



Minutes of the Judicial Committee Ordinary Meeting

Date 30 January 2014
Venue Council Chamber
515 Mackay Street
Thames

Present

MK McLean JP (Chairperson) PA Brljevich
LA Fox
D Connors

In Attendance

Name	Item(s)
Marion Smith (Community Environment Group Manager)	1.5; 2.1; 3.1; 3.2; 3.3; part 4.1; 4.2; 5; 6.1; 6.2; part 6.3; 7
John Kardas (Building Unit Manager)	1.5; 2.1; 3.1; 3.2; 3.3
Jakki Handcock (Team Leader - Community Environment Administrators)	1.5; part 3.1; 2.1; 3.1; 3.2; 3.3
Steve Hart (Team Leader - Bylaws and Compliance)	1.5; 2.1; 3.1; 3.2; 3.3; part 6.3; 7
Allan Turner (Environmental Health Officer)	part 3.2; 3.3; part 4.1
Peter Wishart (Strategic Relationships Manager)	1.5; 2.1; 3.1; 3.2; 3.3; 4.1; 4.2; 5; 6.1; 6.2; 6.3
Michael Jones (Development Planning Manager)	All Items
Erin Berry (Committee Advisor - Governance)	All Items
Vanessa Cooling (Financial Policy Analyst)	part 3.1; 2.1

Meeting Commenced 9:00am

Adjournments and Absences

Adjournment	Start	Finish	Reason
Chairperson	10:09	10:25	Morning Tea

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1 Meeting Conduct

1.1 Apologies

All members were present.

1.2 Public Forum

A period of up to 30 minutes is set aside for the public to raise matters falling within the terms of reference of the meeting. Each speaker may speak for three minutes but time extensions may be allowed on a vote of not less than 75% of members present at the meeting. Questions from members for information or clarification may be permitted by the Chairperson (Standing Orders Appendix F).

No speakers attended the public forum.

1.3 Items not on the Agenda

Resolved

That:

1. The following matter(s) requiring urgent attention be added to the agenda.

Item	Description
7	Complaint from residents regarding a concert by the name of Chroniphonium on a neighbouring property in Tapu Valley.

Reason Not on the Agenda

The item was brought to the Committees attention after the Order Paper had been prepared.

Reason Cannot be Delayed

Staff required the Committees guidance on the issue prior to the next Judicial Committee meeting in March.

Moved/Seconded By: Fox/Brljevich

1.4 Conflict of Interest

The Chairperson invited notice from members of:

1. Any interests that may create a conflict with their role as an elected member relating to the minutes item(s) for the meeting; and
2. Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

The following interests were declared:

Nil.

1.5 28 November 2013 - Judicial Committee Minutes for Confirmation

The minutes of the most recent Judicial Committee meeting were presented for confirmation.

Key Discussion Points

- A correction was requested to item 3.4, last bullet point. The item should read "Discussion was had around how far the window near the pool could be opened. Staff advised that if the window could be opened more than 100mm then it could pose a safety risk for young children".

Resolved

That the Judicial Committee:

1. Received the report.
2. Confirms the following Judicial Committee Minutes with the correction as noted below:
28 November 2013 - Judicial Committee Minutes
 - A correction was requested to item 3.4, last bullet point. The item should read "Discussion was had around how far the window near the pool could be opened. Staff advised that if the window could be opened more than 100mm then it could pose a safety risk for young children".

Moved/Seconded By: Fox/Brljevich

2 Development Contributions

2.1 1 July 2013-31 December 2013 - Exemptions and Waivers of Development Contributions

The Judicial Committee were presented with a report on the summary of waivers and reductions of development contributions granted from 1 July 2013 to 31 December 2013 for the Committee's information.

Key Discussion Points

- Discussion was had around the description of rates for a commercial activity within policy and how these rates relate to infrastructure.
- Staff acknowledged that this item had been reviewed by the Audit Committee and is likely to go to Council.

Resolved

That the Judicial Committee:

1. Received the report.

Moved/Seconded By: Fox/Connors

3 Regulatory Group Reports

3.1 November/December 2013 - Regulatory Group Report

A report was presented to the Judicial Committee outlining the key activities within Regulatory Services for the months of November and December 2013.

