

I hereby give notice that an Extraordinary Council Meeting of the Grey District Council will be held:

Date: Friday 19 July 2024

Time: 1:00pm

Venue: Council Chambers, 105 Tainui Street, Greymouth

Paul Pretorius
Acting Chief Executive

EXTRAORDINARY COUNCIL MEETING

AGENDA

Members:

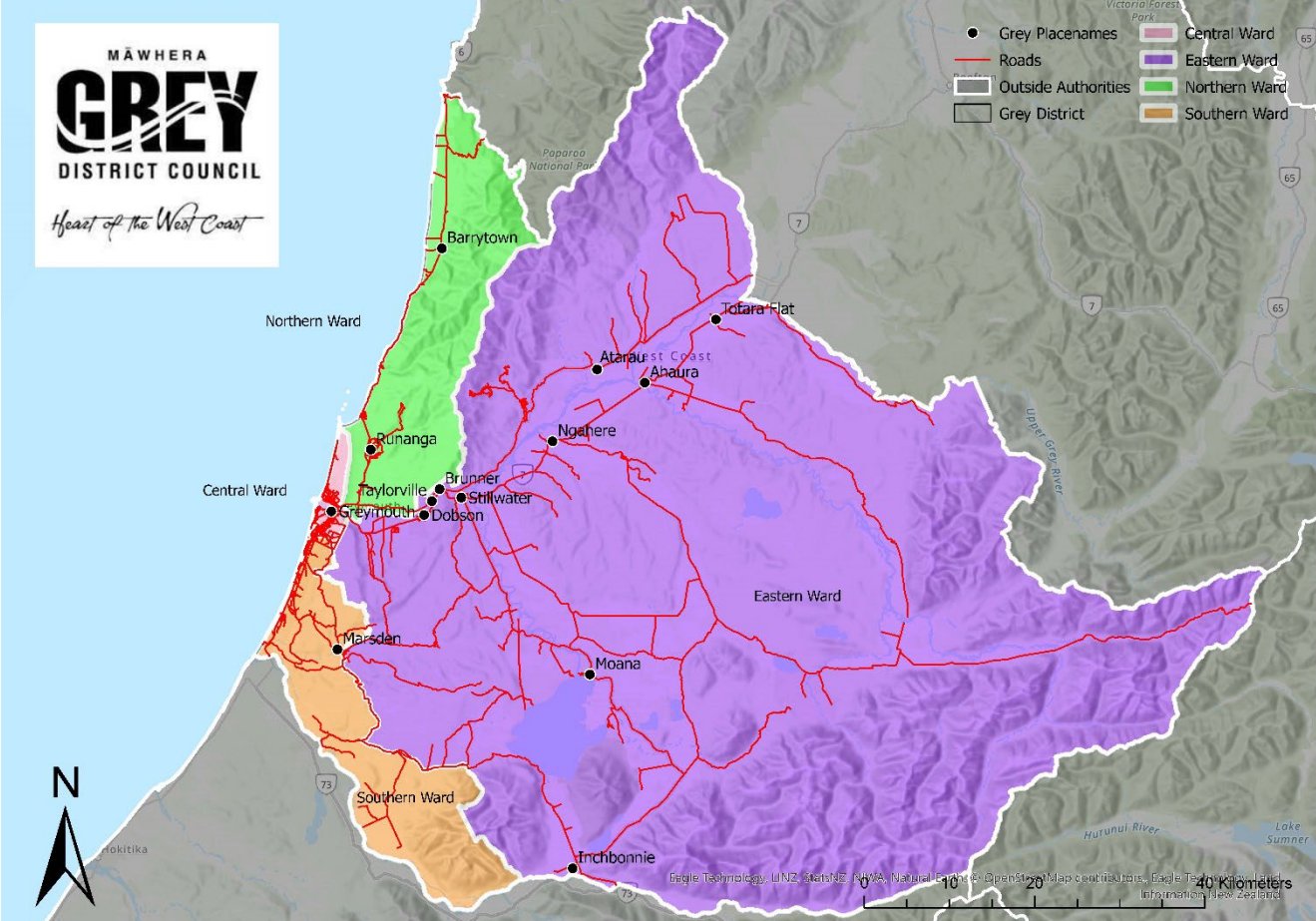
Mayor: Mayor Tania Gibson
Deputy Mayor: Councillor Allan Gibson
Members: Councillor John Canning
Councillor Peter Davy
Councillor Rex MacDonald
Councillor Robert Mallinson
Councillor Tim Mora
Councillor Jack O'Connor
Kaiwhakahaere Francois Tumahai

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The information in this document is provided to facilitate good competent decisions by Council and does in no way reflect the views of Council. Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.



