



MINUTES

**Ordinary Council meeting
Monday, 14 August 2023**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE,
1 ELIZABETH STREET, TAURANGA
ON MONDAY, 14 AUGUST 2023 AT 9.44AM**

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

IN ATTENDANCE: Christine Jones (Acting Chief Executive and General Manager: Strategy, Growth & Governance), Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Sarah Omundsen (General Manager: Regulatory and Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Fiona Nalder (Principal Strategic Advisor), Sheree Covell (Treasury and Financial Compliance Manager), Robyn Scrimshaw (Urban Planner: Urban Communities), Ross Hudson (Team Leader: Planning), Stuart Goodman (Team Leader: Regulation Monitoring), Ruth Woodward (Team Leader: Policy); Emma Joyce (Open Space and Community Facilities Planner), Peter Mouldy (Project Manager), Sanjana France (CCO Specialist), Coral Hair (Manager: Democracy & Governance Services), Sarah Drummond (Governance Advisor), Janie Storey (Governance Advisor)

1 OPENING KARAKIA

Commissioner Shad Rolleston opened the meeting with a karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

Condolences

Commissioner Tolley acknowledged the recent passing of Jorja-Ray Smith as a result of an accident at the Hewletts Road rail crossing and noted that she was the granddaughter of Mania Ngatai who was kaitiaki for the boat ramp. She also acknowledged the recent passing of Bill Faulkner who had been a Tauranga City Councillor for a number of years between 1986 to 2013 and had been closely involved with the development of the city over that time.

The thoughts of the Council were with the families and friends of the Smith and Faulkner families at this time.

3.1 Tauranga Intermediate School – Future Problem Solving Team – Thank you

External Drew Kenny, Student, Tauranga Intermediate School
Ryman Song, Student, Tauranga Intermediate School
Ryan Piddock, Student, Tauranga Intermediate School

Presentation

Key points

- In June 2022, both the Tauranga City Council and the Bay of Plenty Regional Council made a grant of \$5,000 each towards the Future Problem Solving Team's cost to compete in the world competition in the United States. The students wanted to share their experiences and to express their heartfelt gratitude and thanks for the grant as it made so much difference to their opportunities and the experiences gained.
- After a 16 hour flight they had holidayed in New York for a few days, travelled to the University of Massachusetts and Boston for the competition, then on to Los Angeles before heading home.
- Highlights included meeting so many different people from all over the world, the variety of events in other competitions and meeting with the rest of the New Zealand team.
- The team took kiwi key chains and traded them with people from other countries so that they ended up with pieces of other competitors' cultures and heard their stories.
- The competition was a global problem solving programme which also included a section on community problem solving. A scenario included a community problem being highlighted and they worked as a team to find a solution. The students produced a write up of what happens in future.
- The team international scenario was to do with currency, with the swapping of body parts as a currency. One of the New Zealand teams won that section of the competition. –
- There were a number of social events with people and coaches and they heard from the local attendees about their personal experiences with the recent fires in the States.
- Participants were given a number of items with which they had to make costumes, write a presentation, provide a market solution, and perform a skit.
- Overall the New Zealand teams did well with some first, second and third placings in some of the competitions. The Tauranga team got 26th out of 57 teams in a 2 hour competition on what was theoretically happening in the future and the use of crypto currency or central bank currency, working out the best option for both. The group noted that although they had struggled a bit with time, they collaborated and worked together well.
- The group noted that it was a great experience and while they did not perform as well as they wanted, they learnt so much about a lot of different topics.
- The group reiterated their thanks to the Council for enabling them to go and compete on a world stage. They were all inspired by the community problem solving and said that it would be a good exercise to look at what the problems were within their own community, get them onto boards and see what they could solve. The student noted that they gained such a good world view, learnt of some the problems other countries and now knew lots more than they ever wanted to know about currency.

Discussion points raised

- Commissioner Tolley thanked Drew, Ryman and Ryan for attending the meeting and relaying to all the great value that they received from their experiences. She advised the students that the Council would take them up on the offer of problem solving, as it was great training for their future.
- Commissioner Tolley noted that the students had spoken of their experiences with confidence and the school and their families should be very proud of them.

Attachments

- 1 Presentation - Tauranga Intermediate School pdf

3.2 Age Concern - Roger Goodman and Adrienne von Tunzelmann - Investment of Elder Housing Sale Proceeds

External Roger Goodman, Age Concern
Adrienne von Tunzelmann, Age Concern

Presentation by Age Concern.

Key points

- Age Concern fully supports the idea of investment for elder housing and the Council's ability to invest in housing into the future.
- There was no source of secure access for older people in need in Tauranga, as with organisations such as Kainga Ora, the only way to get housing was through the housing register which did not give priority to the elderly. The Council proposal does not fill this large gap in the market.
- Accessible homes for older people and others in need with disabilities and chronic conditions was in short supply and sub regionally there was a lack of right sized housing.
- There were different housing needs for the younger age groups than the elderly and there was a need to address the needs of older people and relieve the housing stresses they face.
- The impact objectives of the fund in all six key areas caused concern that the senior housing would get lost and the submitters asked that Council ensure there was a balance towards accommodation for older people by ensuring the contribution to the Housing Equity Fund did not affect this.
- Older people were excluded from Kainga Ora housing as they received superannuation. The group want to see Council think of an investment towards good housing for older people when planning demographic changes now with emphasis being put on how the equity fund was managed.
- There were a number of different ways to do that. Co-housing and share housing etc would make the stock go further when allocating funds.
- Age Concern welcomed the opportunity to stay close to the housing equity fund as it evolved and would like to assist with the design of it.

