

Agenda for an extraordinary meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY**, **20 JULY 2020** commencing at **11.30am**.

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute Council's decision or policy until considered by the Council.

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- 2. CONFIRMATION OF STATUS OF AGENDA
- 3. DISCLOSURES OF INTEREST
- 4. REPORTS
- 4.1 Electoral System for the 2022 local authority elections

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5. EXCLUSION OF THE PUBLIC

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CHIEF EXECUTIVE



Open Meeting

To Waikato District Council

From | Gavin Ion

Chief Executive

Date 29 June 2020

Prepared by Nicolas Pirsoul/Brendan Stringer

Democracy Advisor/Democracy Manager

Chief Executive Approved | Y

Reference # GOVI301

Report Title | Electoral System for the 2022 local authority

elections

I. EXECUTIVE SUMMARY

The purpose of this report is to seek a Council decision on the electoral system to be used for the 2022 local authority elections.

The Local Electoral Act 2001 sets out the process for the Council to consider the electoral system that is to be used for the next local authority elections. The Council can decide to:

- Retain the First Past the Post (FPP) electoral system; or
- Change to the Single Transferable Voting (STV) electoral system; or
- Undertake a poll of voters on the electoral system to be used for the next two triennial elections; or
- Do nothing, in which case FPP is retained (unless overturned by a validly demanded public poll).

Any decision by the Council in relation to the electoral system must be completed by 12 September 2020 and a public notice must be made no later than 19 September 2020 setting out the Council's decision (if applicable) and the right for 5% of voters to demand a poll on the matter.

A detailed summary of the two electoral systems, and their respective advantages and disadvantages, is attached to the report.

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2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT pursuant to section 27 of the Local Electoral Act 2001, the Council resolves to:

EITHER

a. retain the First Past the Post electoral system;

OR

b. change to the Single Transferable Voting electoral system;

OR

c. undertake a poll of electors on the electoral system to be used for the 2022 and 2025 elections, under section 31 of the Local Electoral Act 2001.

AND FURTHER THAT a public notice be given as soon as practicable (and no later than 19 September 2020) of the Council's resolution and (if option (a) or (b) above is selected) of the right of electors to demand a poll on the electoral system to be used.

3. BACKGROUND

The Local Electoral Act 2001 (LEA) enables councils to select from two electoral systems for use in local authority elections and polls – First Past the Post (FPP) and Single Transferable Voting (STV).

Waikato District Council currently uses the FPP system. In 2017, the Council resolved that there be no change to the electoral system and that the FPP system continue to be used.

A briefing to elected members on 19 May 2020 provided an overview of the LEA provisions in relation to electoral systems and the advantages and disadvantages of FPP and STV.

The key points from the LEA are:

- A Council resolution is optional, but recommended, if the same system as used at the
 last local authority elections is to be retained. However, a public notice is still
 required prior to 19 September 2020 to advise the public of the right to demand a
 poll on the electoral system to be used.
- Any Council decision on the electoral system must be made before 12 September 2020. The Council resolution must be included in the public notice.
- A decision to change to STV would be binding for the 2022 and 2025 Council elections, unless overturned by a public poll.

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- 5% of voters (2,431) can demand a poll on the electoral system (i.e. to overturn the Council decision). If a valid demand for a poll is received by 21 February 2021, a poll must be held by 21 May 2021 with the outcome effective for the 2022 and 2025 Council elections.
- The chosen electoral system applies to both the Council and Community Boards.

4. DISCUSSION AND ANALYSIS OF OPTIONS

This part of the report provides a summary of how FPP and STV work, and the respective advantages and disadvantages of each system. The Council has the following options:

- a. Resolve to retain the First Past the Post electoral system. The public would then be given the opportunity to demand a poll on the electoral system should they not agree with the Council's decision. The resolution would be binding for the 2022 Council election, unless overturned by a public poll.
- b. Resolve to change to the Single Transferable Voting electoral system. The public would then be given the opportunity to demand a poll on the electoral system should they not agree with the Council's decision. The resolution would be binding for the 2022 and 2025 Council elections, unless overturned by a public poll.
- c. Resolve to undertake a public poll on the electoral system. Such a resolution would need to be made no later than 21 February 2021, with a poll date no later than 21 May 2021. The outcome of the poll would determine the electoral system for the 2022 and 2025 Council elections with no change possible until the 2028 Council election.
- d. **Do nothing,** in which case, FPP would be retained unless a validly demanded public poll supports a change to STV. The public would then be given the opportunity to demand a poll on the electoral system should they not agree with the Council's decision. The last date a poll can be held to take effect for the 2022 Council election is 21 May 2021. A poll to change to STV would be binding on Council for the 2022 and 2025 elections, i.e. the next two triennial elections.

