

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

**Date:** Tuesday 13 August 2024  
**Time:** 4:00pm  
**Venue:** Council Chambers, 105 Tainui Street, Greymouth

Paul Pretorius  
Acting Chief Executive

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# EXTRAORDINARY COUNCIL MEETING

## LATE AGENDA

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**Members:**

Mayor: Mayor Tania Gibson  
Deputy Mayor: Councillor Allan Gibson  
Members: Councillor John Canning  
Councillor Kate Kennedy  
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.*

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### 3 AGENDA ITEMS

#### 3.1 LATE ITEM: STANDING ORDERS: AMENDMENT OF TO ALLOW MEMBERS TO JOIN REMOTELY ENV 2024-CHC 000041-WCRC & GDC: ATTENDING MEDIATION AND ASSOCIATED COST

**File Number:**

**Report Author:** Acting Chief Executive

**Appendices:** Nil

#### 1. BACKGROUND

- 1.1. In terms of Clause 9.12 of Standing Orders, read with S.46A(7) of the Local Government Official Information and Meetings Act, 1987, an item can be considered as a late item of business.

*9.12 Items of business not on the agenda which cannot be delayed*

*A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:*

*(a) The reason the item is not on the agenda; and*

*(b) The reason why the discussion of the item cannot be delayed until a subsequent meeting*

- 1.2. LGOIMA s, 46A(7)

*Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.*

***Please note*** that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

The Acting Chief Executive and Chairperson has advised their intention to introduce two late items for Council to consider being:

- 1.3 Standing Orders: Amendment of to Allow Members to Join Remotely:

- 1.4 Env 2024-CHC-000041- WCRC & GDC: Attending Meditation and Associated Cost.

**2. OFFICER RECOMMENDATION**

1. That Council in accordance with Section 46A(7) of the Local Government Official Information and Meetings Act read with Standing Orders 9.12 the following be considered as a late item:
  - Standing Orders: Amendment of to Allow Members to Join Remotely.
  - Env 2024-CHC-000041- WCRC & GDC: Attending Meditation and Associated Cost.
2. Council notes the following reasons for the need to deal with the items as late items.
  - Standing Orders: - Cut off date is 1 October 2024. Dealing with it now removes any chance of the matter not being in place by 1 October 2024.
  - Env 2024-CHC-000041- WCRC & GDC: Attending Meditation and Associated Cost.
  - The mediation hearing is scheduled for the end of August before the next Council meeting.

**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.

### 3.2 LATE ITEM: STANDING ORDERS: AMENDMENT OF TO PROVIDE FOR MEMBERS TO JOIN REMOTELY

**File Number:****Report Author:** Acting Chief Executive**Report Authoriser:** Acting Chief Executive**Appendices:** Nil

#### 1. REPORT PURPOSE

- 1.1. To change Standing Orders to allow for members joining the meeting remotely, to be counted as quorum.

#### 2. EXECUTIVE SUMMARY

- 2.1. Events like COVID-19 and Cyclone Gabrielle resulted in Council members having to join Council meetings remotely. The problem was that S 25A (4) of Schedule 7 of the Local Government Act 2002 specifically provided for any Council member participating remotely, to NOT be counted for purposes of a quorum. This has since been addressed by The Local Government Electoral Legislation Act 2023 which provided for members joining a meeting remotely to be counted as quorum so long as the Standing Orders of Council provides for it. This amendment is set to be repealed on 1 October 2024, so it is prudent to add provision for this in Standing Orders.
- 2.2. It may be that Council may need an on-line meeting which means that the ability to do so beyond 1 October 2024 must be provided for.

#### 3. OFFICER RECOMMENDATION

That Council:

1. Notes the contents of the report.
2. Confirms the need for Council members to, under certain circumstances, join Council meetings remotely and be counted as part of quorum.
3. Council resolves to amend Standing Orders as follows:
  - To, in Clause 11.1. delete the word “*physically*’ from parts (a) and (b) of the Clause
  - To, in Clause 13.8 delete the word “*not*” from the Clause.
  - To in Clause 13.9, delete the word “*physically*” from the Clause.
4. Council notes that the change will come into force on 1 September 2024.

