



MINUTES

**Strategy, Finance and Risk Committee
Meeting**

Monday, 28 March 2022

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**MINUTES OF TAURANGA CITY COUNCIL
STRATEGY, FINANCE AND RISK COMMITTEE MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,
REGIONAL HOUSE, 1 ELIZABETH STREET, TAURANGA
ON MONDAY, 28 MARCH 2022 AT 10.02AM**

PRESENT: Commission Chair Anne Tolley, Dr Wayne Beilby, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley, Ms Matire Duncan, Ms Rohario Murray, Mr Bruce Robertson

IN ATTENDANCE: Marty Grenfell (Chief Executive), Tony Aitken (Acting General Manager: People & Engagement), Paul Davidson (General Manager: Corporate Services), Barbara Dempsey (Acting General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Gareth Wallis (General Manager: Central City Development), Steve Pearce (Acting General Manager: Regulatory and Compliance), Anne Blakeway (Manager: Community Partnerships), Kendyl Sullivan (City Partnerships Specialist), Jim Taylor (Transactional Services Manager), Ceilidh Dunphy (Community Relations Manager), Carl Lucca (Team Leader: Urban Communities), Emma Joyce (Policy Analyst), Corinne Frischknecht (Senior Policy Planner), Janine Speedy (Team Leader: City Planning), Sam Fellows (Manager: Sustainability and Waste), Kath Norris (Team Leader: Democracy Services), Cathy Davidson (Manager: Directorate Services), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Sarah Drummond (Committee Advisor), Anahera Dinsdale (Committee Advisor)

1 OPENING KARAKIA

Commissioner Rolleston opened the meeting with a karakia.

2 APOLOGIES

2.1 Apologies

COMMITTEE RESOLUTION SFR3/22/1

Moved: Commissioner Bill Wasley

Seconded: Ms Rohario Murray

That apologies from Mr Te Pio Kawe and Mr Bruce Robertson be received and accepted.

CARRIED

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO ORDER OF BUSINESS

Nil

7 DECLARATION OF CONFLICTS OF INTEREST

Committee Member Matire Duncan declared a conflict in relation to item 8.10 Three Waters Reform.

8 BUSINESS

8.1 Mainstreets Monitoring Report for the period to 31 December 2021

Staff Anne Blakeway, Manager: Community Partnerships
Kendyl Sullivan, City Partnerships Specialist

External Sally Cooke, Mainstreet Tauranga
Claudia West, Mount Business Association
Sally Benning, Greerton Village Mainstreet

Key points

- All reports were taken as read and external speakers provided the committee with updates on their particular areas.
- All parties were glad of the relaxation of Covid 19 alert levels, this would allow for street pedestrian counts to be repeated in October.

Mount Mainstreet

- There were a number of well received activities in the Mount over the period including an inflatable ice rink, fairy lights and a music trail.
- Working was ongoing to revamp the monthly awards; gift vouchers had been reinstated. Outdoor movies were on hold until restrictions were further lifted to allow greater numbers of people to attend.
- Issues of street cleanliness and rubbish were being addressed.
- A new website was to be launched.

All financial reports have now been audited and a slight loss noted

Downtown Tauranga

- There was now a feeling of optimism in the CBD; however challenges still remained and there were still many empty street fronts to fill. The Association had worked to provide more good stories and sites of interest across all Main Streets.
- Commercial sector had been less active; landlords and property owners were looking at ways to draw people into the conversation. Mainstreet and council staff would look at further work in this area, the light display at Christmas was a great example of joint activation.

Greerton Village Mainstreet

- Greerton had been particularly hard hit by Covid. The businesses that had closed were not due to Covid but those that had struggled through had been very quiet for the last month. This related to the easing of restrictions and nervousness of an older population.

- Yarn bombing was a highlight, it was a major event and last year was declared the best year ever. Mainstreet hoped to have the Cherry Blossom Festival this year.
- Mainstreet was very proud of their Christmas light display and had invested money in new lights. Great support had been received for a Christmas hamper from a cross section of businesses.
- A new website was planned.

In response to questions

- Expanding lighting opportunities would be budget dependant.
- The Committee expressed its thanks that the Mainstreets, particularly Mount Mainstreet, had gone from zero to hero in a very short time.
- Several metrics were key to all the Mainstreets, such as pedestrian traffic counts. If Mainstreet members were willing to provide anonymised data on turnover, that would allow overall trends to be assessed.
- On street parking was always an issue for members, and the Mainstreets were working with the Wednesday Challenge to initiate change.

