



MINUTES

**Ordinary Council meeting
Monday, 30 August 2021**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE TAURANGA CITY COUNCIL, BY VIDEO CONFERENCE
ON MONDAY, 30 AUGUST 2021 AT 10.30AM**

PRESENT: Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood and Commissioner Bill Wasley

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (General Manager: Corporate Services), Barbara Dempsey (General Manager: Regulatory & Compliance), Susan Jamieson (General Manager: People & Engagement), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Gareth Wallis (General Manager: Community Services), Angela Pointon (Community Relations Advisor), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support) and Jenny Teeuwen (Committee Advisor)

Commission Chair Anne Tolley commented that the meeting was being conducted remotely due to COVID level four restrictions. She thanked staff, particularly those who were deemed essential and were carrying on essential works for their community, and also the rest of the staff who were working from home. She also thanked all essential workers in the community in all their various guises that were carrying on to make sure that essential services were taking place.

1 OPENING KARAKIA

Commissioner Shadrach Rolleston opened the meeting with a Karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Nil

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 2 August 2021

RESOLUTION CO16/21/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 2 August 2021 be confirmed as a true and correct record, subject to the following correction:

- (a) Commissioner Stephen Selwood be removed as being present at the meeting.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Executive Report

Staff Marty Grenfell, Chief Executive
Paul Davidson, General Manager: Corporate Services
Barbara Dempsey, General Manager: Regulatory & Compliance
Susan Jamieson, General Manager: People & Engagement
Nic Johansson, General Manager: Infrastructure Services
Christine Jones, General Manager: Strategy & Growth
Gareth Wallis, General Manager: Community Services

Chief Executive Marty Grenfell reiterated the earlier comments of the Commission Chair and thanked staff for the remarkable way that they had responded to the COVID lockdown to ensure council services and business continued.

Key points

- Community Services
 - The Arts and Culture team were preparing for the Arts Festival which would hopefully still go ahead in October.
 - A review of the four Mainstreet organisations was currently underway.
 - A new Chief Executive had been appointed to Tourism Bay of Plenty.
 - The new Bay Venues Ltd Board were interviewing for a new Chief Executive this week.
 - Planning was underway for a temporary library location from early next year when the Willow Street campus would be closed down.
 - Work on Kulim Park had been delayed but it was hoped to still be completed and open prior to Christmas.
 - Elizabeth Street was progressing as planned. Workers would make the most of quiet CBD conditions under level three. The Farmers retail offering was on track to be opened by Labour weekend.

- The AIMS games had been cancelled for the second year in a row due to COVID.
- Infrastructure Services
 - The Water and Wastewater teams were commended for continuing to work through COVID level four restrictions.
 - Due to COVID restrictions, the start date for the Cameron Road street works was pushed out to 13 September. Works could not be started under essential work criteria and definitions for COVID this time around.
 - Tenders for the road maintenance contracts would close on 13 September. Negotiations would be undertaken through September and October with contracts awarded by 1 November. Commencement dates for the contracts would be 1 December or early December.
 - The Street Design Toolkit was launched last month and would give guidance for street design, from strategy through to implementation.
- People and Engagement
 - There would be an ongoing Service Centre presence in the Papamoa library for two days a week beginning in September 2021.
 - Recruiting for the new Community Relations roles was nearly concluded with only two roles still to fill.
 - A Māori Language Strategy, Te Koruru, had been developed to provide guidance for the best practice use of Te Reo Māori in Tauranga City Council's (TCC) communications and documentation.
 - A snap survey on how staff were coping during lockdown was currently being undertaken.
- Regulatory & Compliance
 - The number of building consents received during June and July had added pressure to the Building Services and Environmental Planning teams. Overtime was being offered to all staff and contractors, where possible, to ensure consents were delivered as soon as possible. International Accreditation New Zealand (IANZ) had confirmed that its assessment would take place mid-September and it was concerning that percentages for building consents would be dropping during this time due to consent numbers and resourcing issues.
- Corporate Services
 - The four significant pieces of work being undertaken at the Marine Precinct – wharf development, marine facility strategy, spatial planning, and ownership options – were progressing well and would continue to be progressed though COVID.
 - The Holiday Park and Airport had been performing well prior to the lockdown.
 - Digital Services continued to keep the business running in spite of supply issues due to COVID.
 - The Finance team were working through the audit process with Audit New Zealand. This work was continuing remotely during the lockdown.
- Strategy and Growth
 - The report included key sustainability initiatives that were underway.
 - The Chief Executive Forum of SmartGrowth was working on the development of a streamlined priority development area reporting template which would provide a 'glance on a page' for each priority development growth area. This work would be presented at the 17 September SmartGrowth Leadership meeting.

