



UNCONFIRMED Minutes

of the

Judicial Committee

Ordinary Meeting

Date 4 June 2015
Venue Council Chamber
515 Mackay Street
Thames

Present

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

In attendance

Name

Corinne Hamlin, Erin Berry, Marion Smith, Jakki Handcock, Alan Turner, Sam Napia, Steve Hart, Nicki Williams, Michael Jones, Jenny Russek

Meeting commenced 09:00

Adjournment	Start	Finish	Reason
Chairperson	10:36	10:48	Morning tea

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1 Meeting conduct

1.1 Apologies

All members were present.

1.2 Public forum

There were no speakers at the public forum.

1.3 Items not on the agenda

Resolved

That the Judicial Committee accepts the following the following matter(s) requiring urgent attention be added to the agenda.

Item	Description
5.1	Timeline of events associated with an abatement notice issued for second dwelling on a property at 1025B Tairua-Whitianga Road.

Reason not on the agenda

The information presented became available after the order paper had been distributed.

Reason cannot be delayed

There is urgency associated with the abatement notice issued.

Moved/seconded by: McLean/Fox

1.4 Conflict of interest

There were no conflicts of interest raised.

1.5 23 April 2015 - Judicial Committee minutes for confirmation

Resolved

That the Judicial Committee:

1. Confirms the minutes from the 23 April 2015 Judicial Committee meeting.

Moved/seconded by: Fox/Brljevich

2 Hearings

2.1 Objection to classification of dog as menacing - Jane Hunter

An objection was received from Jane Hunter, the registered owner of a dog named Isabella, who was classified as menacing under section 33a of the Dog Control Act 1996 after an incident involving a dog attack on a two year old boy.

Key discussion points - Hearing

- Staff noted that there were two factors to be considered:
 - The dog was on the owner's property when the incident occurred.
 - The mother of the child involved introduced the child to the dog.
- The dog owner presented an amended statement declaring that she would not permit her dog to be unrestrained at either her home or work address.
- The Committee queried the time period in which a dog would remain classified as menacing. Staff noted that a dog will remain classified as menacing unless the classification is removed by Council.
- The dog owner described the sequence of events leading up to the incident and noted that Isabella appeared to be acting in defence.
- Jenny Russek, who appeared in support of the dog owner, noted that Isabella had never previously acted aggressively toward anyone, and also had experienced the company of young children in the past without any signs of aggression.

Key discussion points - Deliberations

- The Committee acknowledged that they believed the dog owner had made a genuine effort to mitigate the issue and take responsibility for the incident that occurred.
- The Committee noted that the sequence of events suggests that the incident was caused by an act of defence, as opposed to an act of aggression, and the dog should not be deemed as a safety concern to the public.

Resolved

That the Judicial Committee:

1. Receives the 'objection to menacing dog classification - Jane Hunter' report, dated 13 May 2015.
2. Advises staff to remove the menacing dog classification from Dorothy Jane Hunter's Border Collie named Isabella.
3. Directs staff to advise all parties of the outcome.

Moved/seconded by: Fox/McLean

3 Community Environment Group reports

3.1 March and April 2015 - Community Environment monthly report

A paper was presented to the Judicial Committee reporting on the key activities within the Community Environment Group for the months of March and April 2015.

Key discussion points

- The Committee queried the collection process for any infringements issued related to dogs.
- The Committee raised concerns about the line between an aggressive, deliberate attack, and a natural, defensive reaction from a dog. Staff noted that the difference can generally be identified from evidence, as well as the past history of the dog involved. Staff also noted that the Dog Control Act provided tight guidelines which guide compliance officers to make appropriate judgements and decisions.
 - The Committee noted the use of signs as an effective mechanism for minimising the possibility of defensive dog attacks.
 - The Committee also noted that there had been a positive result associated with bringing the dog control function in house.
- Staff noted that Opito Bay had become a controversial area for Freedom Camping due to a recent false complaint received by Council. The Committee noted that it might be beneficial to send letters to ratepayers near freedom camping flash spots to advise them of what activities are permitted under the Freedom Camping Bylaw.
- A recent noise complaint involving loud instruments being played late at night was discussed. Staff noted that the incidence has not been verified by any other parties at this stage, and that staff were looking into the matter. The complainant would need to obtain evidence before any action could be taken.
- An update was provided on the process and timeframes associated with recruiting a new Environmental Health Officer.

Resolved

That the Judicial Committee:

1. Receives the Community Environment Group Monthly report for March and April 2015, dated 29 April 2015.

Moved/seconded by: Brljevich/Connors

3.2 Judicial March - April 2014 Building Controls report

The Judicial Committee was presented with a report outlining the key activities and results for the Building Unit for the months of March and April 2015 in its role as a building consent authority and a territorial authority.

Key discussion points

- Staff noted that there had been a few issues processing Code of Compliance Certificates, with some applications going over the allocated timeframes. Staff acknowledged that this issue would be investigated and addressed.
- Staff noted that the introduction of tablets had been delayed as a result of IT issues and a Pathway upgrade setback.
- Current staffing situation and employment process timeframes was discussed, and how this impacted on current employees.