Discussion points raised

- The committee noted a common theme of problems with street cleaning and levels of service, especially around deep cleans, This had been noted; there was a need to make sure there were clear goals.

COMMITTEE RESOLUTION SFR3/22/2

Moved: Commissioner Bill Wasley

Seconded: Ms Rohario Murray

That the Strategy, Finance and Risk Committee:

- (a) Receives the Mainstreets' Monitoring Report for the period to 31 December 2021.
- (b) Receives the Mount Business Association Report to 31 December 2021.
- (c) Receives the Mainstreet Tauranga Report to 31 December 2021.
- (d) Receives the Greerton Village Mainstreet Report to 31 December 2021.
- (e) Receives the Papamoa Unlimited Report to 31 December 2021.

CARRIED

8.2 Audit New Zealand Report on the Audit of Tauranga City Council for the year ended 30 June 2021 and Audit Plan for the year ended 30 June 2022

Staff Paul Davidson, General Manager: Corporate Services

External Clarence Susan, Audit New Zealand

Key points

- Noted that the first report of the year was under the old SAP system; the second report dealt with the upcoming 2022 audit.
- These reports closed the financial reporting of 2021 and the issuing of an audit plan for 2022 year. There would be a balancing required to account for the 3 Waters reform.
- Supply chains were still causing issues with increase of rates.
- Of the remaining matters in the report (15 items), these had now been resolved or would be integrated into other programmes. The most important would be dealt with as a matter of urgency.

- Audit NZ had been working with Tauranga City Council to resolve these matters. Some recommendations would be resolved with the implementation of new systems; some would require a change to reporting.
The Committee requested that the 15 outstanding matters be highlighted to show those repaired by the new SAP system, those completed and those that would require further changes.
- Mr Susan from Audit New Zealand noted that there was currently a shortage of auditors in New Zealand and they would work with staff as best they could.
- The Committee commended all involved in the process of a clear audit.

COMMITTEE RESOLUTION SFR3/22/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Strategy, Finance and Risk Committee:

- (a) Receives the report - Audit New Zealand Report on the Audit of Tauranga City Council for the year ended 30 June 2021 and Audit Plan for the year ended 30 June 2022.

CARRIED

8.3 Adoption of draft Rates Remission Policy and draft Rates Postponement Policy for consultation

Staff Jim Taylor, Transactional Services Manager
Emma Joyce, Policy Analyst

Key points

- The report incorporated changes from February.

In response to questions

- Clarification was provided regarding valuation and possible remission of gold kiwifruit licences. Staff were waiting for the legal proceedings to be resolved, and would then follow any direction from the courts for valuation and remission.

COMMITTEE RESOLUTION SFR3/22/4

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Shadrach Rolleston

That the Strategy, Finance and Risk Committee:

- (a) Adopts the draft Rates Remission Policy for consultation
- (b) Adopts the draft Rates Postponement Policy for consultation.

CARRIED

8.4 Review of the Remission and Postponement of Rates on Māori Freehold Land Policy - Issues and Options

Staff Jim Taylor, Transactional Services Manager
Emma Joyce, Policy Analyst

Key points

- The Committee commended staff on a good report that included and highlighted the consultation and conversations that had already taken place. Staff noted that there had been another hui since the report was signed off.

- Staff had been in discussion with the Western Bay of Plenty District Council, which was currently consulting on their policy, and had aimed to achieve consistency with the Western Bay. Staff however noted that, while following a similar policy approach and staff having confirmed broadly similar consensus, there were some areas and approaches that the two councils would have to agree to disagree on.
- Staff suggested that this should be highlighted in the consultation documents to allow targeted responses

COMMITTEE RESOLUTION SFR3/22/5

Moved: Commissioner Bill Wasley

Seconded: Ms Rohario Murray

That the Strategy, Finance and Risk Committee:

