



Minutes of the Judicial Committee Deliberations

Date	30 November 2015
Venue	The Club Mackay Street Thames

Present

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

Steve Hart, Barry Smedts, Scott Summerfield, Emma Wright, Michelle Baker, Michael Dobie

Meeting commenced	9:00am
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1 Meeting conduct

1.1 Apologies

All members were present.

1.2 Public forum

No public were present.

1.3 Items not on the agenda

No additional items were added to the agenda.

1.4 Conflict of interest

No conflicts were declared.

2 Deliberations

2.1 Deliberation for the Maritime Facilities Bylaw

The Judicial Committee deliberated on submissions and staff guidance on the draft Maritime Facilities Bylaw to provide recommendations to Council for consideration of the final bylaw for adoption.

The Committee discussed and sought clarification from staff on the following matters:

- Staff confirmed that clause 13.3 *Notwithstanding clauses 13.1 and 13.2, no vessel shall remain berthed at any maritime facility for more than 30 minutes unless the prior permission of the Council or any authorised person has been obtained and the prescribed fee has been paid*, would apply to dinghies as they would fall within the definition of a vessel.
- The updating of the bylaw would be an opportune time to open discussions with Waikato Regional Council regarding the role and delegations of the Harbour Master as there are currently inconsistencies in different areas across the Peninsula. Staff confirmed warrants would require updating under the new bylaw.
- That for clause 26.2 where there was a signed management agreement with Council for *any maritime facility the clauses contained in the management agreement shall apply. Should there be any conflict in the clauses contained in this part of the bylaw and the clauses contained within the agreement then the clauses in the agreement will take precedence* would cover the Sugarloaf management plan. Staff confirmed the management plan would be the relevant document and the plan should reflect the bylaw where appropriate.
- There were different interpretations of the Hazardous Substance definition point (c) *where any hazardous substance is contained within a vessel and required as normal part of the operation of the vessel it shall not be considered to be hazardous*. Staff explained that the wording 'contained within a vessel' had been intended to overcome the issues with bringing fuel onto wharves described in submissions.

Resolved

That the Judicial Committee:

1. Receives the 'Deliberations and adoption for the Maritime Facilities Bylaw' report dated 24 November 2015.
2. Notes that it has considered all submissions to the Council's proposed Maritime Facilities Bylaw 2015.
3. Recommends to Council that it has followed the required special consultative procedure as set out in the Local Government Act 2002.
4. Recommends to Council that the bylaw does not give rise to any implications under the Bill of Rights Act 1990.
5. Recommends to Council the adoption of the Maritime Facilities Bylaw 2015 included as **Attachment A** including the following amendments:
 - Hazardous Substance definition point (c) *where any hazardous substance is ~~contained within a vessel and~~ required as normal part of the operation of the vessel it shall not be considered to be hazardous*.
 - Correction to typographical errors in clause 13.4.

Moved/seconded by: Connors/Fox

2.2 Deliberations of amendments to the Freedom Camping Bylaw

The Judicial Committee deliberated on proposed amendments to the Freedom Camping Bylaw 2014 following consultation on the amendments from 18 September to 19 October 2015, and hearings on 12 November 2015.

The Committee discussed and sought clarification from staff on the following matters:

- Changes to designated areas from the Community Boards would not be implemented until February/March 2016 following their first meetings and the affected areas would remain prohibited in effect until then.
- The Committee agreed with staff that Te Puru Beachfront Reserve between Tatahi Street and Aputa Avenue had a strong case to set a precedent for prohibition due to the consideration of the health and safety impact on immediately neighbouring residents.
- Staff recommended that the prohibition of the Waterway Parade Carparks, Pauanui that alternate sites could not be considered as part of this amendment as the alternate sites had not been included in the statement of proposal. However alternate sites in Pauanui could be considered in future consultations on the Bylaw.
- Staff suggested a letter be written to the Department of Conservation requesting they consider the impacts of freedom camping on their land following submissions received during consultation.
- Wires Road would be removed as Council had a lease over it and the signage would be removed. As there is no current public access to the land and no record of freedom camping here, it should not be an issue.