#### 4. BACKGROUND

- 4.1. Please refer the information under Executive Summary above. The key requirement for remotely joined members to be able to be counted as quorum is to amend Standing Orders to provide for it. The Clauses in Standing Orders will have to be amended. These are:

*Cl. 11.1. Council meetings*

*The quorum for a meeting of the Council is:*

*(a) half of the members physically present, where the number of members (including vacancies) is even; and*

*(b) a majority of the members physically present, where the number of members (including vacancies) is odd.*

The recommendation is that the word “physically” be removed from both parts (a) and (b) of the Clause.

*Cl. 13.8 Member’s status: quorum*

*Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.*

The recommendation is that the word “not” be deleted from the Clause.

Cl. 13.9

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

The recommendation is that the word “physically” be deleted

It should be noted that any change to Standing Orders require a majority vote of 75% of members **present and voting**.

**5. SIGNIFICANCE AND ENGAGEMENT**

## 5.1.

<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
Is there a high level of public interest, or is decision likely to be controversial?	Low	The principle of zoom style meetings has become well accepted.tl
Is there a significant impact arising from duration of the effects from the decision?	Low	N/A
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	N/A
Does the decision create a substantial change in the level of service provided by Council?	Low	N/A
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	N/A
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	Low	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?	Low	N/A
Does the proposal or decision involve Council exiting from or entering into a group of activities?	Low	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.

**3.6 LATE ITEM: ENV 2024-CHC-000041-WCRC & GDC: ATTENDING MEDIATION AND ASSOCIATED COST****File Number:****Report Author:** Acting Chief Executive**Report Authoriser:** Acting Chief Executive**Appendices:** Nil**1. REPORT PURPOSE**

- 1.1. To obtain Council's approval to present evidence in support of Council's Resource Consent re TIGA mining.

**2. EXECUTIVE SUMMARY**

- 2.1. Council issued a Resource Consent for TIGA Mining which has been appealed by Coast Road Resilience Group Inc. A mediation hearing will soon take place and it prudent for Council to:
  - Note and approve the costs in doing so, on the basis that reasonable costs will be recovered from TIGA Mining.
  - Approve the requisite delegation to Michael McEnaney to attend the mediation and subsequent appeal hearings.

**3. OFFICER RECOMMENDATION**

That Council :

1. Notes the brief report.
2. Notes that there will be costs involved in attending mediation/appeal hearing but that reasonable costs will be payable by TIGA Mining as applicant.
3. The following formal delegation be approved:

Delegation:

*In respect of the Environment Court Proceeding Coast Road Resilience Group Inc. v West Coast Regional Council and Grey District Council and Others, Council delegates to Michael McEnaney [Regulatory Manager] the power to:*

- *Decide whether Environment Court mediation is entered into;*
  - *Approve and appoint experts and legal advisors to represent the Council's interests;*
  - *Approve and sign on the Council's behalf any pre-mediation agreement that covers the terms and conditions of the mediation;*
  - *Reach agreement with the other parties (either individually or as a whole) as to the terms on which the appeal may be resolved (in part or whole) by way of a settlement agreement and whether such an agreement may be disclosed to third parties;*
  - *Decide the Council's share of the cost of mediation; and*
  - *Sign any documents in respect of the above.*
4. The provisions of 3 above is subject to the Regulatory Manager reporting back to Council on his exercise of the delegation and the implications for Council.



**4. SIGNIFICANCE AND ENGAGEMENT**

## 4.1.

<b>Issue</b>	<b>Level of Significance</b>	<b>Explanation of Assessment</b>
Is there a high level of public interest, or is decision likely to be controversial?	Moderate.	Mining is a pretty topical and emotional issue.
Is there a significant impact arising from duration of the effects from the decision?	Low	Part of a legal process. We expect the financial impact to be low. TIGA has been part of the process and is happy to pay reasonable cost.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	low	N/A
Does the decision create a substantial change in the level of service provided by Council?	Low	N/A
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	N/A
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	Low	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?	Low	N/A
Does the proposal or decision involve Council exiting from or entering into a group of activities?	Low	N/A

**Confirmation of Statutory Compliance**

<p>Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).</p> <p>(a) This report contains:</p> <ul style="list-style-type: none"> <li>(i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and</li> <li>(ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.</li> </ul> <p>(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.</p>
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## 4 IN COMMITTEE ITEMS

### COUNCIL IN-COMMITTEE

That the public is excluded from this part of the meeting in relation to:

#### Agenda item(s)

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:

#### OFFICER RECOMMENDATION

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 - CHANGE OF AUTHORISED BANKING SIGNATORIES: BNZ	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7