- (a) Adopts the draft Remission and Postponement of Rates on Māori Freehold Land Policy for consultation, noting the following amendments:
 - (i) A new purpose statement paraphrasing the Preamble from Te Ture Whenua Māori Act 1993.
 - (ii) Revised criteria for remission of rates, except service charges, on land subject to development to only require assessment against the benefits outlined at section 114A of the Local Government (Rating) Act 2002.
 - (iii) Provisions extending the ability to remit rates, except service charges, on land intended for development to land returned through a right of first refusal scheme or Treaty settlement or where the land is temporarily transferred to general title and held in collective ownership.
 - (iv) Provision for 100% remission of rates, except service charges, on land subject to development, or defined and agreed development or stage of development, until such time as the development or stage of development is generating income or persons are residing in the houses.
 - (v) Provision for Māori freehold land rates remission which reflects a rate based on Māori freehold land value excluding any subdivision potential unlikely to be realised in Māori ownership.
 - (vi) Provision for partial or full remission of rates, except service charges, on land that may be partially used for limited or seasonal productive use.
 - (vii) Provision clarifying that land providing non-commercial community benefit to Māori or papakāinga is eligible for 100% remission of rates, except service charges.

CARRIED

8.5 TCC Urban Design Framework

Staff Corinne Frischknecht, Senior Policy Planner
Carl Lucca, Team Leader: Urban Communities

Key points

- The report was taken as read and minor amendments were made to the resolution following discussion and questions.

In response to questions

- Staff undertook to provide more information and reports from the Auckland Unitary Authority on their Design Panel Process.

- The Committee noted a lack of specific emphasis on greening of the urban landscape and a restriction of panel members that might inhibit innovation from other areas. These matters would be addressed by incorporation into the Design Panel Guidelines.
- Public design space would be captured through the Environment Strategy refresh process. This report covered private spaces.
- The Committee noted that these matters would need to operate in both spaces.
- It was intended that the Panel would provide a strong local voice and be able to provide good advice and learning from the city as a whole.
- Under this process, there would be an urban design planner assigned from the time of application to the end of the application process.
- There would be strong advice and advocacy for applicants of the benefit of the Urban Design Panel process.
- Mana whenua values should be considered at the front of the application process and reflected as a voice both on the Panel and in the application documentation.
- The cCommittee considered this process would provide great benefit, would like to see it include public transport and also come together as part of overall urban design.
- The Committee noted that the scope of panel advice required some rationalisation and prioritisation.

COMMITTEE RESOLUTION SFR3/22/6

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee:

- (a) Adopts an Urban Design Framework to promote and facilitate high quality urban design outcomes in Tauranga City, including:
 - (i) Setting up an **Urban Design Panel**, in line with the proposed Terms of Reference
 - (ii) Incorporating urban design policy into the City Plan, supported by appropriate urban design guidelines
 - (iii) Providing for ongoing awareness and promotion of urban design requirements and outcomes sought through educational and promotional material.
 - (iv) Establishing internal staff resources to implement the Urban Design Framework.
 - (v) Ensuring alignment with other relevant planning documents (including but not limited to the Street Design Guide and Strategy Refresh).
- (b) Delegates authority to the Chief Executive and General Manager, Strategy & Growth to refine the draft Terms of Reference;
- (c) Notes that the Executive Report on the 2022/23 Annual Report will include provision for funding for the senior urban design and support administration roles, totalling an estimated \$173,000 per annum.
- (d) Requests that staff report back to the Committee on progress and implementation in no later than 18 months' time.

CARRIED

8.6 Plan Change Work Programme for 2022

Staff Christine Jones, General Manager: Strategy and Growth
Janine Speedy, Team Leader: City Planning

Key points

- Staff provided a brief overview of the report noting that at present Plan Change 26 (PC 26) remained on hold as further direction was expected from the Minister that may provide a better pathway.

In response to questions

- The proposed Plan Change would incorporate key corridors in Greerton, Gate Pa and potentially The Mount and Cherrywood. The Plan Change would be notified in August then appeals would only be on points of law.
- This process would allow the same intensification as PC 26 but was a more streamlined process; either pathway would require the same process of including all spatial work into the plan which would come back to the Committee by end of June for further discussion.
- The proposed legislation was restrictive on what Council could do, the raw frameworks completed for PC26 would be used to inform the work.
- The new framework would not allow the previous approach of rules that did not allow encroachment on the building envelope. For example, PC 26 had a blank façade rule which could not now be implemented under the proposed legislative process. There are other potential legal impacts on issues such as fencing and waste management that staff are working through one by one.
- The Council would define a walkable catchment; staff would bring proposals back to the Committee and seek guidance from the Committee on this matter once affected corridors and areas have been defined. Currently staff were working to align with other councils as practicably as possible on these rules.
- Council's submission voiced concern over the 'three dwellings as of right' rules, as these might cause unforeseen consequences for infrastructure development and planning. Staff advised that where a resource consent was required there was an infrastructure capacity rule available that looked at non RMA rules. Staff were working to determine if some controls could be added at this point around infrastructure.
- There were currently some timeframes that may require further engagement with central government on these areas of concern e.g. transportation risk.