First Past the Post (FPP)

FPP is a plurality voting system.

How it works

Voters chose the candidates up to the number of vacancies available and candidates with the most votes are elected. This is a very simple method of electing candidates and is used in New Zealand by the majority (67) of councils.

FPP is more suitable than STV for single-member wards.

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Advantages

- Simple system to understand and use by voters.
- Results using the FPP system are usually released earlier than those using the STV system.
- There would be a small cost saving due to the reduced time spent calculating the result.

Disadvantages

- FPP is not a form of proportional representation. This means that elected members (as a group) may not necessarily reflect the range of opinions in proportion to the voters of the district holding those opinions. In particular, FPP has been considered to have a negative impact on minority sectors of the community.
- Elected members can get elected with small amounts of public support (which can be much lower than 50%).
- Votes can be "wasted" as those above the number needed for a candidate to win the election are not necessary. In comparison, under the STV system, once a candidate reaches the quota and is elected, part of their vote can be transferred to the voter's next preferred candidate to assist other candidates to be elected.

More information on FPP, including a worked example, can be found here: https://www.dia.govt.nz/diawebsite.nsf/wpg_url/Resource-material-STV-Information-More-about-FPP?OpenDocument

Single Transferable Voting (STV)

STV is a proportional voting system.

How it works

To get elected, a candidate must obtain a proportion of the total vote (the quota). Under STV, voters have one vote and rank candidates in their order of preference: "I" next to the name of the most preferred candidate, "2" next to second preferred candidate and so on. This is the voting system currently used to elect DHB members and best suits multi-seat constituencies.

When the most preferred candidate(s) reach the quota, part of a voter's vote can be transferred to other candidates who have not directly reached the quota after the first count.

The advantages of STV are more noticeable in multi-member wards.

Advantages

- STV is a proportional electoral system. It potentially better reflects diverse community views and is considered more equitable for minority representation.
- Each vote is of equal value at any given point in the count, and very few votes are 'wasted' by not being able to help elect at least one candidate.

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• Used by DHBs nationally, so voters are already familiar with it in a local election. However, if the recently released Simpson Report on the future of DHBs is adopted, elections for DHB members may no longer be required.

<u>Disadvantages</u>

- STV is sometimes perceived as a more complex system by electors. However, there was minimal change in voter turnout for two councils that changed to STV in the 2019 local authority elections.
- There may be a delay in the release of results. This is due to a higher likelihood of change between progress, preliminary and final results.
- When there are a large number of candidates, the voting documents can be longer and potentially confusing.

In the 2019 local authority elections, 11 territorial authorities used STV.

More information on STV can be found here: http://www.stv.govt.nz/stv/index.htm

A more detailed summary of the two electoral systems, from SOLGM, is attached in Attachment I.

A list of the electoral system used by each council in the 2019 local authority elections can be accessed here.

5. Considerations

5.1 FINANCIAL

The review of the electoral system falls within the budget for the representation review project.

The only material cost would be if a poll was required as a result of the Council deciding to undertake such a poll, or the public demanding a poll. The cost of a public poll would be dependent on the voter turnout; however the estimated cost of a stand-alone electoral poll is up to \$100,000 + GST. There is currently no budget allocated to undertake a poll on the electoral system.

5.2 LEGAL

The LEA details the process and timeframes for the Council to consider and, if it chooses, determines the electoral system to apply for local authority elections. A summary of the key provisions in the LEA are set out above.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The options considered in this report are consistent with Council's strategy, plans and policies.

