



# Confirmed Minutes

of the

## Judicial Committee

# Ordinary Meeting

Date	2 June 2016
Venue	Council Chamber 515 Mackay Street Thames

### Present

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

Barry Smedts, Steve Hart, Michael Eastwood, Emma Wright, Michael Eastwood, Jakki Handcock, Corinne Hamlin, Nicki Williams, Jane Andrews, Yvonne Franklin

<b>Meeting commenced</b>	9.09am
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<b>Adjournment</b>	<b>Start</b>	<b>Finish</b>	<b>Reason</b>
Chairperson McLean	09.50	10.00	Morning Tea
Chairperson McLean	10.55	11.00	Break

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## 1 Meeting conduct

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### 1.1 Apologies

All members were present.

### 1.2 Public forum

There were no speakers in the public forum.

### 1.3 Items not on the agenda

No additional items were added to the agenda.

### 1.4 Conflict of interest

Councillor Brljevich declared an interest in item 3.2 Fires in the Open Bylaw.

**Moved/seconded by:** Fox/Connors

### 1.5 17 March 2016 - Judicial Committee minutes for confirmation

29/16 **Resolved**

JC That the Judicial Committee confirms the minutes of the meeting held on 17 March 2016 as a correct record of proceedings.

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

## 2 Development Contributions

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### 2.1 Special assessment of development contributions Hot Water Beach Holiday Park

The Committee was requested to determine whether or not to accept the special assessment of development contributions on a Resource Consent to be applied for in the future, that would enable the Hot Water Beach Holiday park to increase the number of tent lots within its campground by 85 lots for one month per annum to cover the overflow from its existing sites during the peak season. The applicant had further requested the Committee consider an additional reduction of 50% of the development contribution levy due to the economic benefit that the campground brought to the district and their contention that a number of the development contribution activities being levied should not apply to them.

A tabled written submission was received from Mr and Mrs Webster, Hot Water Beach Holiday Park.

30/16 **Resolved**

JC That the Judicial Committee:

1. Receives the 'Special assessment of development contributions for Hot Water Beach Holiday Park for overflow campsite' report, dated 11 May 2016.
2. That on receipt of a resource consent application for 85 tent sites, which has been limited to occupancy of no more than 32 days, the applicant shall be levied development contributions of 5.1% of the relevant residential development contributions.
3. That all other development contributions, apart from the 85 tent sites mentioned above, are levied at the rate applicable at the time the resource consent application is received and accepted for processing.

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

The Chairperson noted that the request for a deferred payment was outside of the delegated authority frame for the Judicial Committee, and needed to be considered by a separate committee.

## 3 Hearings

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### 3.1 Hearing report dog ownership disqualification objection Jennifer Layton

The Judicial Committee was advised of errors in previous staff reports on this matter dated 17 March 2016 and 18 November 2014. The errors in question related to the date from which Jennifer Layton's disqualification from dog ownership applied and therefore the period of disqualification already served at the time of the previous objection hearings.

The matter had been referred back to the Committee to correct the errors and provide opportunity for re-consideration in light of Mrs Layton's objection to the disqualification.

Information was tabled from the Laytons and Mr Layton spoke to the submission advising the Committee that both he and Mrs Layton acknowledged that they have a duty to be responsible dogs owners and that Mrs Layton was very remorseful for the danger that their dog had posed to the public. They had taken measures to secure their property, and sent written apologies to those members of the public that had been put in danger by their dog.

31/16 **Resolved**

- JC
1. That the Judicial Committee receives the "Correction of Information - Objection to Disqualification from Dog Ownership - Jennifer Layton" report, dated 2 June 2016.
  2. That the Judicial Committee acknowledges the error with the date of disqualification included in the staff reports presented at the previous objection hearings on 4 December 2014, and 17 March 2016, with the correct date of disqualification being 2 October 2013, not 8 April 2014.
  3. That following consideration of the error with the date of disqualification, and having regard to the criteria set out in section 26(3) of the Dog Control Act, the Committee resolves pursuant to section 26(4) of the Dog Control Act to immediately terminate the disqualification; and
  4. That the Committee resolves pursuant to section 26(4) of the Dog Control Act to give written notice of its decision and the reasons for it, with reference to the criteria set out in section 26(3) of the Dog Control Act 1996, and the right of appeal provided under section 27 of the Dog Control Act 1996, to the Objector; and
  5. That the Chairperson be given delegated authority to finalise the wording of the Decision.

**Moved/seconded by:** Connors/Brljevich  
Chairperson McLean voted against the motion

### **3.2 Hearing of submissions to the proposed Fires in the Open Bylaw**

32/16 **Resolved**

JC That the Judicial Committee

1. Receives the 'Hearing of submissions to the proposed Fires in the Open Bylaw' report, dated 16 May 2016.
2. Receives the submissions made to the proposed Fires in the Open Bylaw.

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

## **4 Reports**

### **4.1 February, March, April 2016 - Community Environment Group report**

The reports included a summary of key activities within the Community Environment Group for the months of February, March and April 2016.

The Committee was advised that contingencies were in place following a review of the dog pound operation, with tighter controls on access to the Whitianga pound and an additional staff member being recruited.

33/16 **Resolved**

JC That the Judicial Committee receives the Community Environment Group Monthly report - February, March and April 2016 dated 5 May 2016.

**Moved/seconded by: Fox/Connors**

### **4.2 February, March, April 2016 Building Controls report**

The report included a summary key activities and results for the Building Unit for the months of February, March and April 2016 relating to its role as a Building Consent Authority and a Territorial Authority.

The Committee discussed the Council's responsibility to monitor swimming pools and spa pools for compliance and the difficulty in ensuring that all pools were registered. The Committee was advised that legislation would change next January allowing spa pools to be removed from the register.

34/16 **Resolved**

JC That the Judicial Committee receives the "February, March, April 2016 Buildings Control Report" dated 10 May 2016.

**Moved/seconded by: Connors/Fox**

### **4.3 April Planning Group monthly report**

The report included a summary of key activities within the Planning Group for the month of April. It also provided an update of those activities since the previous report to the Committee.

35/16 **Resolved**

JC That the Judicial Committee receives the April 2016 - Planning Group monthly report dated 2 June 2016.

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

### **4.4 Members reports**

Councillor Fox raised the matter of structure plans and conditions of consent, expressing concern where conditions of consent had not been met, in particular at Matarangi in respect to planting plans.

The Committee discussed a subdivision at Austin Place off Racecourse Road at Whitianga where there was concern about the capacity of the water supply.

36/16 **Resolved**

JC That the Judicial Committee requests staff to report on water mains and compliance issues in respect to the subdivision at Austin Place, Whitianga.

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

37/16 **Resolved**

JC That the Judicial Committee receives Councillor Fox's member's report.

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

**Meeting closed at 12.05pm**

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 2 June 2016.

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