Discussion points raised

- Feedback was provided that at present what was not in the proposal was what was not available – an ability to achieve rapid processes for rapid changes for the city, there were no provisions for greenfield development.
- The Committee acknowledged the previous great work from staff on PC26 and noted that it must be hugely disappointing to not take that forward.
- The Committee might not be able to work to paragraph 8 and have no other plan changes. They would like to revisit this at the end of 2022 and for staff to report back.
- The Commissioners had been tasked to look after the city and grow it in a proud way. They and the Committee acknowledged that the proposed legislation presented a challenge to those coming forward for future councils.

COMMITTEE RESOLUTION SFR3/22/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Strategy, Finance and Risk Committee:

- (a) Approves proceeding with a plan change to implement the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act by:
 - (i) Applying the Medium Density Residential Standards to residential zones (currently identified as Suburban Residential, Wairakei Residential, City Living and High-Density Residential zones) with an appropriate rule framework; and

- (ii) Giving effect to Policy 3 in the National Policy Statement on Urban Development to maximise heights in the City Centre Zone, enable at least 6 storeys within a walkable catchment of the city centre and enable residential building height and density appropriate to local, neighbourhood and town centres.
- (b) Notes that greenfield urban growth areas (Te Tumu and Tauriko West) and private plan changes will be progressed through planning processes separate from (a) above.
- (c) Notes that Plan Change 26 (Housing Choice) remains on hold to retain the opportunity to notify a variation if subsequently identified as the most appropriate pathway.

CARRIED

At 12.27pm the meeting adjourned.

At 1.15pm the meeting reconvened.

8.7 Adoption of draft Waste Management and Minimisation Bylaw 2022 for consultation

Staff Nic Johansson, General Manager: Infrastructure
Sam Fellows, Manager: Sustainability and Waste

Key points

- In current practice multi-unit dwellings as an area of rubbish collection had been set by an ad hoc bylaw. The new bylaw would allow developers to place waste minimisation practices into development plans; a second phase would be to add in demolition waste. At present, as staff are working on a region-wide approach with the Western Bay of Plenty, conditions had not been made too onerous.
- The proposed bylaw included recognition of the Treaty of Waitangi.
- Staff noted that there will be new legislation released from central government that would be taken into account.

In response to questions

- The Morrison Low report had been reviewed and advised the formation of the proposals. It compared Tauranga city operations with other cities and provided a basis for the proposed plan and bylaw.
- There is a small but wide definition of Māori values in the proposal especially as related to Māori land blocks, to ensure the right consultation is undertaken to have all views and perspectives on board.
- The proposed bylaw was mirrored throughout the Bay of Plenty and acknowledged the need to bring the commercial sector on a journey to change.

COMMITTEE RESOLUTION SFR3/22/8

Moved: Commissioner Bill Wasley

Seconded: Dr Wayne Beilby

That the Strategy, Finance and Risk Committee:

- (a) Approves the draft Waste Management and Minimisation Bylaw 2022 (**Attachment A**) for community consultation.
- (b) Adopts the Statement of Proposal for the draft Waste Management and Minimisation Bylaw 2022 (**Attachment B**) for community consultation.
- (c) Resolves that in accordance with section 155 of the Local Government Act 2002, the proposed draft Waste Management and Minimisation Bylaw 2022, is the most appropriate and proportionate way of addressing the perceived problem and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

- (d) Delegates to staff the ability to make any minor edits or amendments to the draft Waste Management and Minimisation Bylaw 2022 or Statement of Proposal to correct any identified errors or typographical edits.

CARRIED

8.8 Adoption of draft Waste Management and Minimisation Plan 2022-2028 for consultation

Staff Nic Johansson, General Manager: Infrastructure
Sam Fellows, Manager: Sustainability and Waste

Key points

- Staff provided a summary of the Plan.

