

MEETING OF THE
Clutha District Council

Thursday 11 April 2024

Commencing at 1.30pm

At the Council Chambers

1 Rosebank Terrace

BALCLUTHA

CLUTHA DISTRICT COUNCIL

Notice is hereby given that a Meeting of the Clutha District Council will be held in the Council Chambers, 1 Rosebank Terrace Balclutha on Thursday 11 April 2024, commencing at 1.30pm.

Steve Hill
CHIEF EXECUTIVE OFFICER

Committee Members

Mayor: Bryan Cadogan

Councillor Kevin Barron
Councillor Dane Catherwood
Councillor Wayne Felts
Councillor Gaynor Finch
Councillor Bruce Graham
Councillor John Herbert
Councillor Michele Kennedy

Councillor Alison Ludemann
Councillor Simon McAtamney
Councillor Dean McCrostie
Councillor Brent Mackie
Councillor Jock Martin
Councillor Ken Payne
Councillor Bruce Vollweiler

CLUTHA DISTRICT COUNCIL

Thursday 11 April 2024

APOLOGIES

None at the time of printing this agenda.

DECLARATIONS OF INTEREST

None at the time of printing this agenda.

PUBLIC FORUM

There will be no public forum for this meeting as this is an additional Council meeting to consider a specific item. The next public forum will occur at Council's next regular meeting scheduled for Thursday 9 May 2024.

Item	Page #	Title
1	3	Reason to move into Public Excluded <i>(For Council's Decision)</i> The Council may upon resolution or upon motion being made, exclude the public from the whole or any part of the proceedings of any meeting.
2	4	Adopt Long-Term Plan (LTP) Consultation Document and Supporting Information for consultation <i>(For Council's Decision)</i> This report presents the Long-Term Plan 2024/34 Consultation Document and supporting information for adoption for consultation.

Clutha District Council

Item for DECISION

Report	Reasons to Move to Public Excluded Session
Meeting Date	11 April 2024
Item Number	1
Prepared By	Steve Hill – Chief Executive
File Reference	891558

REPORT SUMMARY

The Council may upon resolution or upon motion being made, exclude the public from the whole or any part of the proceedings of any meeting.

Grounds to exclude the public under the Local Government Official Information and Meetings Act 1987 are contained in Appendix 1 of the Clutha District Council's Standing Orders as attached.

RECOMMENDATIONS

1. That Council receives the 'Reasons to Move to Public Excluded Session' report.
2. That Council agrees to allow '*specified*' persons to remain as they possess the following knowledge relating to *the agenda item*: **(IF REQUIRED)**.
3. That if required, Council excludes the public from the following part of the proceedings of this meeting pursuant to the provisions of the Local Government Official Information and Meetings Act 1987 namely:

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
Deloitte LTP Audit	A2(c)(i) Protect information which is subject of an obligation of confidence where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is	S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

	<p>in the public interest that such information should continue to be supplied.</p> <p>Our Auditors are unlikely to be as free and frank with information if it was in public.</p>	
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This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown after each item.

- 4. That as required, Council at the conclusion of the public excluded business referred to in Recommendation 3, closes the Public Excluded Session and resumes normal business open to the public.**

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or

- (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public is not excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings.
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and

- iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

48 Right of local authorities to exclude public

- (1) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:
 - (a) that the public conduct of the whole or 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,—
 - (i) where the local authority is named or specified in [Schedule 1](#), under [section 6](#) or [section 7](#) (except section 7(2)(f)(i));
 - (ii) where the local authority is named or specified in [Schedule 2](#) of this Act, under [section 6](#) or [section 7](#) or [section 9](#) (except section 9(2)(g)(i)) of the Official Information Act 1982:
 - (b) that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would—
 - (i) be contrary to the provisions of a specified enactment; or
 - (ii) constitute contempt of court or of the House of Representatives:
 - (c) that the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under [section 30\(1\)](#) or [section 38\(3\)](#) of this Act (in the case of a local authority named or specified in [Schedule 1](#)) or under [section 30\(1\)](#) or [section 35\(2\)](#) of the Official Information Act 1982 (in the case of a local authority named or specified in [Schedule 2](#) of this Act):
 - (c) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

See s. 48 LGOIMA.

Clutha District Council

Item for DECISION

Report	Long-Term Plan 2024-34 Release for Consultation
Meeting Date	11 April 2024
Item Number	2
Prepared By	Steve Hill, Chief Executive Sharon Jenkinson – Chief Financial Officer
File Reference	888676

REPORT SUMMARY

This report presents the Long-Term Plan 2024/34 Consultation Document and supporting information for adoption.