- Grey Placenames
- Roads
- ▭ Outside Authorities
- ▭ Grey District
- ▭ Central Ward
- ▭ Eastern Ward
- ▭ Northern Ward
- ▭ Southern Ward



EXTRAORDINARY COUNCIL MEETING OF THE GREY DISTRICT COUNCIL

to be held at Council Chambers, 105 Tainui Street, Greymouth on Friday 19 July 2024 commencing at 1:00pm

AGENDA

Before Council - Public Forum: 12:30 pm

Note: A period is set aside for the public to speak to Council before the meeting. Members of the public are allocated a time to address the Council on items that fall within delegations of the Council provided the matters are not subject to legal proceedings, and are not already subject to a process providing for the hearing of submissions. Speakers may be questioned through the Chair by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker(s). Such presentations do not form part of the formal business of the meeting with those requiring further action being referred to the Chief Executive for further reporting at another Council meeting.

Speakers during Council: Nil

COUNCIL IN OPEN MEETING

GENERAL BUSINESS AND TABLED ITEMS

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Council members are reminded that if he/she has a direct or indirect interest in any item on the agenda be it pecuniary or on grounds of bias and predetermination, then he/she must declare this interest and refrain from discussing or voting on this item.

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1 APOLOGIES AND DECLARATIONS OF INTEREST

1.1 APOLOGIES

Cr Kate Kennedy is on leave of absence from 01/07/24 to 25/07/24

1.2 UPDATES TO THE INTERESTS REGISTER

Elected members to please advise if there are any changes to be made to the current Interests Register.

1.3 IDENTIFY ANY CONFLICTS OF INTERESTS IN THE AGENDA

Notwithstanding that an elected member may declare an interest at any later stage in this Agenda (prior to taking part in the deliberation of a particular item) those items where an interest will be declared may wish to be disclosed now.

2 LIST OF ACRONYMS USED

BCA	Building Consent Authority	LGOIMA	Local Government Official Information and Meetings Act
BCO	Building Control Officer	LGNZ	Local Government New Zealand
CCC	Code Compliance Certificate	LTP	Long Term Plan
CSO	Customer Services Officer	LVT	Land Valuation Tribunal
CDEM	Civil Defence Emergency Management	MBIE	Ministry of Business, Innovation and Employment
CDEMG	Civil Defence Emergency Management Group	MCDEM	Ministry of Civil Defence and Emergency Management
CEC	Community Emergency Centre	MDI	Major District Initiative
CEG	Co-ordinating Executive Group	MOH	Ministry of Health
CIMS	Co-ordinated Incident Management System	NBS	New Building Strength
CPEng	Chartered Professional 'Engineer'	NGO	Non-Government Organisation
DEE	Detailed Engineering Evaluation	NZFS	New Zealand Fire Service
DHB	District Health Board	NZQA	New Zealand Qualifications Authority
DIA	Department of Internal Affairs	NZTA	New Zealand Transport Authority
DOC	Department of Conservation	OAG	Office of the Auditor General
DWC	Development West Coast	OSH	Occupational Safety & Health
EMIS	Emergency Incident Management System	PHO	Primary Health Organisation
EDLG	Economic Development Liaison Group	PDU	Provincial Development Unit
EOC	Emergency Operations Centre	PGF	Provincial Growth Fund
EMO	Emergency Management Officer	PIM	Project Information Memorandum
GPS	Global Positioning System	PCBU	Person conducting a business or undertaking
HSNO	Hazardous Substances and New Organisms	RC	Resource Consent
HSR	Health and Safety Representative	RMA	Resource Management Act
HSWA	Health and Safety at Work Act 2015	SCADA	Supervisory Control and Data Acquisition
IAP	Incident Action Plan	SO	Standing Orders
IEP	Initial Evaluation Procedure	SOLGM	Society of Local Government Managers
IQP	Independent Qualified Person	SH	State Highway
LGA	Local Government Act	SNA	Significant Natural Area
LIM	Land Information Memorandum	TECNZ	Tourism Export Council of New Zealand
LINZ	Land Information New Zealand	TLA/TA	Territorial Local Authority
		WAG	Welfare Advisory Group

3 AGENDA ITEMS

3.1 RATES FOR 2024/5: RE-SETTING OF

File Number:

Report Author: Acting Chief Executive

Report Authoriser: Acting Chief Executive

Appendices: 1. Notice: Intention to Set Rates for 2024/5 Again

1. REPORT PURPOSE

1.1. For Council to:

- note the deficiencies with the 27 June 2024 decision setting the rates for 2024/5
- note the advice from Simpson Grierson promoting Council following the provisions of S. 119 of the Local Government (Rating) Act 2002 to set the general rate again following public notice for a period of 14 days.
- approve the notice to be given to comply with the said S. 119 procedure.
- also signal its intention to postpone the first rate instalment date of 20 August 2024 to 20 September 2024.

