



# UNCONFIRMED Minutes

of the

## Judicial Committee

## Ordinary Meeting

Date	9 July 2015
Venue	Council Chamber 515 Mackay Street Thames

### Present

MK McLean JP (Chairperson)	PA Brljevich LA Fox
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### In attendance

#### Name

Erin Berry, Rebekah Duffin, Jakki Handcock, Corinne Hamlin, Steve Baker, Michael Eastwood, Marion Smith, Michael Jones, Steve Hart, Allan Turner

<b>Meeting commenced</b>	09:00
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<b>Adjournment</b>	<b>Start</b>	<b>Finish</b>	<b>Reason</b>
Chairperson	10:35	10:53	Morning Tea

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# 1 Meeting conduct

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## 1.1 Apologies

### Resolved

That the Judicial Committee:

1. Receives the apology from Councillor Connors.

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

## 1.2 Public forum

No speakers attended the public forum.

## 1.3 Items not on the agenda

There were no items added to the agenda.

## 1.4 Conflict of interest

No conflicts of interest were declared.

## 1.5 4 June 2015 - Judicial Committee Minutes for Confirmation

### Resolved

That the Judicial Committee:

1. Confirms the minutes from the 4 June 2015 Judicial Committee meeting as a correct record of proceedings.

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

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## 2 Development Contributions

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### 2.1 RMA20140116 - Report Back To Judicial Committee on Development Contributions for 174 Vista Paku, Pauanui

A report was presented to the Judicial Committee on the Development Contributions required on a commercial accommodation development at 174 Vista Paku, Pauanui, as directed by Judicial Committee resolution 2.2 at the hearing held on 17 October 2014.

#### Key discussion points

- The Committee noted that the New Zealand Motor Caravan Association's definition of self-contained was grey and needed to be redefined.
- The Committee noted that a discount would not be applied until the definition of self-contained had been redefined.
- The Committee noted that when self-contained units are parked in close proximity to an ablution block, they are highly likely to use the facilities provided than to use their on-board facilities. The Committee raised concerns that volumes of water would be greater when using Council infrastructure than when compared to on-board services.
- The Committee recommended that once the definition of 'self-contained' is redefined, that the Council policy would be revisited.

#### Resolved

That the Judicial Committee:

1. Receives the 'RMA20140116 - Report Back To Judicial Committee on Development Contributions for 174 Vista Paku Pauanui', dated 2 June 2015.
2. Determines that development contributions of \$63,700.48 plus reserves plus GST are payable on this consent based on the special assessment provided in this report.

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

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## 3 Planning Group reports

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### 3.1 May 2015 - Planning Group monthly report

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

#### Key discussion points

- Staff noted that all enforcement had ceased and the abatement notice had been withdrawn for the second dwelling at 1025B Tairua-Whitianga Road. The Committee noted that the use of the right of way on this property was becoming an issue among neighbours.
- An error on page 34 of the Order Paper was noted. 'Financial Management (period ending April 2015)' was corrected to 'Financial Management (period ending May 2015)'. The paragraph "Please note at the time of preparing this report the financials up until the end of March not yet available" was requested to be removed.

- Tabled figures were presented to the Committee outlining statistics on subdivisions and 224s (**Attachment A**).
- The Committee queried the use rights of land that had not been used for a specified activity for a period of time and the reconnection to infrastructure in relation to payment of development contributions. Staff noted that under the Resource Management Act, if an area of land had not been used for a specified activity for 12 months or longer, the use rights would cease.
- The Committee expressed concern regarding capacity of Council infrastructure in relation to existing use rights and potential future developments, and requested that the issue be raised at the Audit Committee and the Infrastructure Committee.

### **Resolved**

That the Judicial Committee:

1. Receives the May 2015 - Planning Group monthly report, dated 9 July 2015.

## **3.2 June 2015 - Judicial Committee Action Schedule**

### **Resolved**

That the Judicial Committee:

1. Receives the June 2015 Judicial Committee Action Schedule.

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

## **4 Community Environment Group reports**

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### **4.1 May 2015 - Community Environment monthly report**

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

#### **Key discussion points**

- Staff commented on an abatement notice issued on the Tairua Marina due to a breach in the conditions of their consent. The 59 car parks that were required to be developed prior to construction as a condition of consent were now required to be completed by November 2015. The Committee recommended appointing a Council liaison officer to cover all aspects of larger projects.
- The Committee noted that they had received positive feedback from members of the public regarding the efforts of the Compliance team.
- The use of non-legitimate self-contained freedom stickers was briefly discussed with specific reference to outlets where the stickers could be purchased.
- Staff tabled a correction to the May 2015 Parking statistics on page 46 of the Order Paper (**Attachment B**).
- Staff raised concerns regarding several attempts to preserve viewpoints in Whitianga by drilling holes in trees and applying poison. Staff noted that cameras had been ordered and the positions to place the cameras had been identified.
- The Committee queried whether any parking tickets given to mussel farmers parked at Sugarloaf wharf would be waived. Staff noted that it was at the discretion of the

Community Board to waive any tickets; however the area across the road had been identified by Council officers as an area where parking was permitted. The signage in this area has not yet been changed to reflect the bylaw changes.

### **Resolved**

That the Judicial Committee:

1. Receives the 'Community Environment Group Monthly report' for May 2015, dated 29 April 2015.

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

## **4.2 May 2015 - Building Controls monthly report**

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

### **Key discussion points**

- The level of documentation submitted to Council for building consents was discussed in relation to a consent which was recently refused.
- The Committee queried the budget for consents. Staff noted that the budget was generally forecasted 18 months ahead and was based on previous statistics.

### **Resolved**

That the Judicial Committee:

1. Receives the May 2015 monthly Building Controls report', dated 9 July 2015.

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

## **5 Members' reports**

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### **Key discussion points**

- Councillor Fox raised concern regarding concessions in car parking pressure points such as the Tairua Marina, Hot Water Beach and areas in Hahei. Councillor Fox noted that concessions should be evaluated based on the services they use. Staff noted that the pricing structure for concessions was based on the activity carried out and acknowledged that the issue could be taken to the Community Board.
- Councillor McLean requested that the liquor bans within the district be reviewed in order to allow the Coromandel to be marketed better. Councillor McLean noted that infringements should be given to those not abiding by the rules; however liquor bans should not restrict those who abide by the law.

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

## 6 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>
6.1. 4 June 2015 - Public Excluded Judicial Committee Minutes for Confirmation	<b>(7)(2)(g)</b> – Maintain legal professional privilege. <b>(7)(2)(i)</b> – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	<b>(48)(1)(a)</b> – 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.
6.2. June 2015 - Public Excluded - Judicial Committee Action Schedule	<b>(7)(2)(g)</b> – Maintain legal professional privilege. <b>(7)(2)(i)</b> – Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	<b>(48)(1)(a)</b> – 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:** McLean/Brljevich

### 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>
6.1	4 June 2015 - Public excluded Judicial Committee minutes for confirmation
6.2	June 2015 - Public excluded - Judicial Committee Action Schedule

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

**Meeting closed at 12:05**

The foregoing Minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 9 July 2015.

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