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5.4 Assessment of Significance and Engagement Policy and of External Stakeholders

The matters in this report do not trigger the Council's Significance & Engagement Policy:

Highest levels of engagement	Inform ×	Consult	Involve	Collaborate	Empower
Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).					

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		×	Internal
		×	Community Boards
			Waikato-Tainui/Local iwi
			(provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

The report seeks Council's decision on the electoral system options for the 2022 Council election. It covers the legal requirements related to the electoral system options and discussed the advantages and disadvantages of both FPP and STV.

Any decision from the Council on this matter must be made prior to 12 September 2020. A public notice setting out the Council's resolution (if applicable) and advising of the public's right to demand a poll on the electoral system must be made prior to 19 September 2020.

7. ATTACHMENTS

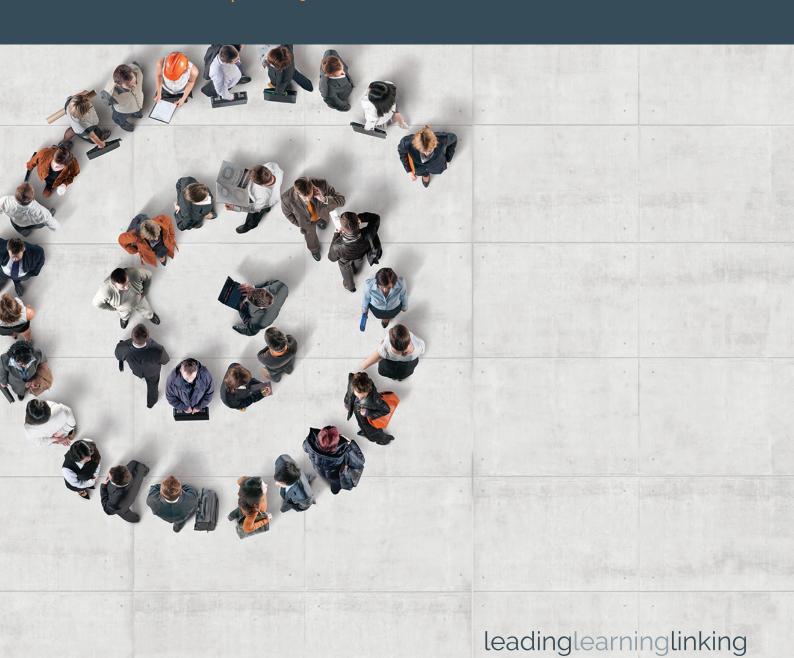
Attachment I – SOLGM summary of electoral systems for local authorities.

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PART 4: APPENDIX

The local government electoral option 2017

Code of Good Practice for the management of local authority elections and polls 2019



This guide was prepared for the Society of Local Government Managers by Professor Janine Hayward, Department of Politics/Te Tari Tōrangapū, University of Otago.

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INTRODUCTION

The *Local Electoral Act 2001* offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV).

Councils now have the option to decide, by 12 September 2017, whether to stay with their current electoral system (either FPP or STV), or whether to change to the alternative system for the 2019 elections.

Whether or not a council passes a resolution by 12 September 2017, it must give public notice by 19 September of the right for 5% of electors to demand a poll on the electoral system to be used at the 2019 local elections. Note that in certain cases the requirement to give public notice does not apply.

The option was first offered for the 2004 local government elections. As a result of that option, 10 city/district councils used STV at the 2004 elections (Kaipara, Papakura, Matamata-Piako, Thames-Coromandel, Kapiti Coast, Porirua, Wellington, Marlborough, Dunedin and the Chatham Islands). After the 2004 election, two councils (Papakura and Matamata-Piako) resolved to change back to FPP. The remaining eight councils used STV at the 2007 elections. For the 2010 council elections, the Chatham Islands Council and Thames-Coromandel District Council resolved to change back to FPP. Waitakere City Council resolved to change to STV, although the council was subsequently absorbed into the Auckland Council. Six councils used STV in 2010 (Kaipara, Kapiti Coast, Porirua, Wellington, Marlborough, Dunedin). For the 2013 elections, five of these councils used STV again (Kaipara was governed by a commission so no election was held), and Palmerston North City Council resolved to change to STV. Wellington Regional Council also became the first regional council to change to STV. For the 2016 elections, eight councils used STV: Dunedin, Kaipara, Kapiti Coast, Marlborough, Porirua, Wellington, Palmerston North and Greater Wellington Regional Council.