Attachments

- 1 Presentation - Age Concern Housing Equity Fund

3.3 Bay Trust - Alastair Rhodes - Investment of Elder Housing Sale Proceeds

External Alastair Rhodes, Bay Trust

Key points

- The Trust wanted help plan for the best long term interests of the city. Mr Rhodes noted that as a father he wanted his children to be able to afford to live in the city and for him to be able to retire here.
- Bay Trust supported Council investing in housing and the value of community housing as a fundamental right which people should be able to afford.
- The Trust was committing \$10M into housing and would reinvest any profit from it.
- The Trust carried out an in-depth community survey every year and housing was always near the top of the list as an area for Bay Trust to invest in.
- The Council proposal was effectively utilising the fund as housing was a 50–100-year investment. The fund would be able to access debt and would be able to make a difference in the housing space. It would be managed by managers who would know how to make a positive impact in the housing space and would be trying to address housing where it was most

needed.

- Needs would change over time. Currently in the city there was a massive shortage of 1–2-bedroom units which were needed for the elderly and critical workers. Having a perpetual fund gave the ability to adapt.
- For every \$1 invested by Council, there were contributions of \$2:1 in depth which was structured to attract commercial investors in the future.
- The Bay Trust and Council balance sheets were not enough to address the shortage on their own, and other funds such as Kiwi Saver were needed and had to be attracted with reasonable returns to get them to invest. Seeing the results making a difference in the community would attract these investors.
- Mr Rhodes thanked the Commissioners and staff for listening to the Trust and allowing them to be involved in the co-designing of the fund and to be able to continue to provide long term what was in the best interests of the community.

3.4 Jo Gravit and Christine Ralph- Investment of Elder Housing Sale Proceeds

External Jo Gravit
Christine Ralph

An additional submission was tabled.

Key points

- Ms Gravit questioned how much significance would be given as a priority for elder housing, which she noted was the original intention of the sale.
- The Council had a social obligation to give priority to affordable elder housing and the submitter supported the \$10M set aside as the state system does not provide housing for elder people. Seniors in need were reliant on other affordable rental options such as housing trusts and local authorities.
- Ms Ralph agreed that it was appropriate that any additional money should be a wait and see as to whether it was placed in the fund, but it was important to know how the funds were to be expended in the future.
- The definition of public, social, affordable housing was too broad and could be honed down to give better guidance to future Councils on what their responsibilities were.
- In regard to representation on the Housing Equity Fund Board, it was unclear what representation the Council had on it. The submitters felt it was important to have a Tauranga City Council representative to represent the city's issues and requested that the person be a skilled housing advocate or person aware of the sector rather than a politician. The person needed to be a long term strategic thinker, rather than someone with a three year cycle.

Attachments

- 1 Public forum - Jo Gravit - presentation on Investment of elder sale proceeds - 14 August 2023

3.5 Grey Power - Vanessa Charman-Moore - Investment of Elder Housing Sale Proceeds

External Vanessa Charman-Moore – Grey Power Tauranga and Western Bay of Plenty

Meeting notes tabled.

Key points

- Grey Power was an advocacy organisation representing the 50+ age group and were advocating for safe and affordable housing for older residents.

- The submitter worked in seniors real estate and was regularly approached from distressed superannuitants trying to find accommodation, however, in Tauranga it was near impossible to find somewhere to live if all you had coming in was New Zealand superannuation.
- The accommodation supplement was not available until the applicant's savings had dwindled to almost nothing.
- The submitter noted there were only a few community organisations to help but there was almost nothing available. To get Kainga Ora housing, applicants were required to get on to the MSD waiting list and then it could be up to a year.
- If housing could be found, many landlords were wary of older tenants having the ability to be able to look after a property with one lady being turned down five times and another looking at flatmates wanted adverts.
- It was a struggle to find a solution, as superannuation was not sufficient to provide for Tauranga's vulnerable older people. The lack of security and the stress caused from potential homelessness for the elderly was deeply concerning.
- The large senior population combined with expensive rents made Tauranga vulnerable to a looming crisis that would be caused by an increasing number of renters, an ageing population, and a lack of age-appropriate housing.
- Although now removed from active involvement, Council still had the opportunity to take steps to prevent distress to the vulnerable older community.
- There were several successful small villages for elderly residents that had age appropriate housing with managers to mow lawns and assist where needed.
- In other areas there were community housing organisations working in successful partnerships with developers who provide the infrastructure with the organisations, guaranteeing rent payments and care of the properties.
- Grey Power request Council not to let the funding go into the general accommodation pool, and to ring fence it for elder housing. It was an opportunity for Council to create a better future for the elderly by encouraging collaboration between community housing organisations and private businesses.
- The submitter asked not to let Tauranga rely on central government when the local requirements were unique to the city and to return elder housing funds for the senior population, which was ultimately all of us.

Discussion points raised

- Commissioners thanked all submitters for the comments made with regards to the elder housing issues and the points raised.

Attachments

1 Public Forum - Grey Power Presentation to Commissioners.docx

3.6 Toxic Agrichemicals Advisory Forum - Peter Mora, Dr Ian McLean and Bill Myhill – Use of oxadiazon and pendimethalin on active reserves

External Peter Mora, Dr Ian McLean and Bill Myhill

Presentation made by Toxic Agrichemical Advisory Forum (TAAF).