2. EXECUTIVE SUMMARY

- 2.1. Changes made to the Draft Annual Plan for 2024/5, inter alia in relation to allocations to the 9 separate rating groups in Council's rating system created inconsistencies amongst the rating groups causing some to be higher than expected and some to be lower than expected. It is important to note that the total rate requirement as publicly signalled was not impacted by the actions taken. This resulted in an error in the setting of general rate on 27 June.
- 2.2. Legal advice from Simpson Grierson would indicate that the issue can be adequately dealt with by, in pursuance to S. 119 of the Local Government (Rating) Act 2002
- give 14 days notice to set the general rate again
 - as part of the notice outline how the rate is to be set again and why Council is re-setting the rate
 - given the fact that the notice period will not leave enough time to get rates invoices out in time for the first rate instalment due date (20 August 2024), give notice that this date will be extended to 20 September 2024.
- 2.3. This report aims at setting this process in motion by Council noting the Notice to be notified as soon as possible.

3. OFFICER RECOMMENDATION

That:

1. Council notes:

- a. That the setting of rates on 27 July 2024 was based on an error and, as such is not sustainable
- b. The reasons for such error.

- c. That legal advice taken suggests that Council follows the provisions of S. 119 of the Local Government Act 2002 to re-set the general rate at a Council meeting in August 2024 after having given 14 days notice of its intention to do so and rescinding the relevant part of its 27 June 2024 decision.
 - d. That the notice period as outlined will mean that the re-setting of the rate will only be done in August 2024 which may make it difficult to send rates invoices out within the minimum 14 day time limit provided for in terms of S. 48 and 49 of the Local Government Act 2002 and that it will be prudent to adjust this first rate instalment date to 20 September 2024.
2. Against the background of the above, Council notes the contents of the public notice attached to the agenda.

4. BACKGROUND

- 4.1. Refer the Executive summary.
- 4.2. The changes made to the Annual Plan were most unfortunate as it resulted in the setting of rates on 27 June 2024 being unsustainable despite the actual rates strike having been done correctly.
- 4.3. This distorted the rate allocation between the different rating groups causing some to increase and others to decrease.
- 4.4. Striking a rate correctly is a fundamental requirement for rates to be enforceable and the 27 June 2024 rate setting falls short of this requirement.
- 4.5. Simpson Grierson has critically reviewed the 27 June 2024 rate setting and confirmed the need to set a new general rate. They concluded that a replacement of rates per S. 120 to 130 of the Act is not proportionate to the problem and that S. 119 of the Act provides a suitable response. S. 119 requires a local authority to set the rates again which involves public notice of this intention over a 14 day period outlining how it will be re-set and why.
- 4.6. This means that Council will have to, in August 2024 re-set the general rate after having rescinded the relevant part of the 27 June 2024 decision.
- 4.7. This will mean that Council is unlikely to be able to send rates demands out minimum 14 days before the first rate instalment date being 20 August 2024. This means that this date also be extended formally to 20 September 2024. This extension will impact on Council's cash flow and special attention will have to be given to it not becoming an issue.
- 4.8. Attention is drawn to the Notice attached hereto

5. SIGNIFICANCE AND ENGAGEMENT

5.1.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	There may be but the notification of intent is unlikely to be controversial.	The intention will result in inconsistencies being corrected, something that will be welcomed by all
Is there a significant impact arising from duration of the effects from the decision?	No	N/A
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	N/A
Does the decision create a substantial change in the level of service provided by Council?	No	N/A
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	N/A
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	N/A
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	N/A
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	N/A

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

- (a) This report contains:
- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
 - (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
- (b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

NOTICE

INTENTION TO SET RATES FOR 2024/5 AGAIN

Notice is herewith given in terms of S. 119 of the Local Government (Rating) Act 2002 of Council's intention to set the general rate for 2024/5 again. Such action will replace the general rate set by Council on 27 June 2024 and is prompted by the fact that a mistake had been made in preparing for the 27 June 2024 decision. This mistake did not impact on the total rate requirement as signaled, but it did create inconsistencies amongst the 9 different rate categories causing some to be higher than it should be and some lower. This is highlighted in the following table.:

Rating category	24 June 2024 differential	Intended differential
Residential 1	0.0124682	0.0117307
Residential 2	0.0104474	0.0089192
Residential 3	0.0086268	0.0050231
Rural Residential	0.0023011	0.0021304
Rural	0.0056101	0.0055896
Commercial 1	0.0199459	0.0213692
Commercial 2	0.0218646	0.0225684
Commercial 3	0.0031611	0.0209795
Farming/Forestry	0.0013102	0.0026097

Council intends re-setting the rate for the following reasons:

- to correct the mistake
- to address the inconsistency between rate categories
- restore equity and fairness

Given that this notification process may impact on the first rates instalment date of 20 August 2024, Council intends also changing this date to 20 September 2024.

Paul Pretorius

Act. Chief Executive Officer

4 COUNCIL RESUMES IN OPEN MEETING

CLOSURE OR RATIFICATION OF DECISIONS IN OPEN MEETING