This guide has been developed to help councils reach their decision. It is also intended to provide a basis for information to help local communities understand the issues. Communities have an important role to play in the decision. They must be consulted by way of public notice and may be polled on their preferred electoral system or demand a poll themselves.

The guide includes:

- 1. a brief description of the two electoral systems including important differences
- 2. some commonly identified advantages and disadvantages of each electoral system
- 3. responses to common concerns and questions councils and the public have raised about each electoral system and the electoral option.

This guide does not intend to influence councils either way in their decision-making. It presents arguments for and against both systems and encourages councils and communities to make an informed choice.

1. THE CHOICE: FIRST PAST THE POST (FPP) OR THE SINGLE TRANSFERABLE VOTE (STV

(a) How do the two electoral systems work?

FPP	STV
FPP: casting a vote You place ticks equal to the number of vacancies next to the candidate(s) you wish to vote for.	STV: casting a vote You cast one <i>single</i> vote regardless of the number of vacancies. You cast this <i>single</i> vote by consecutively "ranking" your preferred candidates beginning with your most preferred candidate ('1') your next preferred candidate ('2') and so on.
In multi-member wards/constituencies you cast one vote for each vacancy to be filled, as above.	In multi-member wards/ constituencies you cast a single vote by ranking as few or as many candidates as you wish, as above.
In single-member wards/constituencies you cast one vote.	In single-member wards/constituencies you cast a single vote by ranking as few or as many candidates as you wish.
FPP: counting votes The candidate(s) with the most votes win(s). Each winning candidate is unlikely to have a majority of votes, just the largest number of votes cast.	STV: counting votes The candidate(s) are elected by reaching the "quota" (the number of votes required to be elected). ³ Vote counting is carried out by computer. ⁴ First preference votes ('1s') are counted. Candidates who reach the quota are "elected". The "surplus" votes for elected candidates are transferred according to voters' second preferences. Candidates who reach the quota by including second preferences are "elected". This process repeats until the required number of candidates is elected. ⁵

 $^{^{\,1}\,}$ The quota is calculated using the total number of valid votes cast and the number of vacancies.

⁴ The New Zealand method of STV uses the 'Meek method' of counting votes. Because this method transfers proportions of votes between candidates, it requires a computer program (the STV calculator).

If at any point there are no surpluses left to transfer, the candidate with the lowest number of votes is excluded and the votes redistributed according to voters' next preferences. For further information on the details of vote counting, see, for example, STV Taskforce, 'Choosing Electoral Systems in Local Government in New Zealand: A Resource Document', (May 2002).

FPP	STV
	In multi-member constituencies, despite voters casting only a <i>single</i> vote, a voter may influence the election of more than one representative (if their vote can be transferred to other candidates according to voters' preferences)
FPP: announcing results FPP preliminary results can usually be announced soon after voting ends.	STV: announcing results Because all votes must be processed before counting can begin, it may take longer than for FPP preliminary results.
Official results are announced and published showing the total votes received by each candidate.	Official results are announced and published showing elected candidates in the order they reached the quota and unsuccessful candidates in the reverse order they were excluded. All elected candidates will have the same share of the vote.

(b) What is the difference between the two electoral systems?

FPP is a "plurality" electoral system; this means that to get elected a candidate must win the most votes, but not a majority of the votes. In multi-member constituencies, like local government elections, voters cast multiple votes. This means that one voter can help to elect multiple candidates to represent him/her, and another voter may not elect any candidate to represent him/her. As a plurality system, many votes can be "wasted" in FPP elections; "wasted" votes do not help to elect a candidate. FPP is often described as a simple system for voters to use, but it is widely recognised as producing disproportional results; that is results that do not reflect the preferences of the broad community of voters.