Key points

- The Council was now the submitter for applications for additions to Schedule 1 of the policy and as such Council had put itself in the position of being the submitter and the approver of the process.
- TAAF carried out a full review in 2022 of the two chemicals applied for, and Council were now searching the current application for new evidence. A recommendation not to approve this should be made.

- Council approved a one year trial and the submitter noted that those trials had failed as the agrichemical added no value to turf management, despite the manufacturer suggesting it was the conditions that caused the chemicals to fail.
- TAAF had nothing to do with whether the chemicals work, they were here because of public health.
- The trials, while interesting, provided the wrong result from the perspective of continuing to approve the chemicals for addition to Schedule 1.
- The proposal to use the chemicals in a different way with the belief that this summer would be drier and with the manufacturer suggesting they would work better, TAAF saw no evidence for changing their opinion from last year. The chemicals used did not work despite the Council doing its best to use them as per the manufacturer's specifications.
- A retrospective reanalysis was not the best way to approach this problem and adding the chemicals to the Schedule was not the solution
- Conducting a trial under different conditions TAAF suggested that the test should repeat the conditions of last year as much as possible and change one variable, when the report suggests changing two – the method of application and the environmental conditions which Council hoped would be drier.
- Should Council continue to use these chemicals, and do they really provide enough added value given their toxicity? TAAF's position was no.

In response to questions

- TAAF's position was that the trials were not the way to use the chemicals as they come with these already done by the manufacturer. While there was some argument to test under local conditions, TAAF supported that and provided a document to outline a way of doing and reporting trials some years ago which would be in Council's records.
- TAAF noted that the Council had not done what was suggested in reporting on the current trial and they wanted to see evidence that if the Council were going to do trials, they be done in a way that it could be ensured that it was called a trial and properly recorded and properly structured experimentally in a way that would allow them to add to the information base in terms of making a decision about whether to continue their use.
- In response to a query as to whether there was any other product that would be more conducive to public health that would get the same results to increase the use of sports turf all year round, TAAF responded that was not their job to search for alternative products. They had searched for other methods which they had done trials for and let Council know the results and were not going to spend time researching toxic chemicals as they were a voluntary organisation.
- Balancing the health benefits of the greater use of sports fields verses the risk to health that may be present by the use of the chemicals was difficult to answer, TAAF acknowledged the attempt to support the idea of resources in the community for promoting health. This was about providing high quality top end turf for competitive sports at the top level. If the Council was trying to provide sports fields for health purposes TAAF did not think that they needed to use these chemicals to provide the turf for areas for general games as it had been done for years. If the result was to provide high quality turf for higher grade games, probably not, but it was not their decision.

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 27 June 2023

RESOLUTION CO13/23/1

Moved: Commissioner Bill Wasley
Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 27 June 2023 be confirmed as a true and correct record.

CARRIED

7.2 Minutes of the Council meeting held on 24 July 2023

RESOLUTION CO13/23/2

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Bill Wasley

That the minutes of the Council meeting held on 24 July 2023 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

The following declarations on interest were noted:

- Commisisoner Walsley noted in relation to item 11.2 the Greerton Maarawaewae Options Study Deliberations, recommndation (f) that his wife was a member of the Tauranga Golf Club.
- Commissioner Rolleston noted in relation to item 11.2 Greerton Maarawaewae Options Study Deliberations he had recently been appointed to the New Zealand Conservation Authority, but had no direct interest in the government reserve land in this area.

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Investment of Elder Housing Sale Proceeds

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Fiona Nalder, Principal Strategic Advisor
Sheree Covell, Treasury and Financial Compliance Manager

External Roy Thompson – New Ground Capital**Key points**

- 67 responses were received to the consultation with 70% in favour of investment in the housing equity fund, investing \$10M into the fund as well as the options to potentially commit a further \$3M into development contribution rebates as committed by the last Long Term Plan.
- Mr Thompson noted that in 2021 Bay Trust recognised key insights into the long standing housing crisis being faced in the region and saw the need to approach it collaboratively with scale and equity.
- Parties from across the region came together and went through an exhaustive codesign process. It was seen as a unique, special, and much needed regionwide collaboration that had brought together a broad range of perspectives, experiences, expertise around the issues.
- Mr Thompson noted the valid concerns raised in the public forum and advised the co-design process reflected Council's requirements in the design of the fund and the processes the fund would operate under, and they had built in a unique geographic ring fencing mechanism to ensure that any capital contributed by the Tauranga City Council was only invested within the Council boundaries. This had also been done for the benefit of the other parties investing who in some cases had a primary interest in the sub region.
- A further protection was around the approval of the impact case of each individual investment being considered. The investment team were already talking to a number of parties including Māori housing groups, iwi, community housing trusts and councils and when a project was identified that met the financial objectives of the fund, it had to be vetted and approved by the founding shareholders from within that specific sub-region. It will then go back to the local investors for approval around the impact case looking at whether it was addressing in an area of great need, was it delivering new and affordable housing. If the proposal passes that test, it then goes to the investment committee which was made up of property experts and, if approved, it would then go to the Board where Tauranga City Council has representation. The Board would ensure that good process had been followed, as embodied in the foundation document.
- The fund was not specifically targeting elder housing, the key criteria was to deliver new housing of an affordable nature, targeting those most in need. As needs changed, they needed to be prepared to adapt and consider all sectors of the community.

