

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL23-12  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 20 JULY 2023 AT 9.30AM**

**1 KARAKIA**

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

**2 PRESENT**

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr D Thwaites and Cr A Wichers.

**VIA ZOOM**

Cr A Sole.

**3 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), G Allis (General Manager Infrastructure Group), R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), L Balvert (Communications Manager), G Golding (Governance Manager), M Leighton (Policy and Planning Manager), N Ryburn (Environmental Consents Manager), S Bedford (Finance Manager), S Meredith (Revenue Lead), K McGinity (Senior Policy Analyst), H Wi Repa (Governance Systems Advisor), J Osborne (Governance Advisor) and P Osborne (Senior Governance Advisor).

**VIA ZOOM**

M Va'ai Matatia (Senior Environmental Planner).

**OTHERS IN ATTENDANCE**

60 plus members of the public, in support of Public Forum speakers.

## 4 APOLOGIES

### APOLOGY

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#### RESOLUTION CL23-12.1

Moved: Cr M Murray-Benge

Seconded: Cr D Thwaites

That the apology for lateness from Cr Sole be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

### 1. BRUCE HAMBLYN AND DR CRONE – FLUORIDATION

Mr Hamblyn and Dr Crone were in attendance to speak to Council regarding the instruction by the Director-General of Health to fluoridate the drinking water supplies for Athenree and Wharawhara before 31 July 2025. Mr Hamblyn noted the below points:

- It was felt that adding fluoride into the water was a form of mass medication, and was taking away people right's to make their own decisions.
- It was important to target the cause of the issues (oral hygiene and diet), rather than try to address the symptoms.
- He believed 95% of reticulated water did not get used for drinking.
- He encouraged Council to go for an injunction alongside New Health New Zealand, rather than an exemption.

Dr Crone also noted the below points:

- He believed that the issues with children's teeth were due to poor nutrition and exposure to sugar, rather than a lack of fluoride.
- He gave a brief overview to Council on some of the facts outlined in his [PowerPoint Presentation 1](#).

- He understood that fluoride had no known role in mammals.
- He highlighted the issues of both Skeletal fluorosis and Dental fluorosis, which were both issues caused by excessive accumulation of fluoride.
- He believed fluoride toxicity would affect kidneys, bones, teeth and IQ.

The presenter/s responded to pātai as below:

- They believed it was a decision inflicted upon them that should be an individual choice and, as a result, a way to control the community.
- They reiterated the importance of lobbying with other Local Authorities who had received the same direction from the Director-General of Health.

## **2. KANE TITCHENER – FLUORIDATION**

Mr Titchener spoke to his PowerPoint Presentation 2, which provided some further information regarding Fluoridation. The below points were noted:

- Mr Titchener had been working on making Aotearoa fluoride free for the past 10 years.
- The community felt that Council had a choice, and on behalf of those in attendance he asked that Council join the legal review and apply for an injunction, noting that the Lawyer's details could be made available.
- The National Toxicology Program (NTP) were in their final stage of their six year review of fluoride. NTP was an interagency collaboration with the U.S. Department of Health and Human Services.
- The results of the NTP Meta Analysis showed that fluoridation caused a lowering of IQ, and that there was no safe threshold of fluoride in water.
- To date, there had been no response from the Ministry of Health and Director-General of Health in relation to the draft NTP Report.

The presenter responded to pātai as follows:

- New Health New Zealand (a different organisation from Health New Zealand) was undertaking a legal review, of which Council was encouraged to join.
- All 14 Councils, that were under the mandate, could join the review and apply for an injunction.
- Mr Titchener believed that the Ministry of Health had a policy that required a promotion of fluoridation, which he felt was the rationale for Local Authorities being advised they would receive a fine if they did not follow the direction to fluoridate drinking supplies.
- At this stage they had been informed that joining the review group for an injunction would cost \$250 however, legal advice would provide clarification on this.

- The section of the report that noted 'there was no safe fluoride level' would be provided to Council, noting that this was something that should have been provided by the Ministry of Health.

### 3. CHRISTINA HUMPHREYS – FLUORIDATION

Ms Humphreys was also in attendance to speak against the mandate for fluoride to be added into the water, and noted the below points:

- She reiterated the importance of joining the legal review to seek an injunction rather than an exemption.
- She highlighted the importance of listening to the communities' needs when mandates like this came to light.
- Clause 11 of the New Zealand Bill of Rights Act 1990 stated that 'everyone has the right to refuse to undergo any medical treatment'.
- She did not feel that the Government had the right to make a decision that had such a big effect on the community.

The presenter responded to pātai as below:

- She felt as though this was something that should be consulted on with the community.

The Mayor noted that the letter seeking an exemption had been sent to the Ministry of Health. The public requested a copy of the letter be made available to them, to which the Mayor agreed.