STV is a "proportional" electoral system; this means that to get elected a candidate must win a proportion of the overall votes cast (or "meet the quota"). In multi-member constituencies like local government elections, a voter casts a single vote by ranking his/her preferred candidates. That single vote can transfer according to the voter's preferences to ensure that the voter has a good chance of helping to elect one candidate to represent the voter. As a proportional system, STV minimises "wasted" votes; in other words more votes help to elect candidates. STV is often described as a complex system for voters to use, but it is widely recognised to produce proportional results that reflect the preferences of the broad community of voters.

6) SOLGM August 2017

2. WHAT ARE THE ADVANTAGES AND DISADVANTES OF EACH SYSTEM?

No electoral system is perfect, and different people will have different views on what is 'fair'. Both FPP and STV have advantages and disadvantages.

The advantages of FPP relate to the simplicity of the process including the ways votes are cast, counted and announced.

The disadvantages of FPP relate to:

- disproportional election results, including the generally 'less representative' nature of FPP councils
- the obstacles to minority candidate election
- the number of wasted votes.

Overall, the advantages of STV, on the other hand, relate to the people who get elected using STV.⁴ The system potentially achieves:

- broad proportionality (in multi-member wards/constituencies)
- majority outcomes in single-member elections
- more equitable minority representation
- a reduction in the number of wasted votes.

The disadvantages of STV relate to:

- the public are less familiar with the system and possibly find it harder to understand
- matters of process such as the way votes are cast and counted (for example perceived complexity may discourage some voters)
- the information conveyed in election results.

Deciding which electoral system is best for your community may come down to deciding which is more important: process, or outcome. Unfortunately, neither electoral system can claim to achieve well in both.

⁴ For further discussion, see Graham Bush, 'STV and local body elections – a mission probable?' in J. Drage (ed), Empowering Communities? Representation and Participation in New Zealand's Local Government, pp 45–64 (Wellington: Victoria University Press, 2002).

More detailed advantages and disadvantages

FPP	STV
FPP: casting votes FPP is a straightforward system of voting. FPP is familiar to most people.	STV: casting votes STV is a less straightforward system of voting.
TTT IS familiar to most people.	There is a need for more information for people to understand the STV ranking system of candidates.
"Tactical" voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances.	It is virtually impossible to cast a "tactical" vote under STV. As a result, voters are encouraged to express their true preferences.
FPP: counting votes FPP is a straightforward system for counting votes.	STV: counting votes STV vote counting requires a computer program (the STV calculator).
Votes can be counted in different locations and then aggregated.	Votes must be aggregated first and then counted in one location.
Election results are usually announced soon after voting ends.	Election results will usually take a little longer to produce.
FPP: election results Official results show exactly how many people voted for which candidates.	STV: election results Official results will identify which candidates have been elected and which have not and in which order. They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.
Results are easy to understand.	Results can be easy to understand if presented appropriately.
A "block" of like-minded voters can determine the election of multiple candidates in multi-member wards/ constituencies, without having a majority of the votes, thereby 'over-representing' themselves.	STV moderates "block" voting as each voter casts only one single vote, even in multi-member wards/constituencies.
The overall election results will not be proportional to voters' wishes, and will not reflect the electoral wishes of the <i>majority</i> of voters, only the <i>largest group</i> of voters who may not be the majority.	The overall election results reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.
In single-member elections, the winner is unlikely to have the majority of votes, just the largest group of votes.	In single-member wards/constituencies, the winner will have the majority of votes (preferences).
There will be more "wasted" votes (votes that do not contribute to the election of a candidate).	Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are fewer "wasted" votes and more votes will contribute to the election of a candidate than under FPP.

6 SOLGM August 2017

3. COMMON QUESTIONS AND CONCERNS

FPP ain't broke: so why fix it?

For those voters supporting candidates who tend to get elected under FPP, it can appear that there is nothing wrong with this system. But FPP elections produce disproportional results that do not reflect the voting preferences of the broad community. As a result, FPP councils often do not 'represent' their community in terms of their composition. STV is a proportional representation voting system that means (if a diversity of candidates stand for election and a diversity of electors vote) the candidates elected will represent a greater number, and a wider diversity, of voters.

FPP is easy to understand. I can't trust a complicated system like STV.