In response to questions

- There was an initial five person board, with three being appointed by the founding shareholders. Tauranga City Council would be one of the five shareholders and, as the largest investor, it was expected Council would negotiate with the other founding shareholders to have board representation.
- In response to the investment of the remaining funds and the intent of the fund it was noted that the Housing Equity Fund would continue to be used for housing purposes and the documentation of the establishment of the fund would ring fence and set funds aside. The remainder was set out in recommended resolution (b) of the report and was the first resolution setting out the total of the elder housing funds, taking out the decision already made around development contributions, Women's Refuse and other items, the total left would be ring fenced that these funds must only be spent on social, elder and affordable housing outcomes.
- There were still further decisions to be made by Council in respect of Smith's Farm and conversations with other parties for opportunities in the Te Papa corridor that could flow through the next few months and Council could then make more detailed resolution to (b) or add another report later to provide more clarity before election time.

Discussion points raised

- Commissioners agreed that the Board appointment should not be a politician and would hold further discussions with staff on the matter. The decision would be made once further information was to hand.

- Commissioners agreed that the funding stream needed to be addressed so that it was more focused. The intent was that elder housing was a significant part of the housing equity fund however the Council wanted flexibility to invest in areas which would make the most impact and address the greatest need.
- It was agreed that Resolution (i) would include a timeframe “*prior to the adoption of the 2024-34 Long Term Plan*”.
- Commissioners acknowledged the submitters and thanked them for the work done, noting that there was still more to do.
- Resolution (d) – option (i) was agreed to.

RESOLUTION CO13/23/3

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Investment of Elder Housing Sale Proceeds".
- (b) Approves investment of the total available elder housing village sale proceeds into delivering social, elder and/or affordable housing outcomes for the city.
- (c) Notes that allocation of elder housing village sale proceeds to provide \$3 million of development contribution grants, available for community housing and Papakāinga housing, was an allocation over three years via the 2021-2031 Long-Term Plan, and that these funds will be rolled over annually until fully spent.
- (d) Approves a further total allocation of \$3 million, \$1.5 million for registered community housing providers and \$1.5 million for Papakāinga housing funded from the proceeds of the elder housing sale, evenly distributed over years 1-3 of the upcoming 2024-2034 Long-Term Plan, and to be managed under Council's policies *Grants for development contributions on Community Housing* and *Grants for development contributions on Papakāinga Housing*.
- (e) Approves an initial investment of \$10 million into the Housing Equity Fund being established for the Bay of Plenty region, in the form of cash and/or property and subject to final due diligence.
- (f) Delegates the Chief Executive to develop, negotiate and execute on Council's behalf the required legal documentation for the initial investment of \$10 million into the Housing Equity Fund.
- (g) Resolves that if two Council signatories are required in respect of any of the necessary legal documentation, the General Manager: Strategy, Growth & Governance is the delegated authority to execute the legal documentation together with the Chief Executive.
- (h) Approves investment of the remaining funds (as cash and/or property), subsequent to the proceeds being available, into either the Housing Equity Fund or alternative affordable/social/elder housing projects within Tauranga.
- (i) Notes that the decision regarding the investment of the remaining funds (i.e. investment into the Housing Equity Fund versus alternative housing projects) will be made via Council decision before adopting the 2024-34 Long Term Plan and will not be subject to further formal community consultation.
- (j) Notes, in accordance with Section 80 of the Local Government Act, that:
 - (i) the decision in (e) above is inconsistent with the *Treasury* policy as the Housing Equity Fund does not have an approved credit rating; and
 - (ii) the *Treasury* policy is currently under review, however it is not intended to amend the policy to accommodate this decision.

CARRIED

11.2 Greerton Maarawaewae Options Study Deliberations

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Robyn Scrimshaw, Urban Planner: Urban Communities
Ross Hudson, Team Leader: Planning

Presentation on the Greerton Maarawaewae Options Study Deliberations and replacement maps tabled.

Key points

- Council had worked through three phases of tangata whenua discussions, community engagement and stakeholder discussions.
- Phase 3 options were taken to the community including a health and recreation site, a central park and an enhanced status quo with housing removed as an option.
- In terms of health, the current site has seismic constraints and was subject to those being addressed. The Te Whatu Ora business case would look at the existing facilities and greenfield options of which one was the racecourse. No decision was able to be made until Te Whatu Ora's business case was completed which was expected to be in July 2024.
- New Zealand Thoroughbred Racing had decided that only one racecourse was required in the Bay of Plenty and a working party had been established to consider what a new racecourse would look like and where it would be located. The work was substantially completed and a suitable alternative location identified if needed, but this was on hold pending the Te Whatu Ora decision.
- In response to the community feedback received a new Option D had been created called community plus. This was an adaptive future proofed pathway that provided for improved community use of the space while retaining the racecourse. It did not include any enhancement to the racecourse that would be sunk if have they had to relocate and was a good balance of making changes by allowing the community to have more use of the area while reserving both options to move forward.
- Option D included some passive and nature play elements in the eastern corner of the site and would be finalised following engagement with the community to see what they wanted. The current carpark would be utilised for covered courts and to assist with the long term planning of the western corridor.
- The recommendation was to progress Option D as it provided amenity improvements. Funding had been included in the Long Term Plan for consideration so it could happen quickly if it was agreed to. Once the Te Whatu Ora business case decision was known, Council could either proceed with the hospital or retain the racecourse and deliver more long term community enhancements.