In response to questions

- Community Services
 - The 'HeretoHelpU' service would be in action during lockdown. It had been developed by the Wise Group during the last lockdown and was a one stop shop for those that needed help in times like COVID. It had been launched a week ago and had already had significant pick up.
 - The first master planning session for Blake Park had occurred prior to lockdown and work would continue during lockdown. Not being able to meet in person would not hold the project up.

- The Historic Collection staff and the volunteers working in that space were commended for their work, in particular the digitising and recording of taonga that had come in via the community. It was hoped that some of the taonga could be displayed in the new temporary library space.
- An update on what was happening at Tye Park would be provided to Commissioners.
- Dive Crescent - The refurbishment of the cargo shed was still planned to be completed prior to Christmas; however, earthquake strengthening seismic issues with the structure could influence whether or not this would happen. The old wharf would be resurfaced and be available for use. The building close to Trinity Wharf between the railway line and the road was planned to be demolished.
- Infrastructure Services
 - Work on the Cameron Road and Waiāri projects could continue under level three COVID restrictions.
 - Auckland remaining at COVID level four for at least another two weeks would have a compounding effect on supply chain costs and risks already outlined in the report.
 - Suppliers across the city would continue to undertake critical roading maintenance work until contracts were awarded and commenced in December.
 - TCC's new contract model, which brought more control of the process and decision making in house, was expected to address the recent issues with road re-sealing.
 - The Street Design Toolkit would take into account the views of those living in streets being built for the future, especially in terms of greater density.
- People and Engagement
 - The Papamoa Ratepayers Association and the local MP would be advised of the service centre initiative commencing in the Papamoa Library in September.
 - It was pleasing to see that positive media coverage was on the increase.
 - The partnership focus and direction between Council and tangata whenua, especially in terms of strategic decision making through the Local Government Act 2002 (LGA), the Resource Management Act 1991 (RMA) and the Three Waters reform, was strongly encouraged by the Commissioners.
 - The 70% response rate to date of the snap staff survey showed that staff were engaged and happy to share how things were going for them during lockdown.
- Regulatory & Compliance
 - Tsunami preparedness would be city-wide but with a strong focus on Mount Maunganui and Papamoa coastal areas.
 - The environment incidents graph referred to general complaints and incidents for work that was being undertaken that was not in accordance with the city plan. The upwards trend over the past six to eight months meant that, with no change in staff levels, it was challenging to get through the schedule for resource consents.
 - 'R3' building inspection referred to the third level of residential applications. There were three levels with level three having the highest level of complexity for design and building.
 - It was acknowledged that the increase in the number of building consents could, in part, be as a result of the proposed increase in fees. There was reluctance from the industry to re-timing applications or putting applications on hold.
 - In terms of emergency management planning for natural disasters, the individual business plans for the Port and Industrial area and their emergency management responses needed to be understood to then work out what effect this could have on the wider community.
- Corporate Services
 - The Marine Precinct spatial plan would be completed by the end of the calendar year.
 - The SAP platform could provide a high level analysis and insight for community surveys that was not skewed by a particular view or age or gender. It was more about how the questions were delivered rather than the technology in the background.

- Strategy and Growth
 - The Energy Advisor position to help the Council and Bay Venues deliver 2GWh energy savings across the portfolios was for a two-year fixed term. It was expected that the role would identify opportunities and have these embedded within the two years.
 - The new direction of the environment strategy being more action focussed was acknowledged and commended.

