessions with fees based on profit are uncommon (but can be found in older concessions).

Were the fees discussed when you were reviewing the contracts previously?

Thanks,

Sophie

-----Original Message-----From: Kathy Guy <mark>9(2)(a)</mark> Sent: Wednesday, 10 January 2018 8:21 a.m. To: Sophie Austin <saustin@doc.govt.nz> Subject: FW: Scan Data from FX-D6D578 Hi Sophie

Further to my email yesterday:

I have attached the current lease schedule that explains the breakdown of components that are included and excluded from the GAR calculation in our existing lease - can this definition also be put forward as an attached schedule in the new lease?

Thanks

Kathy

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo



www.wairakei.co.nz and www.chateau.co.nz

-----Original Message-----From: Reservations - Wairakei Resort Sent: Wednesday, 10 January 2018 8:10 a.m. To: Kathy Guy 9(2)(a) Subject: Scan Data from FX-D6D578

Sent by: 8628 Number of Images: 1 Attachment File Type: PDF

Device Name: DocuCentre-V C5575 T2 Device Location:

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From: Sent: To: Cc: Subject: Attachments: Kathy Guy 9(2)(a) Tuesday, 16 January 2018 1:17 pm Arna Litchfield 9(2)(a) Chateau Tongariro - Permission # 54074-ACC 16012018120858-0001.pdf

Afternoon Arna

Thank you for your time earlier this afternoon to discuss a point of clarification that I require, regarding the renewal of the Chateau Tongariro Lease. Further to our discussion, can I please have clarification of **Schedule 1 – Clause 6** Lease Activity Fee which states

Lease Activity Fee (200) of Gross Annual Revenue, payable monthly. I seek clarification on the term Revenue please. Our current lease expiring in April 2020, (see attached) defines the purposes to determine that lease rental , and states that the lease payable is calculated on Gross Operating Income not Revenue. Could I please have some clarification on both the terminology of Revenue vs Income and also are you able to provide me with the factors to be used in calculating the Gross Operating Revenue. As discussed, there is a difference between Revenue and Income the latter being achievable in a Rental calculation as there are factors of business operations that would normally be deducted from Revenue to determine Income .

I have the new lease renewal documents signed by our Directors and ready to be sent pre 22nd Jan but will await your clarification before doing so. I look forward to hearing from you as soon as possible.

Nga mihi

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo

9(2)(a)

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SCHEDULE E

(Clause 3.06 of Lease)

CALCULATION AND PAYMENT OF RENTAL APPLICABLE WHERE LESSEE PAYS PERCENTAGE OF GROSS OPERATING INCOME

The amount of rent payable by the Lessee pursuant to Clause 3.06(b)(i) of the Lease shall be calculated and payable as follows:-

<u>1. THE</u> Lessee will pay on account of the yearly rent monthly instalments in advance on the 1st day of each month calculated as 1/12th of the total annual rent payable in accordance with the formula herein provided for the previous Lease Year. At the end of the Lease Year the Lessee's Gross Operating Income in the course of the Lessee's business on the Land shall be calculated as provided in this Schedule and thereupon any overpayment or underpayment shall be refunded or paid.

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(a) Revenue

Rooms Food Beverage Other Trading Departments Rental and Other Income

TOTAL REVENUE

Less Cost of Goods Sold

Food Beverage Other Trading Departments

TOTAL COST OF GOODS SOLD

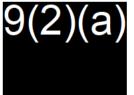
Less Department Expenses

Payroll Expenses Rooms Food Beverages Other Trading Departments

Other Department Expenses Rooms Food Beverages Other Trading Departments

TOTAL DEPARTMENTAL EXPENSES

GROSS OPERATING INCOME



The following items are not included in calculating the Gross Operating Income.

Administration - Payroll Administration and General Management Fees Advertising and Promotion Energy Repairs and Maintenance Depreciation Proceeds of insurance claims, damages or compensation Proceeds of the sale of chattels, fixtures and fittings after use thereof in the conduct of the Lessor's business.

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9(2)(a

House Profit

.

All calculations shall be on GST exclusive figures.