In response to questions

- The Committee noted that the report told the story of current problems and set the case for change but no summary for actions.
- There would be a large amount of monitoring that would be required.
- There were currently not many hard facts or details for the Committee to look at. At higher levels this would enable the region to apply for central government levy money that would see half of waste charges returned to be directed to further initiatives.
- It was anticipated that the Plan would form a living document and may change in yearly effect, with concrete actions added, legislative change incorporated and a proactive focus on not creating double handling or workload.
- It was expected that a yearly delivery report containing plans for the following year would be provided to Council.
- Given recent Covid disruptions to recycling and green waste disposal, under the proposed plan these could be elevated in priority.

COMMITTEE RESOLUTION SFR3/22/9

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Strategy, Finance and Risk Committee:

- (a) Approves the draft Waste Management and Minimisation Plan 2022-2028 (**Attachment A**) for community consultation.
- (b) Delegates to staff the ability to make any minor edits or amendments to the draft Waste Management and Minimisation Plan 2022-2028 or Statement of Proposal to correct any identified errors or typographical edits.

CARRIED

8.9 Q2 2021/22 LGOIMA and Privacy Requests

Staff Tony Aitken, Acting General Manager: People and Engagement
Kath Norris, Team Leader: Democracy Services

Key points

- Staff provided a summary of recent trends and the number of requests received.

In response to questions

- It was expected that the current trend of increasing requests would continue.

COMMITTEE RESOLUTION SFR3/22/10

Moved: Commissioner Stephen Selwood

Seconded: Dr Wayne Beilby

That the Strategy, Finance and Risk Committee:

- (a) Receives the report Q2 2021/22 LGOIMA and Privacy Requests.

CARRIED

8.10 Three Waters Reform Update Report

Staff Nic Johansson, General Manager: Infrastructure
Cathy Davidson, Manager: Directorate Services

Key points

- The staff summary of the report noted that there had been little recent movement and the report was mainly an information report detailing facts as known.
- Following expected further announcements, this issue would come back to a future Council meeting after consultation with the community and including staff comment on those concerns raised.

Discussion points raised

- Noted the importance of consultation with Te Rangapū.

COMMITTEE RESOLUTION SFR3/22/11

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee:

- (a) Receives the report Three Waters Reforms Programme update to the end of February 2022.
- (b) Notes the establishment of the following structures to undertake ongoing work related to the three waters reforms.
 - (i) Project Team
 - (ii) Project Steering Group
- (c) Supports the continuation of Tauranga City Council working with National Transition Unit, including the responses to information requests, nominations for National Reference Groups and Entity B Local Transition Team and working alongside other local authorities in the Entity B region.
- (d) Notes the recommendations of the Working Group on Representation, Governance and Accountability.
- (e) That the Project Steering Group appraises the recommendations from the Working Group on Representation, Governance and Accountability report, and reports to Council how those recommendations respectively respond, or otherwise, to concerns captured from community, Te Rangapū and commission, in relation to the original governance proposal.

CARRIED

9 DISCUSSION OF LATE ITEMS

Nil

10 PUBLIC EXCLUDED SESSION**RESOLUTION TO EXCLUDE THE PUBLIC****COMMITTEE RESOLUTION SFR3/22/12**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the public be excluded from the following parts of the proceedings of this meeting. Mr Nathan Speir of Rice Speir (Counsel) will be present for item 10.4

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
10.1 - Quarterly Security Report - Q4 2021	s7(2)(c)(ii) - The withholding of the information is necessary to 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 be likely otherwise to damage the public interest	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
10.2 - Corporate Risk Register - Quarterly Update	<p>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</p> <p>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</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	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

10.3 - Internal Audit - Quarterly Update	<p>s6(b) - The making available of the information would be likely to endanger the safety of any person</p> <p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>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</p>
10.4 - Litigation Report	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>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)</p>	<p>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</p>

CARRIED

Mr Robertson entered the meeting at 2.30 pm

Commissioner Wasley left the meeting at 2.33 pm

11 CLOSING KARAKIA

Commissioner Rolleston closed the meeting with a karakia.

The meeting closed at 2.39 pm.

The minutes of this meeting were confirmed as a true and correct record at the Strategy, Finance and Risk Committee Meeting held on 20 June 2022.

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CHAIRPERSON