RESOLUTION CO16/21/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the Executive Report.
- (b) Rescinds the recommendation from 21 August 2018 in regard to the need to demolish the building located at 10 Dive Crescent, and enters into a five-year lease with Fixation Coffee Ltd, subject to a six-month redevelopment clause.
- (c) Approves the appointment of Barbara Dempsey as Council's Emergency Management Recovery Manager.

CARRIED

11.2 Amendments to the Airport Bylaw 2016

Staff Paul Davidson, General Manager: Corporate Services

RESOLUTION CO16/21/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- a) Approves the following amendments to the Airport Bylaw 2016
 - (i) Addition of clause 7.9.2 allowing for recovery of costs for removing a vehicle in breach of the Bylaw provisions;
 - (ii) Addition of clause 7.9.3 noting that appropriate care must be taken when removing and storing a towed vehicle but Council is not liable for any loss or damage (except if the result of negligence);
 - (iii) Addition of "small passenger vehicles" to clause 7.5.1 to provide for a designated stopping area for small passenger vehicles; and
 - (iv) Addition of "vaping" to the provisions in clause 9.1 prohibiting smoking.
- b) Notes the minor and consequential changes to the Airport Bylaw 2016 outlined in paragraphs 13 to 17 of this report.

CARRIED

11.3 Temporary Road Closure Report - Annual Events 2021 2022

Staff Nic Johansson, General Manager: Infrastructure Services
Gareth Wallis, General Manager: Community Services

RESOLUTION CO16/21/4

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report of Temporary Road Closures for Annual Events 2021-2022.
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, grants approval to close the roads and car parks listed on Attachment A to ordinary vehicular traffic on the dates and during the hours stated for the purposes of facilitating safe and successful operations during the following events in Tauranga.

CARRIED

11.4 City Vision Update

Staff Christine Jones, General Manager: Strategy and Growth
Angela Pointon, Community Relations Advisor

The staff presentation for this item was included in the livestream for this council meeting and can be viewed at the following link at the time 1:14:22:

<https://www.youtube.com/watch?app=desktop&v=jBLswRpqK2Q>

At 11.53am. the meeting adjourned.

At 12pm, the meeting resumed.

In response to questions

- The work undertaken to date had encapsulated the thinking of the Commission and their desire to involve the community so that they had ownership.
- The work had also built on, and was linked to, work that was already in place, in particular SmartGrowth, the Urban Form and Transport Initiative (UFTI), the Transport System Plan (TSP) and the National Policy Statement for Urban Development (NPS-UD). Gaps identified through the sustainability stocktake around transport, housing areas and climate change, would also become key aspects to work on through the vision and strategy refresh.
- Steps one to nine of the process and approach would be reviewed and refreshed after the completion of each step to take into account any issues highlighted or feedback received through the process.

RESOLUTION CO16/21/5

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Notes that the City Vision project aims to be delivered by December 2021; and
- (b) Approves the concept design and the proposed method for the City Vision Project.

CARRIED

11.5 Representation Review - public feedback and adoption of Initial Proposal

Staff Coral Hair, Manager: Democracy Services

Key points

- Four options had been offered in the pre-engagement with the community.
- 825 survey responses had been received.
- The survey respondents were not a demographically representative sample of the city's population.
- The survey results, legislative requirements, and the issues and concerns raised by the Review and Observer Team needed to be considered in decision-making.
- Survey results showed Option Two as the most preferred option – one general ward with nine councillors, one Māori ward councillor from one Māori ward, plus a mayor.
- 74% of respondents preferred 10 councillors or less.
- 46% of respondents were against community boards, 38% in favour, and 16% unsure.
- The naming of the Māori ward would be gifted by Te Rangapū Mana Whenua o Tauranga Moana via the submission process.
- Feedback on the names of wards would be part of the submission process.
- As well as the previous four options, two new options were presented – 4A and 4B:
 - 4A – eight councillors from eight general wards, one councillor from one Maori ward (nine councillors) plus a mayor (10 elected members).
 - 4B – nine councillors from nine general wards, one councillor from one Māori ward (ten councillors), plus a Mayor (11 elected members). This option was non-complying for the Mauao, Arataki and Papamoa wards and would need to go to the Local Government Commission for their determination.
- Next steps:
 - 3 September to 4 October 2021 – public submission period.
 - 18 October 2021 – Council meeting to hear public submissions.
 - 8 November 2021 – Council meeting to deliberate on public submissions and resolve final proposal.
 - 12 November 2021 – public notice of final proposal and appeal/objection period for a month.
 - 13 December 2021 – appeal/objection period ends and any appeals and objections are sent to the Local Government Commission by 15 December 2021.
 - Final decision by April next year.

