



# Minutes

of the

## Judicial Committee

# Ordinary Meeting

Date	12 November 2015
Venue	Council Chamber 515 Mackay Street Thames

### Present

MK McLean JP (Chairperson)	PA Brljevich LA Fox
----------------------------	------------------------

### In attendance

Barry Smedts, Erin Berry, Michael Jones, Corinne Hamlin, Rebekah Duffin, Allen Turner, Steve Hart, Jakki Handcock, Scott Summerfield

<b>Meeting commenced</b>	11:14
--------------------------	-------

<b>Adjournment</b>	<b>Start</b>	<b>Finish</b>	<b>Reason</b>
Chairperson	12:40	13:15	Lunch

---

## Table of contents

---

<b>Item Business</b>	<b>Page No.</b>
<b>1 Meeting Conduct</b>	<b>3</b>
1.1 Apologies	3
1.2 Public forum	3
1.3 Items not on the agenda	3
1.4 Conflict of interest	3
1.5 1 October 2015 - Judicial Committee Minutes for Confirmation Information	3
<b>2 Planning Group Reports</b>	<b>4</b>
2.1 Planning Group report- September 2015	4
2.2 November 2015 - Judicial Committee Action Schedule	4
<b>3 Community Environment Group Reports</b>	<b>4</b>
3.1 September 2015 - Community Environment Group Report	4
3.2 September 2015 Building Controls Report	5
3.3 Application for a Special Exemption under Section 6 of Swimming Pools Act 1987 - 86 South Highway, Whitianga	5
3.4 Annual Report on Dog Control to the Secretary of Local Government	6
3.5 Changes to Litter Infringement Provisions	6
<b>4 Members' Reports</b>	<b>7</b>
<b>5 Public Excluded</b>	<b>7</b>

# 1 Meeting Conduct

---

## 1.1 Apologies

An apology was received from Councillor Connors.

### **Resolved**

That the Judicial Committee receives the apology from Councillor Connors.

**Moved/seconded by:** McLean/Brljevich

## 1.2 Public forum

No members of the public attended the public forum.

## 1.3 Items not on the agenda

No items were added to the agenda.

## 1.4 Conflict of interest

No conflicts of interest were declared.

## 1.5 1 October 2015 - Judicial Committee minutes for confirmation

### **Resolved**

That the Judicial Committee confirms the minutes from the 1 October 2015 Judicial Committee meeting as a correct record of proceedings.

**Moved/seconded by:** Brljevich/Fox

---

## 2 Planning Group reports

---

### 2.1 Planning Group report - September 2015

The Judicial Committee was presented with a paper reporting on key activities within the Planning Group for the month of September.

#### Key discussion points

- The Committee raised concern around the cost per lot for hard line telecommunication connections. It was noted that the cost associated with telecommunication connections raises a large policy issue for Council.

#### Resolved

That the Judicial Committee receives the September 2015 - Planning Group Monthly report, dated 12 November 2015.

Moved/seconded by: Fox/McLean

### 2.2 November 2015 - Judicial Committee action schedule

#### Resolved

That the Judicial Committee receives the November 2015 Judicial Committee Action Schedule.

Moved/seconded by: Brljevich/Fox

---

## 3 Community Environment Group reports

---

### 3.1 September 2015 - Community Environment Group report

The Judicial Committee was presented with a report on the key activities within the Community Environment Group for the month of September 2015.

#### Key discussion points

- A memo document regarding the Request for Service process for RMA monitoring was tabled.
  - The Committee queried the expected timeframe associated with acknowledging receipt of a Request for Service (RFS). Staff noted that RFSs are acknowledged as they are received. It was also noted that RFSs are received organisation wide; therefore the issue with RFS response should be considered at an organisational scale.

- Staff provided an update on Council compliance in relation to 1025b SH25 Whenuakite. It was noted that Council staff were continuing compliance processes on the property and fees were still outstanding. Staff advised the Committee that they were working with the Council's legal team to remedy the issue.

### Resolved

That the Judicial Committee:

1. Receives the Community Environment Group Monthly report for September 2015, dated 5 October 2015

**Moved/seconded by:** McLean/Brljevich

## 3.2 September 2015 Building Controls report

The Judicial Committee was presented with a report on the key activities and results for the Building Unit for the month of September 2015 with regards to its role as a Building Consent Authority and a Territorial Authority.

