

MINUTES

Ordinary Council meeting Monday, 8 November 2021

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MINUTES OF TAURANGA CITY COUNCIL ORDINARY COUNCIL MEETING HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET, TAURANGA ON MONDAY, 8 NOVEMBER 2021 AT 10.30AM

- **PRESENT:** Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley
- IN ATTENDANCE: 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), Peter Bahrs (Team Leader: Water Services), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support)

ACKNOWLEDGMENT

Commission Chair Anne Tolley acknowledged the sudden passing of kaumatua Huikakahu Kawe. Mr Kawe had been an advisor and kaumatua to Tauranga City Council for a number of years, had chaired the joint Tangata Whenua/Tauranga City Council standing committee and had assisted at citizenship ceremonies. The Commission wished to pass on their condolences to family and whanau.

Commissioner Rolleston acknowledged Mr Kawe's whakapapa and noted his contribution to Tauranga Moana with the mahi undertaken in both Tauranga Moana and the Waikato. He had played a significant role in the community as a mediator and a leader, contributed both to TCC and the wider community, and would be sadly missed.

1 OPENING KARAKIA

Commissioner Rolleston opened the meeting with a Karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

RESOLUTION CO21/21/1

Moved: Commissioner Stephen Selwood Seconded: Commissioner Shadrach Rolleston

That the following items be included in the agenda:

- 11.2 Water Conservation Strategy Update
- 13.1 The Pacific Apartments, 8 Maunganui Road, Mount Maunganui (public excluded)

CARRIED

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 18 October 2021

RESOLUTION CO21/21/2

Moved: Commissioner Bill Wasley Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 18 October 2021 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

- 11 **BUSINESS**
- 11.1 Representation Review Deliberations on submissions to Initial Proposal and adoption of Final Proposal

Staff Coral Hair, Manager: Democracy Services

Key points

• 50% submissions agreed with the initial proposal; 49% were against.

- Submissions made around the establishment of a Māori ward were outside the scope of the review; submitters on this topic could not appeal the commissioners decision on the initial proposal.
- Te Rangapū had gifted the name Te Awanui for the Māori ward. Adoption of a name for the Māori ward was considered an amendment to the initial proposal.
- There was no one-size-fits-all model to follow; each community must choose the model that best fitted that community; to provide for fair and effective representation of the communities of interest.
- Submitters in support generally discussed the advantages of a single member geographical ward system.
- Submitters against the initial proposal generally noted the advantages of at large or mixed model systems; many wished to vote for the majority of councillors and to have a wide range of candidates to vote for.
- The legislation did not allow for a fully at large model in Tauranga.
- Option 2 was the closest to an "at large" model but was inequitable in terms of Māori vs general roll vote.
- Submitters suggested a variety of mixed model variants and multi member options. One fiveward model was supported by a number of submitters but was non-complying in terms of the +/- 10% requirement. A variation of a 5-ward system was modelled but required significant boundary changes from those proposed by the submitter to make compliant. Non-complying proposals tended to be for isolated or rural areas, not in a clearly defined urban setting such as Tauranga.
- A number of submissions were received regarding community boards. If there was a groundswell of support from a particular community in support of a board, establishment could be considered at any time.
- Noted the submitted ward boundary changes to the Pāpāmoa and Arataki boundaries; the change could be adopted as submitted and be complying.
- A decision was required on the name of the Matua ward.
- Summarised the options available to the Commissioners for their decision.
- Reasons for rejecting submissions must be included in the resolutions.
- Outlined the next steps in the process.

In response to questions

- The information that would be provided to the Local Government Commission if there were appeals/objections was clarified.
- Responses to submitters were planned to be emailed on Friday with an individual response to each submitter and a copy of the Public Notice.