In response to questions and discussion points raised

- Although the low number of submissions received could not be ignored, care was needed for decision-making as they could not be taken as representative of the whole city.
- The numbers for the drop-in sessions were low - four at Greerton, ten at Papamoa and twelve at Willow Street.
- As all expenses in local body elections were borne by candidates, standing for election and campaigning in one ward across the whole city would be very expensive and this option would likely reduce the number of candidates able to stand.
- There was the risk that ward councillors could misunderstand their role as a councillor, which was to make decisions on behalf of the whole city, and tend to take the view and voice of the ward they represented when making decisions.
- The desire not to increase the number of councillors was very clear.
- The Commissioners preferred option 4A for the following reasons:
 - The most fair and equitable option, particularly for Māori - all electors, whether on the general roll or on the Māori roll, would vote for one councillor and the mayor.
 - Provided a better representation across the city with each ward being similar in terms of population representation.
 - There was significant passion and positive work happening in communities that needed and deserved expression in terms of representation at the council table.

- Placed the mayoral position very strongly in a leadership role.
- Better enabled a smaller council.
- There would be no need for community boards with multiple communities represented through this option.
- It was a complying proposal.
- More equitable in terms of the cost to stand.
- Put everybody in the same boat and treated the same way.

RESOLUTION CO16/21/6

Moved: Commissioner Stephen Selwood
 Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report “Representation Review – Public Feedback and Adoption of Initial Proposal”; and
- (b) Having reviewed its representation arrangements in accordance with sections 19H and 19J of the Local Electoral Act 2001, determines that the following proposal applies for the Tauranga City Council for the elections to be held on 8 October 2022:
 - (i) The Tauranga City Council shall comprise a Mayor and nine councillors.
 - (ii) Eight of the proposed members of the Tauranga City Council are to be separately elected by the electors of eight general wards and one member is to be separately elected by the electors of one Māori ward. The Mayor will be elected at large by all the electors of Tauranga City.
 - (iii) Notes that the proposed name of the Māori ward will be gifted by Te Rangapū Mana Whenua o Tauranga Moana through the submission process on the Initial Proposal.
 - (iv) The proposed names of the wards, the number of members to be elected by the electors of each ward, and the population each member will represent are set out in the table below together with the compliance with the fairness population rule for the general wards.

Ward Name	Number of Members to be elected	Population Per Member	+/- 10%
Māori ward	1	15,300	N/A
Mauao/Mount Maunganui	1	16,500	-3.26
Arataki	1	17,150	0.55
Pāpāmoa	1	16,850	-1.21
Welcome Bay	1	18,000	5.53
Matua	1	18,050	5.83
Bethlehem	1	17,550	2.89
Te Papa	1	16,400	-3.85
Tauriko	1	15,950	-6.49
Total	9		

- (v) In accordance with section 19V(2) of the Local Electoral Act 2001, the population that each member of a general ward represents is within the range of 17,056 +/- 10% (15,350 to 18,762).