JAM033

From: Sent: To: Cc: Subject: Kathy Guy 9(2)(a) Friday, 19 January 2018 9:30 am Karl Beckert 9(2)(a) RE: Query on Interpretation of wording Perm # 54074-ACC

Morning Karl

Thank you for your prompt response to this. I will await your phone call this afternoon to discuss further. Kind regards

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo



www.wairakei.co.nz and www.chateau.co.nz

From: Karl Beckert [mailto:kbeckert@doc.govt.nz]

Sent: Friday, 19 January 2018 8:58 a.m.

To: Kathy Guy <mark>9(2)(a)</mark>

Cc: Arna Litchfield <alitchfield@doc.govt.nz>; Sophie Austin <saustin@doc.govt.nz> **Subject:** RE: Query on Interpretation of wording Perm # 54074-ACC

Hi Kathy

I'm the new Permissions Manager in Hamilton. Sophie has just briefed me on your correspondence.

I can understand your frustration on this. I'll look into this today and see if we can't get some more clarity sooner. Is it ok if I give you a call this afternoon once I've looked into the information related to the application?

Cheers Karl.

Karl Beckert Permissions Manager Department of Conservation - *Te Papa Atawhai* Level 3, 73 Rostrevor Street, Hamilton

9(2)(a)

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From: Arna Litchfield
Sent: Friday, 19 January 2018 8:18 a.m.
To: Karl Beckert <<u>kbeckert@doc.govt.nz</u>>
Subject: FW: Query on Interpretation of wording Perm # 54074-ACC

From: Kathy Guy (9(2)(a) Sent: Thursday, 18 January 2018 5:00 p.m. To: Sophie Austin <<u>saustin@doc.govt.nz</u>> Cc: Arna Litchfield <<u>alitchfield@doc.govt.nz</u>> Subject: RE: Query on Interpretation of wording Perm # 54074-ACC

Afternoon Sophie

I am sorry but I require this info immediately as I have a large investment waiting to be signed off for the Chateau by the Board. I have had to wait for the lease docs and now have to wait for an interpretation for 3 weeks ! – unacceptable. I will be contacting Lou Sanson tomorrow to get this sorted. Kathy Guy

From: Sophie Austin [mailto:saustin@doc.govt.nz]
Sent: Thursday, 18 January 2018 4:25 p.m.
To: Kathy Guy 9(2)(a)
Cc: Arna Litchfield <<u>alitchfield@doc.govt.nz</u>>; Deidre Ewart <<u>dewart@doc.govt.nz</u>>;
Subject: RE: Query on Interpretation of wording Perm # 54074-ACC

Hi Kathy,

Thank you for your patience. The deadline of 22 January is no longer relevant while we clarify/negotiate the fees for the concession.

I've just spoken to Deidre Ewart, she is going on leave for three weeks, but will come back to you about negotiating fees when she returns.

Thanks,

Sophie

From: Kathy Guy 9(2)(a) Sent: Thursday, 18 January 2018 8:06 a.m. To: Sophie Austin <<u>saustin@doc.govt.nz</u>> Cc: Arna Litchfield <<u>alitchfield@doc.govt.nz</u>> Subject: Query on Interpretation of wording Perm # 54074-ACC

Morning Sophie and Arna

I am conscious that the 22nd Jan is looming and I would very much like to get this signed lease back to you before the deadline on Monday. Can you please advise the outcome of my query regarding the interpretation of Revenue vs Income. Thanks

Kathy

Kathy Guy MNZM

General Manager Wairakei Resort and Chateau Tongariro Private Bag 2006, Taupo



www.wairakei.co.nz and www.chateau.co.nz



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From: Sent: To: Cc: Subject: Attachments: Sophie Austin Friday, 2 March 2018 4:57 pm Kathy Guy Karl Beckert Adjusted cost estimate for Chateau 54074-ACC Kah Corp - cost estimate adjustment.pdf

Hi Kathy,

Given the ongoing Activity Fee negotiations, the Department is spending more time processing the request to renew the lease for the Chateau Tongariro. As a result, the cost estimate provided as part of the acknowledgement letter dated 2 March 2017 needs adjustment.