Discussion points raised

- Noted that the option included in the report of the remodelled five-ward system, based on the submission received by the Sustainability Trust, had not been seen by the public or passed by the submitter; and as such would not be included as part of the substantive decision.
- The commissioners had undertaken a number of discussions with a large range of people and organisations, and thanked the submitters who attended the hearing.
- Noted the findings of the Review and Observer Team, particularly around mandate and leadership of the Mayor and effective operation of the Council.
- Numbers of submitters was quite small with the majority from a narrow demographic in the city; it was a challenge to get wide representation of views from the city. The number of submitters aged under 50 was minimal. Local government affected the day to day lives of every member of the city.
- Considered the initial proposal was equitable in terms of number of votes per voter, whether Māori or non-Māori, with one vote for councillor and one for Mayor.
- Considered that having a number of smaller wards would require collaboration and promote a greater cooperation/need for coalitions across council.

- The initial proposal gave a clear mandate to the Mayor as the only member voted for across the whole city.
- Greater consistency of mandate and defined communities of interest should facilitate better citywide decision making. Although a representative for a ward, a councillor must act in the interests of the whole of the city and take collective responsibility for council decisions.
- Commissioners needed to ensure an effective form of democracy for the transition back to elected democracy for Tauranga.
- Noted the challenge of getting a range of views from a wide selection of the city's residents. Recognised the number of submissions that supported an at large structure, but a true at large system was not available.
- Possible capture of ward councillors by ward constituents was mitigated by the number of ward members each one would need to collaborate with other councillors and must act in the interests of the wider city.
- There was no unanimity amongst submitters that opposed the single member ward model; no one solution was particularly supported.
- Supported a reduction in the number of councillors; considered this would enable more efficient decision making.
- Equity and fairness for voters was important, both for the Māori community and the wider community. Noted the previous significant decision to establish the Māori ward.
- Noted that Christchurch City Council had this representation arrangement for a number of years.
- Tauranga was a compact city so did not see such a need for community boards; there had been challenges in terms of policy directive and strategy for overall council and city-wide decisions where community boards were used.
- Noted the submission on the use of community juries as a form of engagement; would support a trial of this being adopted for an upcoming Council process such as the Annual Plan.

RESOLUTION CO21/21/3

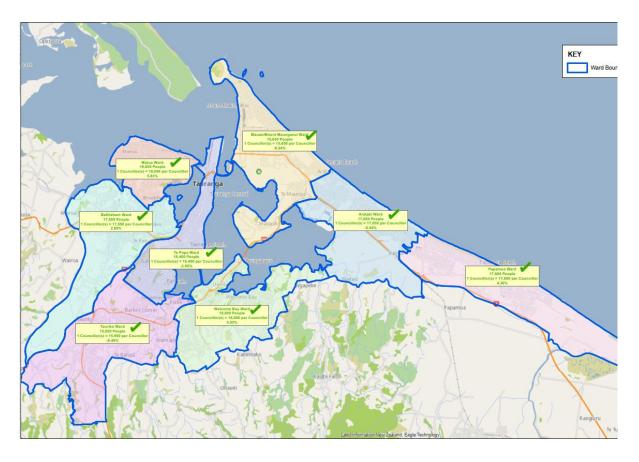
Moved: Commissioner Stephen Selwood Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Representation Review Deliberations on submissions to Initial Proposal and adoption of Final Proposal".
- (b) Having considered all submissions received on the Initial Proposal and in accordance with sections 19M and 19N of the Local Electoral Act 2001, determines that the following changes be made to the Initial Proposal: the name of the Māori ward to be Te Awanui, the name of the Matua ward to change to Matua-Otūmoetai and changes to the ward boundaries of the three coastal wards; and the following proposal will apply 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) The name of the Māori ward will be "Te Awanui" as gifted by Te Rangapū Mana Whenua o Tauranga Moana.
 - (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%
Te Awanui Ward	1	15,300	N/A
Mauao/Mount Maunganui	1	15,650	-8.24
Arataki	1	17,050	-0.04
Pāpāmoa	1	17,800	4.36
Welcome Bay	1	18,000	5.53
Matua-Otūmoetai	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)
- (vi) The proposed boundaries of each ward are those set out in the map below.