## 9 COMMUNITY BOARD MINUTES FOR RECEIPT

### 9.1 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 19 JUNE 2023

#### RESOLUTION CL23-12.2

Moved: Cr R Crawford

Seconded: Cr A Henry

1. That the Minutes of the Waihi Beach Community Board Meeting held on 19 June 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

## 10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

### 10.1 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 23 MAY 2023

#### RESOLUTION CL23-12.3

Moved: Cr M Grainger

Seconded: Cr A Henry

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 23 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10.2 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 14 JUNE 2023**

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### **RESOLUTION CL23-12.4**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 14 June 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10.3 MINUTES OF THE COUNCIL MEETING HELD ON 27 JUNE 2023**

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### **RESOLUTION CL23-12.5**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 27 June 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## **10.4 MINUTES OF THE COUNCIL MEETING HELD ON 29 JUNE 2023**

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### **RESOLUTION CL23-12.6**

Moved: Mayor J Denyer

Seconded: Cr A Henry

1. That the Minutes of the Council Meeting held on 29 June 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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**10.5 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 6 JULY 2023**

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**RESOLUTION CL23-12.7**

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Strategy and Policy Committee Meeting held on 6 July 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**11 REPORTS****11.1 ELECTORAL SYSTEM DECISION 2025 AND 2028 TRIENNIUMS**

Council considered a report dated 20 July 2023 from the Senior Policy Analyst, who took the report as read.

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**RESOLUTION CL23-12.8**

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the Senior Policy Analyst report dated 20 July 2023 titled 'Electoral System Decision 2025 & 2028 Trienniums' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That pursuant to section 27 of the Local Electoral Act 2001 for Council to resolve for the 2025 and 2028 Western Bay of Plenty District Council triennial elections to:
  - (i) retain the First Past the Post electoral system
4. That public notice be given by 19 September 2023 of the decision of Council and the right of electors to demand a poll on the electoral system to be used.

**CARRIED**

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**11.2 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONERS FOR TINEX GROUP LTD - NOTIFIED CONSENT PROCESS**

Council considered a report dated 20 July 2023 from the Environmental Consents Manager who provided Elected Members with a brief overview of the report, and the recommendations presented for consideration.

Staff responded to pātai as follows:

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- Ideally staff hoped to retain the two independent hearings commissioners for the other two pending consent processes.
- There were four tenants for this particular site, who used the site for different purposes.
- After review, staff determined that two commissioners would be sufficient to cover this hearing, noting that the two presented to Council covered the level of expertise required.

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#### RESOLUTION CL23-12.9

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Environmental Consents Manager's report dated 19 June 2023 titled 'Appointment of Independent Hearings Commissioners for Tinex Group Ltd - Notified Consent Process' be received.
2. That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council establishes an Independent Hearings Panel and delegates the necessary functions to conduct a hearing and determine Resource Consent application RC13924L for Tinex Group Limited.
4. That Council appoints the accredited Commissioners to the Independent Hearings Panel to consider and determine the Resource Consent application RC13924L for Tinex Group Limited:
  - a. Rob Van Voorthuysen
  - b. James Whetu.

**CARRIED**

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#### 11.3 CHIEF EXECUTIVE OFFICER'S MEETING REPORT

Council considered a report dated 20 July 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

Staff responded to pātai as follows:

1. Urban Taskforce

The meeting with Urban Taskforce was regarding relationship building to help future alignment of strategies.

2. Racecourse Working Group Meeting

The Racing Working Group meeting had identified alternative sites to the existing race course however, it was noted that this was subject to the changes currently going through, which affected Tauranga Racecourse. Until these decisions were made the group had only identified alternative site possibilities. It was clarified

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that the decisions around the future use of the current Tauranga Racecourse sat with Tauranga City Council (TCC).

3. General Managers on Community Boards

All General Managers and the CEO were assigned a Community Board that they supported, in order to help with continuity. The CEO was responsible for the Katikati Community Board.

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**RESOLUTION CL23-12.10**

Moved: Cr A Henry

Seconded: Cr R Crawford

That the Senior Executive Assistant Mayor/CEO's report dated 20 July 2023 titled 'Chief Executive Officer's Meeting Report' be received.

**CARRIED**

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**11.4 MAYOR'S REPORT TO COUNCIL**

Council considered a report dated 20 July 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read, with confirmation from the Mayor that Council was awarded the remaining \$100,000 from the Bay of Plenty Civil Defence Emergency Management Group 'Cyclone Gabrielle Disaster Relief Fund'.

Staff responded to pātai as follows:

- Elected Members had already undertaken discussions relating to the voting of the new president of Local Government New Zealand (LGNZ) however, it was noted that the Mayor was still happy to consider suggestions.
- The funds received through the 'Cyclone Gabrielle Disaster Relief Fund' went out to Western Bay of Plenty District applicants who met the criteria. Elected Members requested that the list of those who received funds to be circulated.

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**RESOLUTION CL23-12.11**

Moved: Cr R Crawford

Seconded: Cr G Dally

That the Senior Executive Assistant to Mayor/CEO's report dated 20 July 2023 titled 'Mayor's Report to Council' be received.

**CARRIED**

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## 12 INFORMATION FOR RECEIPT

Nil

## 13 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RESOLUTION CL23-12.12

Moved: Cr T Coxhead

Seconded: Cr M Grainger

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
<b>13.1 – Confidential Minutes of the Audit, Risk and Finance Committee Meeting held on 23 May 2023</b>	<p>s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(g) – the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) – the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) – 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
<b>13.2 – Confidential Minutes of the Council Meeting held on 29 June 2023</b>	<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)(i) – the withholding of the information is necessary</p>	s48(1)(a)(i) – 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

	to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	exist under section 6 or section 7
<b>13.3 – Application for Rates Remission</b>	s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) – 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
<b>13.4 – Requests For Further Water Leak Remission</b>	s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) – 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
<b>CARRIED</b>		

**The Meeting closed at 11.08am.**

**Confirmed as a true and correct record at the Council meeting held 30 August 2023.**

  
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Mayor J Denyer

**CHAIRPERSON / MAYOR**