In response to questions

- Housing on the racecourse site had been removed from the Te Papa Spatial Plan and would also be reflected in the upcoming SmartGrowth strategy review once it was adopted, which was expected to be finalised before the end of the year.
- Discussion ensued on the concerns raised by the Tauranga Racing Club to protect their current position as they currently had 15 years to run on their lease and if the Crown wanted the area for a hospital, their position today was critical to the financial position of the racecourse if the Crown had to buy the out. The length of time for the Te Whatu Ora process, for a new facility to be included in the government's capital programme and to get the finance would take so long it would lessen the racing club's equity with the lease running out. This may then become a Council problem as the Racing Association would likely turn to Council to cover the difference in cost to move the racecourse to a new site. There was a need to protect the current position as it would be a number of years before the Crown gets to the negotiating table. Also if the hospital does not proceed certainty would need to be provided to the Racing Club that they could stay on the site. New Zealand Thoroughbred Racing and the Tauranga Racing Club had asked that Council negotiate a new 30 year lease with a set of conditions that if the land was

needed by the Crown for a hospital, they would surrender that lease after negotiations with the Crown.

- It was noted that the Tauranga Equestrian Sports Association (TESA) had some involvement in the process and staff had been engaging with them on a regular basis over the last year. There was a Tauranga addendum to the Western Bay of Plenty strategy that staff had asked to be advanced ahead of the wider strategy and working hard to come up with identifiable solutions for equestrian groups in the Tauranga Moana area and staff would continue to engage with TESA through the process. It was noted that representation on the regional group had been rectified quite recently.

Discussion points raised

- Commissioner Tolley noted that they wanted to give special thanks to the current users of the land and mana whenua who had been co-operative and constructive participants throughout the whole lengthy process, even when they strongly disagreed with some of the options. They had worked alongside Council the whole time. It was a good process and one that involved a raft of different sectors of the community who had different views on its use with a common theme that it was an important to retain it as an open space within the city and to retain the green nature appearance.
- It was a worthwhile process undertaken and appreciation was passed on to the staff who were involved.
- Commissioners noted that further engagement did not need to be held with the community regarding play space facilities if it was included in the 2024-34 Long Term Plan.
- Commissioner Rolleston noted that Ngai Tamarāwaho had reiterated at a recent meeting that the land in question was of significance to them and was not included in the settlement process as they were in agreement with the current status. However, if this was to change then it should be noted that they had a pending claim with the Crown and a change in status would trigger that claim.
- Changes to the recommendations in the report
 - Recommendations (c) and (f) to be taken separately
 - (d) add ...pathway be developed with *users and stakeholders*...
 - (e) (ii) – add *involving the Tauranga Equestrian Sports Association* at the end of the sentence
 - (g) add *and any existing funds remaining in the Trust to be negotiated with Tauranga City Council* at the end of the sentence.

RESOLUTION CO13/23/4

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- Receives the report "Greerton Maarawaewae Options Study Deliberations".
- Recognises that Te Whatu Ora (Health New Zealand Board) is progressing a Programme Business Case to consider options for future hospital health services provision in Tauranga that includes consideration of:
 - new greenfields sites, with Tauranga Racecourse Reserve land as one greenfield option; and
 - remediation and expansion of the current Tauranga hospital,
 and notes that this business case will likely be completed by July 2024.
- Approves, in recognition of the two possible future pathways in (c), Option D: Community Plus – an adaptive, future-proofed programme pathway to be developed with users and stakeholders, with the following key elements:
 - Adoption of the attached preliminary concept plan.

- (ii) Short-term improvements to the Racecourse Reserve to enable more community use of the site as indicated in attached concept plan, including additional play features and a covered hardcourt facility.
 - (iii) Provision of funding for longer-term actions for consideration through the 2024-2034 Long Term Plan process.
- (e) Continues to work with the existing users on planning the future of the following activities:
- (i) Tauranga Racing and New Zealand Thoroughbred Racing on short and long-term opportunities to continue Thoroughbred Racing in the Bay of Plenty.
 - (ii) Tauranga Equestrian Sports Association on the future of equestrian in the Bay of Plenty including implementation of the Bay of Plenty Equestrian Strategy including a Western Bay of Plenty component of the Strategy involving the Tauranga Equestrian Sports Association.
 - (iii) Community groups currently using of the Tauranga Racecourse Reserve to enable existing activities to continue to operate in Tauranga.
 - (iv) Mana whenua on the future of the Tauranga Racecourse Reserve to incorporate the cultural history and narrative into site improvements.
- (g) Resolves that Council give the Tauranga Racecourse Reserve Trust 12 months' notice to terminate the 2020 Memorandum of Understanding arrangements and work with the Trust to establish alternative reserve management to provide for wider community recreation and sporting use of the reserve and any existing funds remaining in the Trust be negotiated with Tauranga City Council.
- (h) Requests that, as per section 41(9) of the Reserves Act 1977, a non-comprehensive and targeted review is undertaken of the Tauranga Reserves Management Plan: *Part C, Section 3.238 Tauranga Golf Club and Racecourse Reserve* to reflect recent Council decisions.

CARRIED**Resolution (f)**

Commissioner Bill Wasley declared a conflict of interest in relation to resolution (f) and took no part in the discussion or voting on the matter.

RESOLUTION CO13/23/5

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Shadrach Rolleston

That the Council

- (f) Approves Council entering into a new long-term lease concession with Tauranga Golf Club (through the Reserve Act s59A process) that accounts for:
 - (i) Appropriate community access through the golf course and linkages enabled into Kopurererua Valley, and opportunities for increased community use of the buildings and greenspace.
 - (ii) The need to future-proof the site to enable city infrastructure needs such as the potential hospital, SH29A realignment and stormwater solutions that could require golf hole relocations.