(vii) That in accordance with section 19T of the Local Electoral Act 2001, the wards provide effective representation of the following communities of interest:

Ward Name	Description of communities of interest
Te Awanui	This ward reflects the community of interest for Māori electors and those in the Māori community across the entire Tauranga City.
Mauao/Mount Maunganui	This ward includes Mount Maunganui, Omanu, Bayfair and Matapihi. It forms part of the coastal strip and recognises the unique feature of Mauao which is an important cultural, historic, and geographical feature. This ward has a focus on leisure and tourism, faces increased tsunami risk, sea level rise and coastal hazards due to its location. Improved transportation links to the City via state highways are of importance to residents.
Arataki	This ward includes Arataki, Te Maunga, Palm Beach and Kairua. It forms part of the coastal strip. Like the Mauao/Mount Maunganui ward, the residents have strong links to the unique feature of Mauao and the ward has a focus on leisure and tourism, faces increased tsunami risk, sea level rise and coastal hazards due to its location. Improved transportation links to the City via state highways are of importance to residents.
Pāpāmoa	This ward includes Pāpāmoa, Golden Sands, Wairakei and Te Tumu. This coastal strip area will continue to have accelerating population growth. In the next 10 years an estimated 2-3,000 new homes will be built in the areas already zoned for housing and 7-8,000 homes once Te Tumu is zoned for housing. It also faces increased tsunami risk, sea level rise and coastal hazards due to its location. Improved transportation links to the City as well as the construction of a direct link to the Tauranga Eastern Link via the Pāpāmoa East Interchange are of importance to residents.
Welcome Bay	This ward includes Welcome Bay, Maungatapu, Kaitemako, Poike and Ohauiti. 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-Otūmoetai	This ward includes Matua, Otūmoetai, 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 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, Gate Pa, 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, 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) 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.
- (d) Notes that Tauranga City has experienced a crisis in leadership, such that the Minister of Local Government in February 2021 appointed a Commission to replace the elected Council. This representation review is focused on ensuring the city can return to an efficient and effective representative Council, and takes into account the Review and Observer Team's comments and observations on representation.

Peter Winder, Chairperson of the Review and Observer Team, recommended that all councillors, except the Māori councillor, be elected from a larger number of smaller wards, with boundaries that reflected communities of interest. This would, in Mr Winder's opinion "create a clear and certain mandate from the public and provide a better than even chance of delivering a functional council than the one the Team observed".

- (e) In accordance with section 19N of the Local Electoral Act 2021, the reasons for the Final Proposal are:
 - 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 persons per councillor for the general wards.
 - (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 proposal 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 the Mayor is elected at large (by all voters).
- (ix) The structure provides for greater clarity and simplicity which will make the process more approachable and easier to engage with for the community and remove the potential for power imbalance amongst Councillors.
- (x) The structure encourages a culture of collective responsibility. With greater consistency of mandate and responsibility, the proposed structure will support a collaborative environment within elected members.
- (xi) Alongside this structure, the Commission recommends additional steps, outside of the representation review, to enhance local democracy including:
 - a. Enhanced briefings for incoming Council
 - b. Greater collaboration with community
 - c. Continue the increased Council focus on community
 - d. Initiatives to encourage voter participation and more diversity of candidates standing for office.
- (f) In accordance with section 19N of the Local Electoral Act 2021, the reasons for the rejection of submissions are included in the public notice and are set out below:

Category of submission objecting to the Initial Proposal	Number of submitters	Reason for rejecting matters raised in submissions
At large councillors – wanted to vote for councillors city-wide	17	An 'at large' only option is not permitted by the Local Electoral Act 2001 when a Māori ward is established. Option 2 in the pre-engagement survey is the closest to an at large model for people enrolled on the general electoral roll.
Option 2 in the pre- engagement survey to be chosen (10 councillors plus a mayor, with one general ward of nine councillors and one Māori ward with one councillor)	9	Option 2 does not provide for geographical representation of separate communities within the City. It is the most inequitable model of representation for Māori as voters on the general electoral roll would each be voting for eight of the nine councillors plus the mayor and the voters on the Māori electoral roll would be voting for one of the nine councillors plus the mayor.
Mixed model with councillors elected by wards and at large	16	The mixed model includes councillors of different status, some elected by wards and some at large; and the Review and Observer Team believed that this model contributed to the dysfunction of the previous council. The Council