Key Discussion Points

- Discussion was had around the decrease in the number of investigations, as well as the length of time that an investigation is active for.
- Staff gave an update on the storm water issue at Homestead Lane and acknowledged that staff had been liaising with engineers on this matter. Staff confirmed that council would accept responsibility for the costs associated with the pipes due to the process followed in granting the consent.
- Staff gave an update on Boris the dog and discussion arose around hearing fees and the classification of a dangerous dog.
- Staff noted that the pay and display parking at Hot Water Beach is working effectively despite two acts of vandalism. The Committee questioned the benefit of placing surveillance cameras overlooking the pay and display car park.
- Discussion arose around the Whitianga boat ramp and the misuse of day permits. The Committee acknowledged the feedback overall from the boat ramp permits had been positive.
- The number of freedom camping infringements issued to individuals was also discussed in relation to rental vehicles. Staff also acknowledged the upcoming Judicial Review for freedom camping.
- An update on the District Licensing Committee was provided by staff.

Resolved

That the Judicial Committee:

1. Received the report.

Moved/Seconded By: Connors/Brljevich

3.2 November/December 2013 - Building Control Report

A report was presented to the Judicial Committee outlining the key activities and results for the Building Unit for the months of November and December with regards to its role as a Building Consent Authority and a Territorial Authority.

Key Discussion Points

- Staff commented on the increased workload over the past two months and acknowledged the increasing number of amendments to building consents.
- The increase in liquor license renewal applications was also discussed in relation to an increase in building inspections.

- Staff acknowledged that there has been an increase in historic Code of Compliance Certificates, which has contributed to an increase in the budget by four fold.
- The Committee raised concern regarding a miscalculation of fees on an invoice to a building consent sent to Barry Kite. Staff advised that a letter would be sent to Mr Kite clarifying any concerns.

Resolved

That the Judicial Committee:

1. Received the report.

Moved/Seconded By: Fox/Connors

3.3 Application for Special Exemption to the Fencing of Swimming Pools Act 1987 - 104A Barrowclough Road Whangamata

A report was presented to the Judicial Committee to determine a request for a special exemption to the Fencing of Swimming Pools Act 1987 with respect to the spa pool located at 104A Barrowclough Road Whangamata as per the application made by owners G R Mellsop and M P Mellsop and E R Mellsop.

Key Discussion Points

- The Committee queried the compliance of the application with respect to NZS8500.
- Staff also acknowledged the common misinterpretation around a post being a climbable object.

Resolved

That the Judicial Committee:

1. Received the report.
2. Grants the request for special exemption for the spa pool at 104A Barrowclough Road Whangamata subject to the following conditions:
 - (a) 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 owners as owners and occupiers.
 - (b) The pool will be inspected on an annual basis, at the applicable inspection rate, to ensure it complies with the Fencing of Swimming Pools Act 1987 and the conditions of this exemption.

Moved/Seconded By: McLean/Fox

4 Planning Group Reports

4.1 December 2013 - Planning Group Monthly Report

A paper was presented to the Judicial Committee reporting on the key activities within the Planning Group for the months of November and December. The paper also provided an update of those activities since the previous report to the Committee.

Key Discussion Points

- An update was provided on the current significant planning issues by staff.
- The historical land use consent RMA/1992/21852 was discussed in relation to what the consent had been granted for and the actual activities taking place.
- Discussion was had around the Matarangi Beach Estate and the conflict that has arisen between the ratepayer and the land owner.
- Staff acknowledged that consents have been processed within statutory timeframes and a likely increase in income is to be expected following the surge in consents around Christmas.
- Staff acknowledged that Council has recently had to employ the services of consultant planners in order to process consents within timeframes due to staff absences. It was noted that staff had been working to reduce consultant costs.

Resolved

That the Judicial Committee:

1. Received the report.

Moved/Seconded By: Brljevich/Fox

4.2 January 2014 - Judicial Committee Action Schedule

The Judicial Committee was provided with an update on the Judicial Committee Action Schedule.