Resolved

That the Judicial Committee:

1. Receives the March / April 2015 Building Controls report, dated 4 June 2015.

Moved/seconded by: Connors/Brljevich

3.3 Utility buildings applicable legislation June 2015

The Judicial Committee was presented with a report outlining what is permissible/compliant in relation to applicable legislation regarding Utility Buildings and associated structures as at 1 May 2015.

Key discussion points

- The Committee made reference to utility buildings in Matarangi.
- The investigation regime associated with utility buildings. The Committee advised staff to take note of when the work was carried out, whether it was compliant at the time of construction, and whether it is presently compliant.
- The Committee raised concerns regarding communication between council officers and those involved in incidences of non-compliance.

Resolved

That the Judicial Committee:

1. Receives the utility buildings within the Coromandel District report, dated 4 June 2015.
2. Instructs staff to send a copy of the report to the Scotts and advise them that the property at 753 Matarangi Drive had previously been inspected and if they have any further concerns, to advise Council.

Moved/seconded by: Fox/McLean

3.4 Application for special exemption - 761A Purangi Road, Cooks Beach

The Judicial Committee was presented with an application for special exemption under Section 6 of the Fencing of Swimming Pools Act 1987 with respect to a spa pool located at 761A Purangi Road, Cooks Beach, owned by E J & L M Donnelley Trust.

Key discussion points

- The Committee queried the transition in assessment of the posts from climbable to unclimbable. Staff noted that the risk involved with a child being able to climb the posts into the pool area had been reassessed.

Resolved

That the Judicial Committee:

1. Receives the application for special exemption - 761A Purangi Road, Cooks Beach.
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 761A Purangi Road, Cooks Beach 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/Fox

3.5 Application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 - 4 Champion Place, Pauanui

The Judicial Committee was presented with an application for special exemption under Section 6 of the Fencing of Swimming Pools Act 1987 with respect to a spa pool located at 4 Champion Place, Pauanui, owned by W & C Drinkwater.

Resolved

That the Judicial Committee:

1. Receives the application for special exemption under section 6 of the Swimming Pools Act 1987 at 4 Champion Place, Pauanui.
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 4 Champion Place Pauanui.
 - 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

3.6 Application for special exemption - 304 The Drive, Whangamata

The Judicial Committee was presented with an application for special exemption under Section 6 of the Fencing of Swimming Pools Act 1987 with respect to a spa pool located at 304 The Drive Whangamata, owned by M Schiphorst.

Resolved

That the Judicial Committee:

1. Receives the application for special exemption.
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 304 The Drive Whangamata, 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/Fox

4 Planning Group Reports

4.1 Planning Group Report April 2015

A report was presented to the Judicial Committee outlining the key activities within the Planning Group for the month of April.

Key discussion points

- Staff noted that there had been a recent drop in the number of consents received by Council.
- Staff noted the importance of processing consents within timeframes with respect to the discount which applies to any consent which exceeds the number of working days permitted under the Resource Management Act.
- The Committee questioned where the delay in the processing of resource consents was occurring. Staff noted that they would investigate this concern.

- Staff noted that stricter requirements would be placed on the initial application process to limit the need to request further information.
- Timeframes for land to be reserved for subdivision was discussed. Staff noted that the time limit was generally eight years. Staff also noted that they would like to implement a system that displayed the stages of the subdivision consent, including sections 223 and 224.
 - Staff noted that they would include some statistics around sections 223 and 224 in the next Planning Group report.
- The committee queried whether the recent changes to the Resource Management Act would create any issues in relation to the staff workloads. Staff noted that the onus was now directed toward the applicant, although the requirement for pre-circulation of evidence may increase staff workloads during peak periods.

Resolved

That the Judicial Committee:

1. Receives the April 2015 - Planning Group monthly report, dated 4 June 2015.

Moved/seconded by: Brljevich/Connors

5 Public Excluded

That the public be excluded from the following parts of the proceedings of this meeting .

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution</i>	<i>Ground(s) under section 48(1) for the passing of the resolution</i>
Public Excluded - Late Item - Timeline of events associated with an abatement notice issued for second dwelling on a property at 1025B Tairua-Whitianga Road.	<p>(7)(2)(a) - Protect the privacy of natural persons, including that of deceased natural persons.</p> <p>(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:</p> <p>(48)(1)(a)(i) - That the public conduct of the whole 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. Where the local authority is named or specified in the First Schedule to this Act, under section 6 or section 7 (except section 7(2)(f)(i) of this Act.</p>

Moved/seconded by: Connors/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
5.1	Timeline of events associated with an abatement notice issued for second dwelling on a property at 1025B Tairua-Whitianga Road.

Moved/seconded by: McLean/Connors

Meeting closed at 12:26

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 4 June 2015.

Chairperson _____ **Date** _____