		agreed with the Review and Observer Team's opinion and considered that, on balance, the disadvantages of a mixed model outweighed the advantages.	
Multi-member ward model with 5 general wards with 2 councillors	6	The multi-member ward model with five general wards has less geographical coverage of communities of interest than the Initial Proposal.	
and 1 Māori ward with 1 councillor		This representation model has not been seen by the public and its acceptance as a representation model has not been tested; however, the multi-member ward model in the pre-engagement survey was the least popular option.	
		The original submission was substantially non- complying; substantial amendments were made to the submitted boundaries in an attempt to achieve compliance. On balance, the Commissioners are of the view that even a modified model would not be optimal from an efficiency or effectiveness view.	
		Suggested ward boundaries for this model were amended from those proposed by the submitter to achieve compliance with the fairness rule. This proposal only just achieves compliance with the +/- 10% rule, with some communities of interest being split to achieve this compliance. These changes may be unacceptable to the submitter.	
Ward councillors captured by ward interests	10	The Council recognises the perception that ward councillors could be captured by their ward interests, and that this was a potential disadvantage of any ward-based model. The Council also noted the perception that councillors elected at large could be captured by interest groups if they stand for office representing a particular group or stand on a single issue. However, the Council gave greater weight to the fact that all councillors make a declaration when they take office that they will act in the best interests of Tauranga City, and took into account the Bay of Plenty Regional Council evidence that their councillors, though elected from geographic wards (called constituencies), take a region-wide view and effectively represent the entire region.	
Ward boundaries – requested amendments to ward boundaries	7	The Council considered a number of changes to the ward boundaries as suggested by submitters, and agreed to move the boundary between the Mauao/Mount Maunganui and Arataki wards to Girven Road, and to move the boundary between the Pāpāmoa and Arataki wards to include Pāpāmoa Plaza, Fashion	

		Island and surrounding residential areas, as these changes better reflect the communities of interests in those wards, and still enables the proposal to comply with the +/- 10% rule. The Council made no other changes to the remaining ward boundaries. The Council considered the submission to create a separate Greerton ward; however, that would result in a non-complying proposal and distortions of other ward boundaries. The Greerton community will be represented by two councillors, from the Te Papa and Tauriko wards.	
Ward names	6	The Council received submissions to change the name of the Matua ward to Otūmoetai. The ward name will be Matua-Otūmoetai.	
Proposing another option	11	Various scenarios for mixed model representation were proposed and one for a multi-member ward. The reasons for rejecting these options are the same as those outlined above in the sections on mixed model and multi- member ward.	
Community Boards – requested these be established	14	 The Council confirmed its decision not to establish community boards for the following reasons: (a) Tauranga City has not previously established community boards and, given the Local Government Review underway that will consider the future of local government over the next 30 years, it is considered premature to introduce community boards at this time. (b) There has been no significant demand from one or more specific communities to establish a community board. The Council can consider a demand from the community at any time to establish a community board. (c) Fair and effective representation for individuals and communities would be provided through the proposed representation arrangements without the need to establish community boards. (d) The Remuneration Authority's conclusion, following its review of community board remuneration, that it was timely for a central government agency to review the functions, representation levels and associated characteristics of community boards. 	