### Resolved

That the Judicial Committee receives the 'September 2015 Building Controls Report' dated 12 November 2015.

**Moved/seconded by:** Fox/McLean

## 3.3 Application for a special exemption under Section 6 of Swimming Pools Act 1987 - 86 South Highway, Whitianga

The Judicial Committee was presented with a report to determine whether a special exemption under Section 6 of the Fencing of Swimming Pools Act 1987 should be granted with respect to the spa pool located at 86 South Highway Whitianga, owned by M Farmer.

### Resolved

That the Judicial Committee:

1. Receives the 'Application for a Special Exemption under Section 6 of Swimming Pools Act 1987 - 86 South Highway, Whitianga' report, dated 12 November 2015.
2. Grants the request for a special exemption under Section 6 of the Fencing of the Swimming Pools Act 1987 for the spa pool at 86 South Highway Whitianga subject to the following conditions:
  - The exemption is to be in the names of the current property owner and occupier only. Should the property change ownership, the new owners are required to re-apply for an exemption in their own name. If the property is tenanted that will void this exemption, that is, this exemption applies only to the current property owner as owner and occupier.
  - The pool will be inspected on an annual basis, at the applicable inspection rate, to ensure it continues to comply with the conditions of this exemption.

**Moved/seconded by:** McLean/Brljevich

---

### 3.4 Annual Report on dog control to the Secretary of Local Government

The Judicial Committee was presented with a report on Dog Control matters addressed to the Secretary Local Government New Zealand as required by Section 10A of The Dog Control Act 1996.

#### Key discussion points

- A correction to Attachment B was tabled; the original attachment comprised the Dog Control Bylaw and it should have been the Dog Control Policy.

#### Resolved

That the Judicial Committee:

1. Receives the '2015 Annual Report on Dog Control to the Secretary of Local Government' report, dated 23 October 2015.
2. Recommends that the report be forwarded to Council for approval so that the report can be released to the Secretary Local Government New Zealand and to the general public.

Moved/seconded by: Fox/McLean

### 3.5 Changes to litter infringement provisions

The Judicial Committee was presented with a report to approve and publicly notify the proposed amendments to the infringement provisions of Council's Litter Policy.

#### Resolved

That the Judicial Committee:

1. Receives the 'Changes to litter infringement provisions' report, dated 20 October 2015.
2. Approves the following proposed litter infringement provisions for public notice from 13 November 2015:

Nature of infringement offence	Infringement fee
<b>Deposited or left litter in a public place</b> You did deposit or leave litter in a public place	\$100
<b>Deposited or left litter in a private place without consent</b> You did deposit or leave litter in or on private land without the consent of the occupier	\$100
<b>Deposited or left dangerous litter in a public place</b> You did deposit or leave dangerous litter in a public place	\$400
<b>Deposited or left dangerous litter in a private place without consent</b> You did deposit or leave dangerous litter in or on private land without the consent of the occupier	\$400

Moved/seconded by: McLean/Fox

## 4 Members' reports

There were no verbal reports presented by members.

## 5 Public excluded

Resolved that the public be excluded from the following parts of the proceedings of this meeting namely:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of the resolution</b>
1 October 2015 - public excluded - minutes for confirmation	(7)(2)(g) – Maintain legal professional privilege. (7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds: (48)(1)(a) – That the public conduct of the whole or 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.
November 2015 - public excluded - Judicial Committee action schedule	(7)(2)(g) – Maintain legal professional privilege. (7)(2)(i) – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds: (48)(1)(a) – That the public conduct of the whole or 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.

**Moved/seconded by:** Brljevich/Fox

### Resolved

That the public be re-admitted to the meeting and resolutions taken with the public excluded be confirmed in the public session except for the following items which are to remain in the public excluded minute book.

<b>Item</b>	<b>Description</b>
5.1	1 October 2015 Public excluded minutes for confirmation
5.2	November 2015 - Public excluded - Judicial Committee action schedule

**Moved/seconded by:** McLean/Fox

**Meeting closed at 13:46**

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 12 November 2015.

**Chairperson** \_\_\_\_\_ **Date** \_\_\_\_\_