CARRIED**Resolution (c)****In response to questions**

- In response to a query as to how to protect the Tauranga Racing Club to give them a chance to become the Bay of Plenty Racecourse and whether the 15 year lease was a block to that if the

land was not to be used for health purposes, it was noted that the rationale for the recommendation was that it was Crown owned land and it was the Council's prerogative not to bind it to the Crown and putting on record that if it was not required for health purposes, the lease would be renewed and remain available to be retained as a race course site.

- Concern was expressed that if Te Whatu Ora did not make a decision on their business case prior to July 2024, and any decision could be overturned by a council decision. It was noted that three options had been provided with option (iii) being a formal legal agreement between parties to enter into a lease with the Racing Club, noting that some of the mutually agreed lease terms would be the only matters for discussion.
- In response to a query regarding how to protect the equity the Racing Club had in its current lease, it was noted that there would always be a 15 year lease remaining with the current lease term continuing to exist and be included in the agreement.
- Commissioners wanted certainty that the equity would be part of negotiation if the decision was to locate a hospital on the land as the process was likely to take a long time. It was noted that there was a process that would have to be gone through to renew any lease that would require Crown approval therefore Council would not be able to commit beyond the existing term of 15 years.
- There was no delegation to the Chief Executive in the agreement so it would need to come back to Council.

Discussion points raised

- Add the to (c) (1) (iii) "... only the *existing 15 year* lease term is relevant"
- Add clause (c) (1) (iv) in reference to retaining the remaining 15 year term of the lease until such time as a decision was made by Te Whatu Ora.

RESOLUTION CO13/23/6

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council

- (c) (1) Approves Council entering into an agreement with Tauranga Racing with the following conditions:
- (i) If, following the completion of the Te Whatu Ora business case, the Crown does not require part of the Tauranga Racecourse site for health purposes, then Council shall negotiate and on mutually agreed terms, enter into a new long-term lease with Tauranga Racing (through the Reserve Act s59A process) on the Tauranga Racecourse Reserve.
 - (ii) The new long- term lease will provide for:
 - Improvements to the Racecourse Reserve to enable more community use of the site, including additional recreational opportunities and public access; and
 - The need to future-proof the site to support surrounding city infrastructure needs, including possible SH29A realignment, Cameron Road Stage 2 interface and 3-waters upgrades.
 - (iii) The agreement to enter into a long-term lease is not to be treated as an agreed and contractual lease should the Crown require the land (as the agreement to lease is conditional on the land not being required by the Crown). Consequently, both parties acknowledge that only the existing 15 year lease term is relevant for any compensation for surrender or purchase of lease rights.
 - (iv) A remaining term of 15 years is retained for the Tauranga Racecourse until such time as a decision is made by Te Whatu Ora.

- (2) If the Crown does require the Tauranga Racecourse site, then recommends to the Crown that Option A: 'Health and Recreation' is the preferred option to support the wider needs of the city.

CARRIED

At 11.51 am the meeting adjourned.

At 11.59 am the meeting reconvened.

11.3 Freedom Camping Bylaw Amendments

Staff Sarah Omundsen, General Manager: Regulatory and Compliance
Ruth Woodward, Team Leader: Policy
Stuart Goodman Team Leader: Regulation Monitoring (Bylaws and Parking)

Key points

- As a result of the Self-contained Motor Vehicles Legislation Act coming into effect it had impacted on the Freedom Camping Act and other acts to prohibit non self-contained vehicles camping on council land and brought into effect fines and a category of offences.
- The impact only related to five small amendments being required to the Freedom Camping Bylaw and because they were small no special consultative process was required.

In response to questions

- In relation to a query as to why places like Cambridge Park, where homeless people tended to park, could not be taken off the list of places where camping was allowed, it was noted that homeless staying on reserves was a big issue and staff were working proactively with social sector providers towards a solution. Once people were moved on from one area they tended to move to another area which then became the subject of complaints.
- Staff were aware of people sleeping in the parks and while Cambridge Park was challenging, the changes to the Freedom Camping Act did not change how to deal with the homeless seeking support. Infringements could be used to move them on, but they would likely move to another reserve.
- There was a high threshold for trespassing someone from a public place and there were often social and criminal behaviour problems involved which had other legislation for enforcement through the Police. While the Council could seize and impound a vehicle, staff then had a moral question about taking someone's shelter so would need to be confident that the person had other shelter to live in.
- The fees collected for offences go to the Council and the fines were imposed and collected by the Court and passed on to Council.
- It was noted that staff had access to raw data from the security contractor who provided information on who was staying at each site, seven nights a week in the summer season and four times a week in the off season.
- In response to a suggestion that the list of freedom camping sites should be tightened up and limited to places with access to drinking water and waste and rubbish disposal, it was noted that this option could be included in a report that was currently being compiled and an assessment be carried out on all the current sites. Any changes would need to go out for public consultation.

Discussion points raised

- While understanding the circumstances, there were also ratepaying families who were severely impacted by behaviour of some of these people and some families were scared to use the park that they should be feeling free to use.
- There was a difference between users of motor homes or expensive cars and parking in a public place and choosing to be counted as homeless.

- Solutions needed to be found to protect ratepayers and Council should be putting pressure on central government services, not our ratepayers.
- Areas like Cambridge Park were separated and there was not a lot of surveillance or people around to monitor the behaviour.
- Add (f) to the recommendations to include a review of the freedom camping sites.