Resolved

That the Judicial Committee:

1. Receives the 'Deliberations of amendments to the Freedom Camping Bylaw 2014' report dated 24 November 2015.
2. Notes that it has considered all submissions to the Council's proposed amendments to the Freedom Camping Bylaw 2014.
3. Recommends to Council that it has followed the required special consultative procedure as set out in the Local Government Act 2002.
4. Recommends to Council the adoption of the amendments to the Freedom Camping Bylaw 2014 as noted in the table below:

Site	Current status in Bylaw	Proposed status for consultation	Recommend status for adoption
54 Wires Road, Hikutaia	Restricted	Remove from Bylaw	Remove from Bylaw
Brown Street, Thames	N/A	Prohibited	Restricted
Te Puru Beachfront Reserve between Tathi Street and Aputa Avenue	Restricted	Restricted	Prohibited
Carey Road Esplande, Port Charles	Restricted	Prohibited	Prohibited
Omara Boat Ramp Reserve, Matarangi	Prohibited	Restricted	Restricted
Opito Bay Road, Skippers Road and Reserves, Jack Mills Reserve	Restricted	Prohibited	Prohibited
Waterways Parade Car	Restricted	Prohibited	Prohibited

Parks, Pauanui			
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5. Recommends to Council the adoption of the amended Freedom Camping Bylaw 2014 included as **Attachment B** in the Committee's agenda.

Moved/seconded by: McLean/Fox

Resolved

That the Judicial Committee recommends Council forward submissions relating to freedom camping issues on Department of Conservation land to the Department of Conservation area manager.

Moved/seconded by: McLean/Brljevich

2.3 Deliberations for the Standards of Camping Bylaw

The Judicial Committee deliberated on submissions and staff guidance on the draft Standards of Camping Bylaw to provide recommendations to Council for consideration of the final bylaw for adoption.

The Committee discussed and sought clarification from staff on the following matters:

- Coastal areas were not included in current wording of the bylaw however remained in the operative District Plan.
- Staff recommended that all the distances from boundaries and neighbouring properties be removed from the Bylaw as these were not required to address the problem of unsanitary conditions the bylaw is aimed at. Staff also noted the nuisance factor of noise from tents wouldn't be stopped adequately by any distance from the boundary in a residential area.
- Given the intention of the Bylaw would no longer regulate distance from boundaries of a camp site Clause 2.5 (e) *The Council may regulate the location of tents and caravans, and other temporary living places on camp sites with reference to the minimum distances that tents may be erected or caravans parked from the boundaries of adjoining properties* and Clause 5.1 Definition **Front Boundary** means a boundary of a property which adjoins a formed legal road were no longer required.
- Clauses 6.2-6.4 caused confusion and the Committee suggested they were appeared to conflict with each other. Staff offered an alternate format for setting out the sanitation standards and disposal requirements.
- There had been issues with owners charging people to camp on their properties however payment and donations both fell under the Camping Regulations 1985 or the operative District Plan.

Resolved

That the Judicial Committee:

1. Receives the 'Deliberations for the Standards of Camping Bylaw' report dated 24 November 2015.
2. Notes that it has considered all submissions to the Council's proposed Standards of Camping Bylaw 2015.
3. Recommends to Council that it has followed the required special consultative procedure as set out in the Local Government Act 2002.
4. Recommends to Council that the bylaw does not give rise to any implications under the Bill of Rights Act 1990.

5. Recommends to Council the adoption of the Standards of Camping Bylaw 2015 included as the strikethrough version in **Attachment A** with the following amendments:
- That the Bylaw reflects the coastal areas until the proposed District Plan was adopted and a minor amendment to the Bylaw is made through Council once the proposed District Plan is operative.
 - That clauses 6.2-6.4 on Sanitation is corrected to reflect the options for providing adequate sanitation on a campsite.
 - The removal of clause 2.5 (e) *The Council may regulate the location of tents and caravans, and other temporary living places on camp sites with reference to the minimum distances that tents may be erected or caravans parked from the boundaries of adjoining properties.*
 - The removal of the Clause 5.1 Definition **Front Boundary** means a boundary of a property which adjoins a formed legal road.
 - The following minor word change (underlined) to Clause 6.1 *Every camp site in the district shall provide unrestricted access to sanitary facilities in accordance with the requirement of Schedule A to this bylaw. Those facilities must be within the same property boundary of the camp site.*

Moved/seconded by: Fox/Brljevich

Meeting closed at 10:40

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 30 November 2015.

Chairperson _____ **Date** _____