It is often said that FPP is easy and STV is complex. A post-election survey has found, however, that most people have found it easy to fill in the STV voting document and rank their preferred candidates.⁵ The way STV votes are counted is complicated. That is why it requires a computer program (STV calculator). The STV calculator has been independently certified and voters can trust that it only transfers a vote according to a voter's preferences ranked on his/her voting documents. Nothing (and no person) can influence the transfer of votes set out on voting documents.

Won't voters be put off if the voting system is too complicated?

Voter turnout (the number of people voting) in STV local body elections has been mixed. Some councils' turnout was higher than the national average, and some lower.⁶ Turnout for District Health Board (DHB) elections (which must use STV) can be seen to be influenced by a range of factors including elections being at large for seven vacancies, the number of candidates (who are often less well-known than council candidates) and the fact this issue is usually at the end of the voting document.

Overall, voter turnout has been on the decline for many years. It is possible that more voters would turn out to local elections in the future if they feel with STV they have a better chance of electing a representative who better represents them than FPP has in the past.

Won't there be more blank and informal votes under STV, which is not good for democracy?

Despite voters saying in the Local Government Commission survey that they generally found STV an easy way to vote, some voters did cast an invalid vote in STV elections (including DHB elections). A small proportion of these voters seemed confused by the voting system. But most blank and informal votes are thought to be due to two different voting systems (FPP and STV) appearing on the same voting document and to other factors, rather than being due to the way STV votes are cast.7

⁵ Local Government Commission, 'Report to the Minister of Local Government on the review of the local Government Act 2002 and the Local Electoral

Act 2001: Special topic paper: Representation' (February 2008), p 14 Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 13

Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral

Act 2001: Special topic paper: Representation' (February 2008), pp 13-18

STV won't work for our council because of our ward/at large system.

There is no 'rule' about the need or otherwise for wards or constituencies, but STV can be seen to provide the greatest benefit in wards or constituencies electing between three and nine candidates. If there are fewer than three candidates, the benefits of the transferable vote in terms of proportionality are not likely to be evident. If there is a very large number of candidates to choose from, voters are likely to find it a more difficult task to rank preferred candidates (though there is no need to rank all candidates).

STV hasn't made any difference to the diversity of representation in STV councils

Until a greater variety of people stand for local body election and a wide diversity of people vote, no representation system will be able to improve the diversity of representatives elected. There has been some change in the gender, ethnicity and age of some members elected by STV.8 But it will take some time for a diversity of candidates to see the opportunities of standing in an STV election and more voters to see the potential benefits of voting under a proportional representation system.

⁸ Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 18–1

USEFUL RESOURCES

Graham Bush, "STV and local body elections — a mission probable?" in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45-64 (Wellington: Victoria University Press, 2002).

Christine Cheyne and Margie Comrie, "Empowerment for Encumbrance? Exercising the STV Options for Local Authority Elections in New Zealand, *Local Government Studies*, 31(2), April 2005: pp 185-204.

Justice and Electoral Committee, "Inquiry into the 2004 local authority elections" reported to Parliament in August 2005.

Local Government Commission, "Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation" (February 2008)

(Note: this paper has now been withdrawn from the Commission's website but its contents may be found in the Commission's main report on its review of the above legislation which will be posted on its website in the near future at www.lqc.qovt.nz.)

STV Taskforce (The Department of Internal Affairs, Ministry of Health, SOLGM, Electoral Commission and Local Government New Zealand), "Choosing Electoral Systems in Local Government in New Zealand: A Resource Document", (May 2002). [http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/\$file/STV.pdf]

Jack Vowles, "STV and the 2004 local elections: Disaster or success?", *Public Sector*, 28(3), 2005: 17



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Open Meeting

To Waikato District Council

From Gavin Ion

Chief Executive

Date 20 July 2020

Prepared by Lynette Wainwright

Chief Executive Approved Y

Reference # GOVI301

Report Title | Exclusion of the Public

I. RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting:

The general subject 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(I) 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(1) for the passing of this resolution
Item I.I – Approval of the Proposed Waikato District Plan Stage 2 (Natural Hazards and Climate Change) for Notification	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
1.1	7(2)(j)	To prevent the disclosure or use of official information for improper gain or improper advantage.

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