RESOLUTION CO13/23/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Freedom Camping Bylaw Amendments ".
- (b) Approves the draft amended Freedom Camping Bylaw 2019 (**Attachment One**).
- (c) Resolves that in accordance with section 10 of the Freedom Camping Act 2011, that inconsistencies to the Freedom Camping Bylaw 2019 are amended. These:
 - (i) include land held by Land Information New Zealand as outside the application of the bylaw
 - (ii) include a definition of motor vehicle in accordance with section 4 of the Freedom Camping Act.
 - (iii) replace the current definition of self-contained vehicle in accordance with section 87 (d) of the Plumbers, Gasfitters, and Drainlayers Act 2006
 - (iv) remove the infringement fee of \$200 for an offence
 - (v) include offences section 20 (F) and (G) of the Freedom Camping Act.
- (d) Resolves that the amendments are publicly notified in accordance with section 5 of the Local Government Act and as required by section 10 of the Freedom Camping Act 2011.
- (e) Authorises the Chief Executive to make any necessary minor drafting amendments to the draft amended Freedom Camping Bylaw 2019.
- (f) Conducts a review of the freedom camping sites and reports back to Council.

CARRIED

11.4 Use of oxadiazon and pendimethalin on active reserves

Staff Barbara Dempsey, General Manager: Community Services
Emma Joyce, Open Space and Community Facilities Planner
Peter Mouldy, Project Manager
Ross Hudson, Team Leader: Planning

Key points

- In response to some of the comments made by Toxic Agrichemicals Advisory Forum, it was noted that oxadiazon had been used successfully in previous years, and the active reserves programme was designed to improve the sports turf for all community sports users, not just top end professional sports users.
- In reference to a properly structured experimental trial it was noted that approval for agrichemicals was specifically given to the Environmental Protection Authority (EPA), and as such the Council could not step into that area as it was a power designated to a government agency.

In response to questions

- In response to a query that the EPA was doing a review of oxadiazon in the second quarter of the year it was noted that they routinely investigated different products. While staff were not aware of the review, the product was only used with the redevelopment of a whole field which was fenced off and not in use for the duration of the grass growth. Where a park was open it would be used as a maintenance tool.
- If the EPA decided oxadiazon was no longer to be used, Council would need to look for an alternative product. The EPA may change or adjust the hazard classification with different requirements for its use, in which case all applicers would be required to make those changes.
- Staff would proactively monitor the review and if anything was changed, Council would give effect to those changes.

Discussion points raised

- Staff to ensure that in the future Toxic Agrichemicals Advisory Forum speak as part of the item on the agenda rather than at the public forum.
- Due to the review being undertaken, it was agreed that the oxadiazon and pendimethalin be continued to be used as a trial and not added to the Schedule until the review results were available. The recommendations in the report were amended to reflect this.

RESOLUTION CO13/23/8

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Use of oxadiazon and pendimethalin on active reserves".
- (b) Notes that the use of oxadiazon and pendimethalin on selected sports fields over Summer 2022/2023 did not achieve the desired results (potentially due to significantly higher than average rainfall and the application methodology).
- (c) Approves an amendment to the *Schedule of Approved Products to the Use of Toxic Agrichemicals for Vegetation Control Policy* to allow oxadiazon and pendimethalin to be used on grass sports turf only over summer 2023/2024.
- (d) Conducts a further review of the use of oxadiazon and pendimethalin pending the completion of the Environmental Protection Authority review.

CARRIED

11.5 CCO Final Statements of Intent 2023/24 to 2025/26

Staff Gareth Wallis, General Manager: City Development & Partnerships
Sanjana France, CCO Specialist

Discussion points raised

- It was requested that as the current Council would be approving the draft 2024/25 statements of intent, the Council should also approve the final statements of intent following the adoption of the Long Term Plan 2024-34.

RESOLUTION CO13/23/9

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "CCO Final Statements of Intent 2023/24 to 2025/26".
- (b) Receives and approves Bay Venues Limited's final Statement of Intent 2023/24 to 2025/2026 (Attachment 1).

- (c) Receives and approves Tauranga Art Gallery Trust's final Statement of Intent 2023/24 to 2025/26 (Attachment 3).
- (d) Receives and approves Tourism Bay of Plenty's final Statement of Intent 2023/24 to 2025/26 (Attachment 5).
- (e) Notes that Western Bay of Plenty District Council, as joint shareholder, will receive the final Statement of Intent 2023/24 to 2025/26 for Tourism Bay of Plenty at their Council meeting on 30 August 2023.
- (f) Receives and approves Te Manawataki o Te Papa Limited's final Statement of Intent 2023/24 to 2025/26 (Attachment 7).
- (g) Receives and approves Te Manawataki o Te Papa Charitable Trust's final Statement of Intent 2023/24 to 2025/26 (Attachment 8).
- (h) Receives and approves Bay of Plenty Local Authority Shared Services' final Statement of Intent 2023/24 to 2025/26 (Attachment 9).
- (i) Receives and approves Local Government Funding Agency's final Statement of Intent 2023/24 to 2025/26 (Attachment 10).

CARRIED

11.6 Proposed Plan Change to Rezone Lower Belk Road

Staff Christine Jones, General Manager: Strategy, Growth & Governance

Key points

- The area was currently under the rural zone in the Western Bay of Plenty District Plan and as part of the boundary alteration a portion of Lower Belk Road must become part of the Tauranga City Plan by April 2024.
- This was a portion of land that was not included in the private plan change.