Key Discussion Points

- The status of the development contributions owing on the Wilderlands development was discussed.
- Discussion arose around the Office of Treaty Settlement issue and the difficulty associated with addressing the underlying land issues relating to RMA2012/213.

Resolved

That the Judicial Committee:

1. Received the report and Action Schedule as amended.

Moved/Seconded By: Connors/Fox

5 Members Reports

The Chairperson invited members to provide a brief verbal report on activities undertaken and meetings attended in the period since the last meeting.

Key Discussion Points

- Councillor Fox raised the issue of the relationship between the Council and the Matarangi community, and the value of having quarterly meetings with ratepayers to keep good will. Councillor Fox mentioned that an open door policy was the best approach to address any concerns.
 - Staff acknowledged that they would be willing to attend quarterly meetings with ratepayers.

Resolved

That the Judicial Committee:

1. Received the report.

Moved/Seconded By: Connors/Fox

6 Public Excluded

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

Recommendation

That the public:

1. Be excluded from the following parts of the proceedings of this meeting namely:

Item	Business
6.1	28 November 2013 - Public Excluded Minutes
6.2	January 2014 - Public Excluded - Action Schedule
6.3	LIM & Financial Contribution Issues - 506 & 508 Rolleston Street

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 (1) 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 the Resolution
28 November 2013 - PUBLIC EXCLUDED - Minutes for Confirmation	(7)(2)(g) – Maintain legal professional privilege. (7)(2)(i) – Enable any local	(48)(1) – Subject to subsection (3) of this section, a local authority may by resolution exclude the public from the

	<p>authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>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.</p>
<p>January 2014 - PUBLIC EXCLUDED - Action Schedule</p>	<p>(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).</p>	<p>(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.</p>
	<p>(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).</p>	<p>(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.</p>

6.1 PUBLIC EXCLUDED - 28 November 2013 - Judicial Committee Minutes for Confirmation

Resolution to Exclude the Public

The Judicial Committee was presented with the Public Excluded minutes of the most recent Judicial Committee Meeting which are to remain in the Public Excluded Minute Book.

Resolved

That the Judicial Committee:

1. Received the report.
2. Confirmed the following Public Excluded Judicial Minutes:
28 November 2013 - PUBLIC EXCLUDED - Judicial Committee Minutes

Moved/Seconded By: Brljevich/Connors

6.2 PUBLIC EXCLUDED - January 2014 - Judicial Committee Action Schedule

The Judicial Committee was presented with the Public Excluded Judicial Committee Action Schedule for the month of November, which is to remain in the Public Excluded Minute Book.

Moved/Seconded By: Connors/Brljevich

6.3 LIM & Financial Contribution Issues - 506 & 508 Rolleston Street Thames

The Judicial Committee was presented with a report regarding a request for a waiver of financial contributions on the basis of a perceived failure by Council relating to another, separate process.

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.

Item	Description
6.1	28 November 2013 - Public Excluded Minutes
6.2	January 2014 - Public Excluded - Action Schedule
6.3	LIM & Financial Contribution Issues - 506 & 508 Rolleston Street

Moved/Seconded By: Connors/Brljevich

7 Late Item - Complaint from residents regarding a concert by the name of Chroniphonium on a neighbouring property in Tapu Valley

The Judicial Committee were presented with a formal complaint from residents in the Tapu Valley area regarding a concert called Chroniphonium.

Key Discussion Points

- Discussion arose around the description of a permitted activity within the District Plan and the ability of Council to place controls on such activities.
- Staff acknowledged that there is no section within the District Plan or Resource Management Act which addresses events such as Chroniphonium and the associated effects.
- Security and health and safety matters were also raised in relation to monitoring of the event. The Committee advised staff that the Police should be notified of this matter.

Resolved

That the Judicial Committee:

1. Received the report.
2. Recommends that Council planning staff look at how they can tighten regulations around permitted activities in the proposed District Plan.