The previous estimate was \$2,410.00 + valuation costs + GST. The new estimate is \$4740.00+ GST. If a valuation is determined to be required as a result of the fee negotiations discussions, this will also be recoverable. The reason the estimate has increased is because fee disputes require a decision to be made by the Director, and involvement and decision-making time at this level is charged at a higher rate. See attached for the full breakdown.

Please contact me if you have any questions about the Processing Fee, or alternatively we can discuss this in more detail at the meeting on Friday 9 March 2018.

Many Thanks,

Sophie

Sophie Austin

Permissions Advisor Department of Conservation - *Te Papa Atawhai* M: 9(2)(a)

Kirikiriroa / Hamilton Shared Service Centre Level 4 73 Rostrevor Street Hamilton 3204

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54074-OTH

Friday 2 March 2018

Kah New Zealand Limited C/o The Post Office Ruapehu New Zealand

For the attention of: Kathy Guy

Dear Kathy Guy

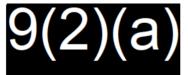
PROCESSING COSTS OF FEE NEGOTIATION - 54074-OTH

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The previous estimate was \$2,410.00 + valuation costs + GST. The new estimate is \$4740.00+ GST. If a valuation is determined to be required as a result of the fee negotiations discussions, this will also be recoverable. The reason the estimate has increased by so much is because fee disputes require a decision to be made by the Director, and involvement and decision-making time at this level is charged at a higher rate. See below for the full breakdown.

Please contact me if you have any questions about the Processing Fee, or alternatively we can discuss this in more detail at the meeting on Friday 9 March 2018.

Yours Sincerely



Sophie Austin Permissions Advisor, Hamilton

Role/Task	Estimated time on 2 March 2017	Revised Estimated time (as at 2 March 2018)	Revised Estimated cost (as at 2 March 2018)
 <u>Permissions Advisor</u>: \$115.00 plus GST per hour Includes reviewing application; application of legislation; correspondence with technical experts, District Office, and Applicant; drafting of decision support document and authority 	10 hours (\$1,150.00 + GST)	16 hours	\$1840.00 + GST
 <u>District Office staff</u>: \$115.00 plus GST per hour Number of District Offices involved: Includes reviewing application from a local perspective; consultation with whānau, hapū, and iwi; site visits; local context including drafting special conditions 	5 hours (\$575.00 + GST)	8 hours	\$920.00 + GST
 <u>Legal support</u>: \$165.00 plus GST per hour Includes review of information provided, interpretation of legislation 	2 hours (\$330.00 + GST)	3 hours	\$495.00 + GST
<u>GIS</u> : \$115.00 plus GST per hour • Includes creation of map for authorisation	1 hour (\$115.00 + GST)	1 hour	\$115.00 + GST
 <u>Decision Maker</u>: Choose either: Director, \$185.00 plus GST per hour Manager, \$125.00 plus GST per hour Includes review of application, context meeting, decision making 	1 hour from Manger (\$125.00 + GST)	8 hours from Manager and 2 hours from Director	\$1370.00 + GST
<u>Peer review</u>	1 hour (\$115.00 + GST)	Now included in Permissions Advisor (above)	
Total	\$2410.00 +valuation cost +GST		\$4740.00 +valuation cost +GST

Revised Cost Estimate for Processing Renewal Request

From: Sent: To: Cc: Subject: Attachments:

9(2)(a) 9(2)(a)

Wednesday, 14 March 2018 11:24 am Karl Beckert; Deidre Ewart Kathy Guy Chateau Tongariro Financial Statements CT P&L Email December 2017.xlsm

Good morning,

Thank you for your time meeting with us last Friday. As requested please see attached Financial statements for the Chateau.

As discussed 2016/2017 were the first years of positive returns for the Chateau, however still well below national averages for hotels profitability. 9(2)(b)(ii)

Please let us know if you require any further information.

