

19 September 2024

Dear [REDACTED]

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT Request: 2024-41

Thank you for your email of 11 September 2024 to the Carterton District Council requesting the following information:

“I would like to know legally how you can force rate payers to pay back dated rates due to the councils OWN mistakes, this is not the rate payers problem that the councils Long Tern Plan was voided due to its own mistakes..this is a council problem. How do you expect rate payers to pay these back dated rates? can you supply me where it states this can be done so in law?”

Your request has been considered under the Local Government Official Information and Meeting Act 1987 (the Act).

In response to your request, as a result of the amendments made through the repeal of the Water Service Entities legislation, namely clause 46 of Schedule 1AA of the Local Government Act, Councils are able to adopt the 2024-34 LTP no later than 30 September 2024. Rates cannot be lawfully set for the 2024/25 rating year until the Long-Term Plan (LTP) 2024-34 is adopted.

Section 23 of the Local Government (Rating) Act 2002 (LGRA) provides that rates must be set by a resolution of the local authority and must relate to a financial year or part of a financial year; and be set in accordance with the relevant provisions of the LTP and Funding Impact Statement (FIS) for that financial year. The proposed rates resolution which Council considered on the 18 September is for the entire financial year.

Whilst the delay in adopting the LTP is unfortunate, the revised date that Council considered adoption of the LTP was 18 September 2024, within the legislated timeframe. Council also agreed at the meeting on the 31 July 2024 to change the number of instalments for 2024/25 from four to three. Ratepayers can still choose to pay regular instalments on their account until the first instalment is issued.

For more information on the Delayed Setting of the 2024/25 Rates can be viewed here: [Agenda of Ordinary Council meeting - Wednesday, 31 July 2024 \(infocouncil.biz\)](#) refer to Item 7.3, page 48 to 52.

Please note, the Council proactively publishes LGOIMA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. You have the right to ask an Ombudsman to review this decision. You can do this by writing to info@ombudsman.parliament.nz or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Geoff Hamilton
Chief Executive
Carterton District Council

RELEASED UNDER LGOIMA