[]		
		 (e) Establishment of a further tier of local government bureaucracy will add an additional burden in terms of administration and efficiency; and may detract from achieving a Tauranga City vision on fiscal strategy and other potential policies. (f) Alternative options are available to the Council following the 2022 elections to ensure local community views are heard and advocated for. These include establishing community committees or setting up place-based community groups for particular projects.
Number of councillors and uneven number of elected members	14	The Council considers that the complex issues raised by governing a rapidly growing city could be reasonably met by a reduction from ten councillors and a mayor to nine councillors and a mayor; and noted that the Commission was modelling the efficiencies and effectiveness of smaller governance for the City.
		The request for an uneven number of elected members was rejected. A casting vote is provided for in the Council's Standing Orders for the Mayor or chairperson of a committee to use in the case of an equality of votes.
Increase Māori representation	8	The number of Māori members is set through a formula in Schedule 1A of the Local Electoral Act 2001 and, at present for Tauranga City, is one Māori member. To have two Māori councillors requires either an increase in the Māori Electoral Population or an increase in the number of ward councillors to 15.
Māori ward – disagree with establishment	21	The representation review does not provide an opportunity to revisit the decision to establish a Māori ward.
Commissioners – retain Commissioners	4	This representation arrangement is not available to the Council under the Local Electoral Act 2001. The Minister of Local Government has the power to decide on the term of the Commissioners. Legislative changes would be required for a hybrid model of representation to include appointed Commissioners and elected councillors.
Quality of candidates	7	The representation review does not provide for the Council to consider restricting candidates from standing for office. The Local Electoral Act 2001 sets out the criteria for standing for council. The Electoral Officer is required to take nominations from any person wishing to stand as a candidate who meets that criteria.

Other	12	The Local Electoral Act 2001 (LEA) does not
Mayor elected by councillors.	12	provide for the Council to give relief to any of these submissions.
The second highest polling mayoral		The Mayor is required to be elected by the voters of the city.
candidate be appointed as the Deputy Mayor.		The Local Government Act 2002 sets out the process for the appointment of the Deputy Mayor and any changes would require
Limit candidates to		legislative change.
stand for mayor or councillor, not both.		Candidates can stand for both positions of mayor and councillor.
Appointments Committee be set up with 50% councillors appointed and up to 50% elected.		Voters elect the mayor and councillors. The Minister of Local Government has the power to appoint Commissioners. Legislative change would be required for a hybrid model of appointed Commissioners and elected
Councillor to represent commercial ratepayers.		members. A councillor to represent commercial ratepayers
Address population growth		is not provided for as the legislation is focused on fair and effective representation of people. Ward boundaries must be physically mapped
Citizens' Assemblies to be established		on a boundary using Statistics New Zealand mesh blocks.
		The LEA requires the Council to use either census data or the latest population estimates when completing the review. The representation review has used the 2020 population estimates as these provide more up to date population data.
		Establishing Citizens' Assemblies sits outside the scope of the representation review. The Council may establish Citizens' Assemblies at any point.

- (g) In accordance with section 19N of the Local Electoral Act 2001, the Council will give public notice of this proposal on 12 November 2021; and that those persons or organisations who made submissions on the Initial Proposal may appeal the final proposal and those who have not submitted may object to the final proposal, with appeals and objections closing at 5 pm on 13 December 2021.
- (h) Approves the recommended responses to submitters on the Initial Proposal as set out in Attachments 4 and 5, subject to any amendments as determined by the Council.

CARRIED

11.2 Water Conservation Strategy Update

StaffNic Johansson, General Manager: InfrastructurePeter Bahrs, Team Leader: Water Services

Key points

• The new water conservation strategy was to be pushed from this week; this report had been brought to the meeting to bring the new stricter view on water conservation into the public arena.

• Outlined the restriction regime proposed.

In response to questions

- Regular updates on how water sources were tracking would be provided regularly, monthly or by exception, with an early alert if things were not tracking as expected. A seven-day rolling average was provided on the website.
- The December March regime would start on 1 December, with some minor restrictions in place from 22 November. It was planned to move down to a lighter version of restrictions from April, depending on the community response during the December-March period. The aim was to build an ongoing behavioural change to get people to value water and use it wisely.

RESOLUTION CO21/21/4

Moved: Commissioner Bill Wasley Seconded: Commissioner Stephen Selwood

That the Council receives this late report on the water conservation strategy update.

CARRIED

12 DISCUSSION OF LATE ITEMS

Discussed as part of business.

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO21/21/5

Moved: Commissioner Shadrach Rolleston Seconded: Commissioner Bill Wasley

That the public be excluded from the following parts of the proceedings of this meeting.

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 - The Pacific Apartments, 8 Maunganui Road, Mount Maunganui	 s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege 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

CARRIED

14 CLOSING KARAKIA

Commissioner Rolleston closed the meeting with a Karakia.

The meeting closed at 12.05pm.

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

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CHAIRPERSON