RESOLUTION CO13/23/10

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Proposed Plan Change to Rezone Lower Belk Road".
- (b) Approves proceeding with the development of a plan change to rezone land at lower Belk Road.

CARRIED

11.7 Executive Report

Staff Nic Johansson, General Manager: Infrastructure Services
Barbara Dempsey, General Manager: Community Services
Paul Davidson, Chief Financial Officer
Christine Jones, General Manager: Strategy, Growth & Governance
Sarah Omundsen, General Manager: Regulatory and Compliance
Gareth Wallis, General Manager: City Development & Partnerships

Infrastructure

Key points

- The tender prices for the Pāpāmoa East interchange had come in well below the estimate for the works and a report would be provided to a future meeting. Stage 3 site access would be provided to the contractor in October/November 2023 to begin two years of construction.

In response to questions

- In terms of congestion created from the upgrade of Totara Street the previous week, staff agreed that they should have done better and in future would manage, plan and communicate the next stage of works on Totara Street better and differently.

Discussion points raised

- At a recent Mayoral Forum the presentation on Tauranga's waste facility received good interest from other councils, with Opotiki and Kawerau District Councils indicating they wanted to be involved in a regional facility.
- Positive comments had been received regarding the Kingswood Road traffic calming and Thirteenth Ave/St Mary's School access across the avenues and it was requested that the positive feedback regarding better access be passed on to the team involved.

Community Services**Key points**

- New reporting format under community outcomes rather than activities.
- There was a large amount of interconnection between staff for events, workshops and training opportunities and getting involved with the community.
- There had been a lot of positive feedback from having the Netherland FIFA women's football team in the city and the community being able to view some training sessions.

In response to questions

- The Pāpāmoa shared path beyond Parton Road would be discussed with the infrastructure team to analyse where the shared pathways were.

Discussion points raised

- Positive responses to breaking down artificial barriers and pathways had been received with the customer service desk now being in the community libraries.
- Commissioners complimented the team regarding the recent visit from the Minister of Culture and Heritage who had been well briefed on Te Manawataki o Te Papa and was supportive of the future of culture and arts in the city.
- Congratulations to the shared pathways teams, there were always a lot of children playing on and around the paths and they provided a decent amenity for the city. It was suggested that a range of playthings, such as hopscotch, be added to the pathways to encourage more play.

Chief Financial Officer**Key points**

- The upgrade at the Airport was going well, with the firehouse relocation having been started and the carpark opened.
- Audit had indicated that due to staff resourcing they could not process the Annual Report and Long Term Plan 2023-24 consultation document simultaneously, which would result in Council breaching the statutory date for the annual report which would likely be a month late.

In response to questions

- Further information would be provided on the parking and rental park area at the Airport noting when the area would be repurposed for long term parking.

Strategy, Growth and Governance**In response to questions**

- A comprehensive induction and professional development programme would be implemented for elected members following the 2024 election.

Corporate Services

In response to questions

- Include an explanation of SAP system for members of the public.
- The numbers through the engagement portal were encouraging.

Regulatory and Compliance

Key points

- The Council Urban Designer had resigned which had left a gap in the space. A staff member had stepped in to manage the Urban Design Panel. There may also be an opportunity to resource share with the Western Bay of Plenty District Council.
- In respect to the Kodiak Consulting Limited incidents, there were 13 low risk sites which had been assessed. Staff were working through the process, supporting other councils and providing information to the Police when requested. There were insurance implications, but these were minimal due to the low risk sites.
- Dog registrations were down from the previous years at this time.

In response to questions

- Work was still underway to capture reporting for new builds to separate out new dwellings.
- It was difficult to meet compliance with historic consents on the books. Staff were contacting applicants to determine if they wished to continue with their applications.

City Development and Partnerships

Key points

- \$1M of grants had recently been received for two community projects.
- The Dive Crescent carpark, Stage 1, was opened on 14 August 2024.

In response to questions

- Staff were confident that the next two stages of the destination skatepark would receive external funding allowing the work to be completed.

RESOLUTION CO13/23/11

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the "Executive Report".
- (b) Notes that due to the lack of available Audit New Zealand resources to concurrently complete the audits of the Long Term Plan Consultation Document and the 2023 Annual Report, Tauranga City Council will technically breach section 98(3) of the Local Government Act by not adopting the Annual Report within statutory timeframes.
- (c) The Annual Report 2023 will be adopted by the end of November 2023, no more than one month after the statutory deadline of 31 October 2023. This timeframe has been agreed with Audit New Zealand and the appropriate government departments will be notified.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO13/23/12

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

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
<p>13.1 - Public Excluded Minutes of the Council meeting held on 24 July 2023</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)(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)(c)(i) - 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 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</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</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>	<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>
<p>13.2 - Exemption from open competition - Election Services</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</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</p>

	position of the person who supplied or who is the subject of the information	which good reason for withholding would exist under section 6 or section 7
13.3 - Exemption from Open Competition - Supply and Commission of new Cemetery Cremator	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 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
13.4 - Variation to contract - Maunganui Road Safety Improvements	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 - Backflow Prevention Device Physical Delivery Procurement	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

At 1.04pm the meeting adjourned.

At 1.31pm the meeting reconvened and continued in public excluded.

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a karakia.

The meeting closed at 1.45 pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 4 September 2023.

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CHAIRPERSON