Kind regards,

9(2)(a)

Financial Controller

Wairakei Resort & Chateau Tongariro 9(2)(a)

Website: www.wairakei.co.nz; www.conferencetaupo.co.nz



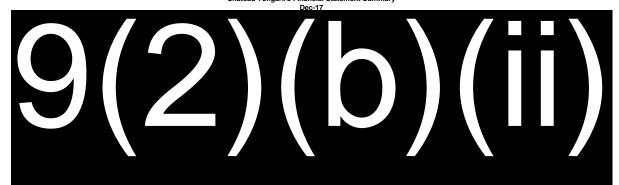
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Bayview International Hotels & Resorts recently unveiled a new online experience to its worldwide internet users on its corporate website, <u>www.bayviewhotels.com</u>. Promoting quicker and faster navigation, the new website combines technology modules that provide users the capacity to make new bookings, modify and cancel reservations instantly. Visit <u>www.bayviewhotels.com</u> for an ultimate online experience.

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BAYVIEW INTERNATIONAL HOTELS & RESORTS Chateau Tongariro Financial Statement Summary



54074-OTH

14 March 2018

Kah New Zealand Limited C/o The Post Office Ruapehu New Zealand

For the attention of: Kathy Guy

Dear Kathy Guy

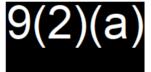
INTERIM BILL - 54074-OTH

Given the ongoing Activity Fee negotiations, the Department will be continuing to spend time on processing the request to renew the lease for the Chateau Tongariro. As a result, you will shortly receive interim bill which acknowledges the work done on the application to date.

The Department will continue to negotiate the Activity Fee for the Chateau Tongariro at your expense. This will be charged at the rates below. There was no valuation done, but if required in future, this will also be recoverable.

Please contact me if you have any questions about the Processing Fee, or the resulting bill.

Yours Sincerely



Sophie Austin Permissions Advisor, Hamilton

Role/Task	Actual time (as at 14 March 2018)	Cost (as at 14 March 2018)
 <u>Permissions Advisor</u>: \$115.00 plus GST per hour Includes reviewing application; application of legislation; correspondence with technical experts, District Office, and Applicant; drafting of decision support document and authority 	19.5 hours	\$5,242.50 + GST
 <u>District Office staff</u>: \$115.00 plus GST per hour Number of District Offices involved: Includes reviewing application from a local perspective; consultation with whānau, hapū, and iwi; site visits; local context including drafting special conditions 	9.5 hours	\$1092.50 + GST
 <u>Legal support</u>: \$165.00 plus GST per hour Includes review of information provided, interpretation of legislation 	3 hours	\$495.00 + GST
GIS: \$115.00 plus GST per hourIncludes creation of map for authorisation	1 hour	\$115.00 + GST
Economics and Pricing: \$115.00 plus GST per hour • Includes evaluation of market rates	3 hours	\$495.00 + GST
 <u>Decision Maker</u>: Director, \$185.00 plus GST per hour Manager, \$125.00 plus GST per hour Includes review of application, context meeting, decision making 	17.5 hours from Manager and 1 hour from Director	\$2372.50 + GST
Other costs Overheads (including travel)		\$100.00 + GST
Total		\$6762.50 + GST

Actual time incurred for Processing Renewal Request

From:	Kathy Guy <mark>9(2)(a)</mark>
Sent:	Thursday, 15 March 2018 2:53 pm
То:	Sophie Austin
Subject:	Re: Interim bill for processing the Chateau application - 54074

Hi Sophie Already have received this the day of our meeting last week, Regards Kathy Guy

Sent from my iPhone

On 15/03/2018, at 14:22, Sophie Austin <<u>saustin@doc.govt.nz</u>> wrote:

Kia Ora Kathy,

Given the ongoing negotiations, you will shortly receive an interim bill which covers the work done on the application to date, including the meeting on 9 March. Attached is a breakdown of how the fees have been calculated. The Department will continue to negotiate the Activity Fee at the rates set out in this letter.

If you have any questions let me know.

Thanks,

Sophie

Sophie Austin

Permissions Advisor Department of Conservation - *Te Papa Atawhai* M: 9(2)(a)

Kirikiriroa / Hamilton Shared Service Centre Level 4 73 Rostrevor Street Hamilton 3204

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<Kah Corp - Interim bill letter - 54074-OTH.pdf>