Note: The following documents referred to in this report are attached under a separate cover as follows under the name ‘Proposed Long-Term Plan 2024/34-Related Documents for Adoption’:

- Att A: Consultation Document for the Proposed Long-Term Plan 2024/34
- Supporting Information for Consultation Document for the Proposed Long-Term Plan 2024/34:
 - Att B: Clutha District Council Draft Infrastructure Strategy 2024/34.
 - Att C: Clutha District Council Draft Financial Strategy 2024/34.
 - Att D: Draft Living & Working in Clutha Strategy 2024/34
 - Att E: Clutha District Council Draft Prospective Financial Statements for the Proposed 2024/34 Long Term Plan.
 - Att F: Clutha District Council Rates Information for the Proposed 2024/34 Long Term Plan.
 - Att J: Draft Clutha District Council Climate Change Strategy
 - Att K: Draft Clutha District Council Waste Minimisation Management Plan and Statement of Proposal
- Statement of Proposals for concurrent consultation including the following:
 - Att G: Proposed Rating Policies 2024/34

- Att H: Proposed Schedule of Fees and Charges 2024/24
- Att I: Proposed Significance & Engagement Policy 2024/34

RECOMMENDATIONS

1. That Council receives the 'Long-Term Plan 2024/34' report.

Long Term Plan Consultation Document and Supporting Document Package

2. That Council adopts the Consultation Document for the Proposed Long-Term Plan 2024/34 (Attachment A).
3. That Council adopts the supporting information for the Consultation Document for the Proposed Long-Term Plan 2024/34 as follow:
 - Clutha District Council Draft Infrastructure Strategy 2024/54 (Attachment B).
 - Clutha District Council Draft Financial Strategy 2024/34 (Attachment C).
 - Clutha District Council Draft Living & Working in Clutha 2024 Strategy (Attachment D).
 - Clutha District Council Draft Financial Statements (Attachment E)
 - Clutha District Council Draft Rates Information (Attachment F)
 - Draft Clutha District Council Climate Change Strategy 2024 (Attachment J)
 - Draft Clutha District Council Waste Minimisation Management Plan 2024 and Statement of Proposal (Attachment K)

Statement of Proposals

4. That Council adopts the Statement of Proposals for the following:
 - Proposed Rating Policies (Attachment G) including.
 - Revenue and Financing Policy 2024/34
 - Policy on Remission of Rates 2024
 - Policy on Rates Postponement
 - Policy on Remission and Postponement of Rates on Maori Freehold Land
 - Proposed Schedule of Fees and Charges 2024/25 (Attachment H)
 - Proposed Significance & Engagement Policy 2024 (Attachment I).

5. That Council agrees to carry out a special consultative procedure in accordance with section 83 of the Local Government Act 2002 for the following.
 - The Long-Term Plan Consultation Package and Supporting Documents Package
 - the Proposed Rating Policies
 - the Proposed Schedule of Fees & Charges 2024/25
 - the Proposed Significance & Engagement Policy, and
6. That Council confirms the consultation period for special consultative procedure will take place from 15 April 2024 with submissions closing 15 May 2024.

General matters

7. That in accordance with section 100(2) of the Local Government Act 2002 Council resolves the proposed unbalanced budget in years 1 and 2 of the Draft Financial Strategy and Draft Financial Statements is considered by Council to be prudent.
8. That Council confirms verbal hearings dates of 23 and 24 May 2024.
9. That Council notes the decision to not receive an audit opinion on the Consultation Document and defer the adoption of the Long-Term Plan 2024/34 by up to three months.
10. That Council delegates approval of final corrections and formatting for these documents to the Chief Executive.

REPORT

1. Background

Council is working towards adopting a new Long-Term Plan (LTP) in July 2024, covering the period of 2024 to 2034.

Council approved a pre-audit outline version of the Consultation Document, Infrastructure Strategy and Financial Strategy at the Council meeting on 15 February. Auditing began on 4 March and has continued to date.

2. Audit Advice

For the LTP 2024/34 the Government has enacted some transitional provisions as part of the repeal of three waters legislation giving Council options around completion of the Consultation Document and LTP. Council has chosen to defer the adoption of the LTP by up to three months. This option removed the requirement for a formal audit and opinion for the Consultation Document. However in practical terms our auditors have completed some work on our supporting documents which will form part of our finalised LTP and have provided some advice prior to consultation.

3. Balanced Budget

Section 100(1) of the Local Government Act 2002 (the 2002 Act) requires local authorities to set each year's operating revenue at a level sufficient to meet operating expenses, i.e. "balance the budget".

Council is forecasting a deficit (unbalanced budget) of \$6.8M in 2024/25 and \$2.9M in 2025/26 years of the LTP.

Council is addressing the rising demands of policy and legislation; and managing substantial inflation and interest cost increases far surpassing the assumptions allowed for in our previous LTP. We are also facing additional costs relating to the provision of three waters services to our district. As a result, our starting position is a large increase in costs, leading to a large increase in rates.