	the Pāpāmoa East Interchange are of importance to residents.
Welcome Bay	This ward includes Welcome Bay, Maungatapu, Kaitemako, Poike and Ohauti. These areas have a reliance on services and facilities located in other suburbs and transportation to the city centre is an important issue for local residents. More rural based residents have specific needs related to rural living.
Matua	This ward includes Matua, Otumoetai, Bellevue and Brookfield. With a large population living close to the city centre, the residents of this ward are impacted by the increase of infill housing, are interested in safer transport options and the development of community facilities.
Bethlehem	This ward includes includes Bethlehem and Judea. With a large population living close to the city centre, the residents of this ward are impacted by the increase of infill housing, are interested in safer transport options and the development of community facilities.
Te Papa	This ward includes Te Papa Peninsula, Sulphur Point, CBD, Fraser Cove, Tauranga South, Merivale, Yatton Park and Greerton (north of Chadwick Road). The Te Papa Spatial Plan, with its focus on increased density and city-living type housing, is estimated to increase the number of residents on the Te Papa Peninsula by 15,000 by 2050. The Cameron Road redevelopment project with improved passenger services and transport choices will have a major impact on residents. The development of community facilities, spaces and places and the inner-city revitalisation are of importance to residents.
Tauriko	This ward includes Pyes Pa, Hairini, Oropi, Gate Pa, Greerton (south of Chadwick Road), The Lakes and Tauriko. The expansion of the city to the west has seen boundary changes with Western Bay to facilitate the development of business, industry and residential growth. It is estimated in the next 10 years that 3-4,000 new homes will be built, improvements will be made to SH29 and connections to it, and an additional 100-150 hectares of business land will be provided creating an additional 2,000 jobs. This ward includes rural based residents that have specific needs related to rural living.

- (viii) That no community boards be established.
- (c) That in accordance with section 19K of the Local Electoral Act 2021, the reason for the proposed changes are:
 - (i) This proposal recognises the distinct communities of interest in the City based on geographical areas and provides for fair and effective representation of those communities of interest.
 - (ii) This proposal is seen as more equitable as both general and Māori electors vote for one councillor.
 - (iii) This proposal has a more even distribution of electors per councillor for the general wards than other options.

- (iv) This proposal has the potential for a more efficient governance model with a reduction in the number of councillors from ten to nine.
- (v) This proposal is more easily understood than other representation arrangements and has a direct relationship between electors and the ward councillor.
- (vi) This has the potential for less costs for candidates standing in general wards.
- (vii) This proposal may address the concerns and issues raised by the Review and Observer Team.
- (viii) This proposal provides the Mayor with a clear leadership role across the city as elected at large.
- (d) As required by sections 19T and 19W of the Local Electoral Act 2001, the boundaries of the nine wards coincide with the current statistical meshblock areas determined by Statistics New Zealand.
- (e) In accordance with section 19M of the Local Electoral Act 2001, the Council will give public notice of this proposal on 3 September 2021 (within 14 days of the resolution being made and before 8 September 2021) and that interested people can make submissions on this proposal until 4 October 2021.
- (f) Approves changes to the timeline for the representation review with the Council hearing submissions on 18 October 2021 and deliberating on submissions and adopting a Final Proposal on 8 November 2021.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO16/21/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That:

- (a) the public be excluded from the following parts of the proceedings of this meeting.
- (b) Hazel Hape, Tauranga Women’s Refuge, be permitted to enter the meeting for the discussion of item 13.2, because of her knowledge of the item.

The general subject matter 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 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 – Public Excluded Minutes of the Council meeting held on 2 August 2021	s7(2)(b)(i) – The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret.	s48(1)(a) – 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

	s7(2)(h) – The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.	under section 6 or section 7
13.2 – Tauranga Women’s Refuge – lease of property	s6(b) – The making available of the information would be likely to endanger the safety of any person.	s48(1)(a) – 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.
13.3 – Appointment of hearings panel for Plan Changes 26, 27, 30	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) – 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.
13.4 – Request for Additional Leased Parking Spaces – 2 Devonport Road	s7(2)(h) – The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities. s7(2)(i) – The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	s48(1)(a) – 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.
13.5 – Approval to award Cameron Road construction contract	s7(2)(b)(ii) – The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. s7(2)(h) – The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a) – 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.

CARRIED

At 12.40pm, the meeting adjourned.

At 1.15pm, the meeting resumed in the Public Excluded session.

At 2.05pm the meeting resumed in the open session.

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a Karakia.

The meeting closed at 2.06pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 13 September 2021.

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CHAIRPERSON