Moved/Seconded By: McLean/Brljevich

Marion Smith

From: Elisabeth Corkill <tookey@xtra.co.nz>
Sent: Wednesday, 15 January 2014 2:53 p.m.
To: Marion Smith
Subject: Complaint

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Thanks Marion, see attached letter.
regards
Lisa

Lisa Corkill and Mark Eastwood
9 Tapu Creek Farms
Coroglen Rd
RD5, Thames
Ph 07 868 4765
Email : tookey@xtra.co.nz

14 January 2014

To Marion Smith

Thank you for meeting with Mark and I on 13 January 2014 to discuss our concerns regarding a concert that was held on the property next door to us.
The concert, we have found out through our own research, was called Chroniphonium – held on the property of Richard Hopwood, Tapu Valley, Tapu, from Friday 10th January 4-20pm to Sunday 12th January, 12 –00 mid day.
We have put our concerns in writing, as a formal complaint.
Our concerns are as follows:

1. As a direct neighbour, we were not notified in advance that this event was being held. The first we knew of this was when hundreds of cars/people/tents arrived below our property. Loud music began this Friday evening and continued through the night until approximately 0430 in the morning. It continued all day Saturday and all through Saturday night until approximately 0400 Sunday morning.
2. Our understanding is that none of the surrounding neighbours were informed of this event. We consider this to be disrespectful and extremely inconsiderate.
3. The music was extremely loud at our property. We were unable to hear ourselves speak, and could not escape the level of constant noise from Friday afternoon until Sunday lunchtime. The level of volume was way beyond what would have been considered acceptable, respectable or lawful at a party, or a residential event.
4. A majority of the vocals were abusive, using language that is unacceptable to be used in public, or around a neighbourhood – with children and elderly people around

5. Because we live in a valley, and on a hill above Mr Hopwood's property – the volume of music rose, and we did not sleep for the entire time the concert was running. We were very sleep deprived, and felt very violated and abused in our own home.
6. There was no sound shell used to reduce volume for the neighbours. We consider this to be very unprofessional.
7. I am a shift worker, and had to work shifts as a health professional, on no sleep all weekend due to the excessive noise.
8. Those of us who live in the Tapu Valley have chosen to do so for the lifestyle – peace and quiet. This was completely disrespected.
9. We have a small Bed and Breakfast business. Our business will suffer if these kind of events continue in the Valley – disturbing the peace and quiet, tranquillity, and privacy that people are paying to come to our property for. This is not the place for noisy, distasteful and disrespectful music concerts.
10. Tapu Coroglen road is a narrow, winding road with many one way bridges. It is rural and isolated. We believe that it is not suited for such a large volume of people – this is dangerous especially when such a concert involves the use of alcohol and drugs. We do not feel safe, and neither do our neighbours. Some of the patrons at the concert were found wandering through surrounding private property, leaving stock gates open, and stock was let out.
11. We had guests staying at the weekend, and it was particularly embarrassing to have such distasteful, swearing, excessively loud music playing non stop all weekend.

We also observe various trucks and people disposing of general rubbish/soils/concrete/whiteware onto Mr Hopwoods property throughout the year – and then it being buried using his digger to cover it up – basically running a landfill. We would like to know if this is legal, and wonder if there are any monitoring procedures in place to test the land and the nearby Tapu creek running through the property. We are advised by neighbours/locals that this has been going on for years?

We are very disappointed, tired, and upset about the above concerns. We, and our neighbours were uninformed, disrespected, and our privacy and peace was violated and abused. There was no consideration for the local community. Not even the Council was aware of this event until it was too late. It seems Mr Hopwood is a law unto himself. As Law abiding citizens, we do not understand why one person can cross such boundaries and get away with it? There was no control or public respect in place. Noise was unacceptable and unbearable. Our neighbourhood felt unsafe.

Tapu Valley is not an appropriate place for such events because of our above concerns, and as a neighbourhood we would ask that this situation is never repeated, and that Mr Hopwood is dealt with lawfully, and fairly in the eyes of our local concerned community.

We look forward to your response.
Thank you
Lisa and Mark.

Meeting Closed at 11:47

The foregoing Minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 30 January 2014.

Chairperson _____ **Date** _____