Council's budget becomes unbalanced in the first two years of our long-term plan as we will use debt to mitigate the rating impacts and repay it in later years

Section 100(2) of the 2002 Act allows a local authority to set projected operating revenues at a different level from that which would be necessary to meet operating expenses, provided that the local authority resolves that it is financially prudent to do so, having regard to –

- (a) the estimated expenses of achieving and maintaining the predicted levels of service provision set out in the long-term council community plan, including the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and
- (b) the projected revenue available to fund the estimated expenses associated with maintaining the service capacity and integrity of assets throughout their useful life; and
- (c) the equitable allocation of responsibility for funding the provision and maintenance of assets and facilities throughout their useful life; and
- (d) the funding and financial policies adopted under section 102.

For the reasons outlined above it is proposed that the requirements of section 100(2) and financial prudence test has been met. A Council resolution to this effect has been presented for resolution.

4. Key Dates

Following adoption of the consultation material, the below are the proposed key dates for the remainder of the development of the Long-Term Plan 2024/34.

15 April	Consultation commences
15 May	Consultation closes
23-24 May	Council Meeting - LTP Hearings
12-13 June	Council Meeting - LTP Decisions
24 June	Final Audit (Deloitte)
8 July	Hot Review (Office of the Auditor General)
25 July	Council Meeting - LTP Approval

5. Communication & Consultation Activities

The LTP 2024/34 Communications Plan has been noted by the Corporate and Policy Committee on 14 March 2024 and includes the following:

Long-Term Plan 2021/31 Communication Activities

Method	Description
Media Releases	Media releases leading up to and during the consultation period to hopefully generate news stories.
Website	Council's website will include key information, outline the consultation process, contacts, and include an online submission form.
Public notices	Public notices as required will be placed in the Otago Daily Times, Southland Times and Clutha Leader newspapers.
Radio advertisements	A series of radio advertisements highlighting key issues and the availability of the document will be aired prior and during consultation.
Clutha Leader advertising	Using the Noticeboard page to highlight key messages and other advertising as required.
Community Newsletters	Community newsletters such as the Blue Mountain Express, Tuapeka Times, and Milton Genesis will be used to inform communities.
Presentations to groups in the district	Ward councilors have the opportunity to speak to any community groups they are part of, or aware of. This would be at the discretion of ward councilors to organise, with staff support, as necessary.
Social Media	Council will use its Facebook account to help raise awareness of the consultation document and process. This is likely to include the use of videos, boosted posts and targeted posts and links to online submission tools.
Posters and displays	Replicate the information provided on the Council website about project workstreams and hot topics in service centres throughout the district. Submission forms will be held at service centres.
Mayor's soapboxes	The Mayor (accompanied by elected members if they wish) will hold soapbox sessions or café conversations throughout the district to raise the key issues and hear feedback from residents.
Antenno	Council will use its app to help raise awareness of the consultation document and links to Council's website

Consultation Tools – gathering feedback

Consultation tools are aimed specifically at gaining feedback about the key issues, although obviously work to raise awareness of the process as well.

Method	Description
Consultation Document – Have your say form	Hardcopy submission forms will be included in the Consultation Document for return by freepost or hand delivery to Council offices and libraries.
Website Feedback form	An online submission form link on Council's website will be available.
Mayoral Soapbox Presentations	Residents are able to provide feedback at these sessions.

Community Discussions with Councilors	If required these can provide information and gain feedback.
Social Media	Facebook and Antenno posts will link to online submission forms. They may also generate feedback comments.
Verbal submissions (in support of written submissions)	Submissions hearings will take place on 23 & 24 May

6. Statement of Proposals for Proposed Rating Policies 2024/34

Included in Consultation are the Proposed Revenue and Financing Policy 2024/34, Policy on Remission of Rates, Policy on Rates Postponement & Policy on Remission and Postponement of Rates on Maori Freehold Land. No amendments are proposed.

7. Statement of Proposal for the Schedule of Fees & Charges 2024/34

Included in Consultation are the Proposed Schedule of Fees & Charges. There have been some amendments to the building fees and some wording corrections as outlined in the proposal.

8. Statement of Proposal for the Proposed Significance & Engagement Policy (SEP)

The SEP is a compulsory policy required by the Local Government Act 2002, providing guidance on how important or “significant” matter and how make decisions about are; and how much engagement or consultation they should have with the public about them. This is also to ensure that decision-making is transparent and fair.

Reference to the relevant section of the Act can be found [here](#). Section 76AA(3) says the policy may be amended from time to time.

The Proposed Significance and Engagement Policy was considered by Council at its workshop on 7 December 2024 and endorsed by Council at its meeting on 15 February 2024.