



Minutes

of the

Judicial Committee

Ordinary Meeting

Date
Venue

10 December 2015
Council Chamber
515 Mackay Street
Thames

Present

MK McLean JP (Chairperson)

LA Fox
D Connors

In attendance

Barry Smedts, Erin Berry, Corinne Hamlin, Michael Jones, Nicki Williams, Andrew Mehrtens, Steve Baker, Michael Eastwood, Allan Turner

Meeting commenced

09:00

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1 Meeting conduct

1.1 Apologies

Resolved

That the Judicial Committee receives the apology from Councillor Brjevich.

Moved/seconded by: Connors/Fox

1.2 Public forum

No speakers attended the public forum.

1.3 Items not on the agenda

No further items were added to the agenda.

1.4 Conflict of interest

No conflicts of interest were declared.

1.5 12 November 2015 - Judicial Committee minutes for confirmation

Resolved

That the Judicial Committee:

1. Confirms the minutes from the 12 November 2015 Judicial Committee meeting as a correct record of proceedings.
2. Confirms the minutes from the 12 November 2015 Judicial Committee hearing - Freedom Camping Bylaw and Standards of Camping Bylaw - as a correct record of proceedings.
3. Confirms the minutes from the 18 November 2015 Judicial Committee hearing - Maritime Facilities Bylaw - as a correct record of proceedings.

Moved/seconded by: Fox/McLean

2 Development Contributions - Hearing

2.1 RMA2011/13 - Marlin Waters Retirement Village - Impact of S127 variation of Resource Consent on Judicial Committee Decision

A report was presented to the Judicial Committee to determine whether or not RMA2011/13 and subsequent variations to that consent still qualified for the 0.5 unit of demand reduction of development contributions per residential unit for retirement villages as determined in the Judicial Committee decision dated 29 March 2012.

Key discussion points

- Mr Abrahamson thanked the Committee for allowing him the opportunity to present his case.
- He noted that changes had been made to the positioning of the building, and also stated that the minimum age had been increased to 60 years.
- Mr Abrahamson advised that the village had been built with the elderly in mind; with no lifts or stairs.
- The Committee queried whether the change in age would actually make a difference to the population of the village and questioned who else would be able to occupy the units.
 - Mr Abrahamson noted that Marlin Estate would need to work with the Human Rights Commission to establish relevant wording for who may occupy the units onsite.
- The Committee queried the expected occupancy of each unit. Mr Abrahamson noted that it should be below two occupants.
- Staff noted a concern for what happens to the unit after the occupant passes away.

Resolved

That the Judicial Committee:

1. Receives the 'RMA/2011/13 - Marlin Waters Retirement Village - Impact of S127 variation of Resource Consent on Judicial Committee Decision dated 29 March 2012' report, dated 15 October 2015.
2. Confirms that to qualify for a reduction to 0.5 units of demand for two or more bedroom retirement units, that the retirement village must be registered under the Retirement Villages Act 2003.
3. Determines that due to the variations to RMA/2011/13, the development does not qualify as a retirement village for the purposes of the Development Contributions Policy and as such each unit will be levied at one unit of demand.

Moved/seconded by: Connors/Fox

3 Planning Group reports

3.1 Planning Group report October

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

It also provided an update of those activities since the previous report to the Committee.

Key discussion points

- The Committee queried the effect of the increase in resource consent applications on staff resources. Staff noted that they were currently one staff member down and there was scope to employ another team member. Staff also noted their concern with the amount being spent on contractors, as well as the limited number of contractors in the area.

Resolved

That the Judicial Committee receives the 'October 2015 - Planning Group monthly report', dated 23 November 2015.

Moved/seconded by: Connors/Fox

3.2 December 2015 - Judicial Committee Action Schedule

Key discussion points

- The first item - Section 223 and 224 statistics - was removed from the action schedule as the information was presented in the Planning Group Monthly report.

Resolved

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

Moved/seconded by: McLean/Connors

4 Community Environment Group reports

4.1 October 2015 - Community Environment Group monthly report

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

Key discussion points

- It was noted that it was Allan Turner's last Judicial Committee meeting. He thanked the Committee for their support over the years.
- The Committee queried why food control plans were not managed by central government. Staff noted that a template document was provided by central government; however a standard plan could not be attributed to all premises nationwide due to varying individual risks.

Resolved

That the Judicial Committee receives the 'Community Environment Group monthly report - October 2015', dated 18 November 2015.

Moved/seconded by: McLean/Fox

4.2 October 2015 - Building Controls report

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

Key discussion points

- Staff provided an update on the current staffing situation. The Committee noted the potential for an increase in consent applications in the future and how staff were prepared to deal with the workload increase.
- Staff advised that they were committed to gaining IANZ accreditation.

Resolved

That the Judicial Committee receives the 'October 2015 Building Controls' report, dated 10 December 2015.

Moved/seconded by: Connors/Fox

5 Public excluded

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

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
5.1. 12 November 2015 - Public Excluded - Judicial Committee 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.
5.2. December 2015 -	(7)(2)(g) – Maintain legal	(48)(1) – Subject to subsection (3) of

Public excluded Action Schedule	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).	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.
5.3. Honorary Bylaws Officers	7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons	(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: 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	Business
5.1	12 November 2015 - Public excluded Judicial Committee minutes
5.2	December 2015 - Judicial Committee Action Schedule
5.3	Honorary Bylaw Officers

Moved/seconded by: Connors/Fox

Meeting closed at 10:20

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 10 December 2015.

Chairperson _____ **Date** _____