



# Minutes

of the

## Judicial Committee

# Ordinary Meeting

Date 1 September 2016  
Venue Council Chamber  
515 Mackay Street  
Thames

**Present**

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

**In attendance**

Barry Smedts, Steve Hart, Corinne Hamlin, Tanya O'Shannessey, Lachlan McHaffie, Yvonne Franklin.

**Meeting commenced** 09.00

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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

There were no declared conflicts of interest.

## 1.5 14 July 2016 - Unconfirmed Judicial Committee minutes for confirmation

56/16 **Resolved**

JC That the Judicial Committee confirms the minutes of the meeting held on 14 July 2016 as a correct record of proceedings.

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

## 2 Objections

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### 2.1 Objection to disqualification from dog ownership - Vicky Delia Kearns

The Committee was requested to consider an objection to disqualification from dog ownership, under section 26 of the Dog Control Act 1996 (the Act), by Vicky Kearns.

James Carter, legal counsel speaking on behalf of Ms Kearns, asked the committee to have regard to the circumstances of what took place, advising he considered this a somewhat unique district court decision. In particular Mr Carter highlighted that the both Ms Kearns and the complainant's dog were known to each other, and that the complainant's dog was also present on the day of the attack.

Mr Carter noted that he considered there to be no evidence that Ms Kearns was involved in a physical attack, despite the complainant having stated he witnessed Ms Kearns dog nipping at the stock. He also noted that the complainant's dog had not been seen or examined by the Animal Control Officer when they arrived at the complainant's property.

57/16 **Resolved**

JC That the Judicial Committee:

1. Receives the "Objection to Disqualification From Dog Ownership - Vicky Delia Kearns" report, dated 5 August 2016

**Moved/seconded by:** Connors/Brljevich

2. Having regard to the criteria set out in section 26(3) of the Dog Control Act 1996 resolves, pursuant to section 26(4) of the Dog Control Act 1996, to bring forward the date of termination of the disqualification to 16 August 2017

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

3. Delegates authority to prepare and issue the written reasons for decision, to the Chair

**Moved/seconded by:** McLean/Connors

### 3 Special exemptions

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#### 3.1 Application for Special Exemption to the Fencing of Swimming Pools Act 1987 - 178 Centennial Drive, Whitianga

The Committee was requested to determine whether a special exemption from some of the requirements to the Fencing of Swimming Pools Act 1987 should be granted with respect to the swimming pool located at 178 Centennial Drive, Whitianga as per the application made by owner, Patrick Neil.

58/16 **Resolved**

JC That the Judicial Committee:

1. Receives the application for special exemptions to the Swimming Pools Act 1987 - 178 Centennial Drive, Whitianga.
2. Grant this application for special exemption under Clause 11 of the Schedule to the Fencing and Swimming Pools Act 1987 to Patrick Neil in regards to the two ranch slider doors from the kitchen area and the gym that lead to the pool area.

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

#### 3.2 Application for Special Exemption to the Fencing of Swimming Pools Act 1987 - 36 Ngati Maru Highway Kopu

To determine whether a special exemption from some of the requirements to the Fencing of Swimming Pools Act 1987 should be granted with respect to the swimming pool located at 36 Ngati Maru Highway, Kopu as per the application made by owner W G Brunt.

59/16 **Resolved**

JC That the Judicial Committee -

1. Receives the application for special exemptions to the Swimming Pools Act 1987 - 36 Ngati Maru Highway, Kopu
2. Grant this application for special exemption under Clause 11 of the Schedule to the Fencing and Swimming Pools Act 1987 to W G Brunt, in respect to four sets of double doors leading to the pool area and three non-compliant gates, subject to the padlocks remaining on the gates.

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

## 4 Monthly reports

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### 4.1 Planning report June 2016

The Committee was presented with the Planning report for June 2016.

60/16 **Resolved**

JC That the Judicial Committee receives the Planning monthly report dated June 2016.

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

### 4.2 Community Environment Group report June 2016

The Committee was presented with the Community Environment Group report for June 2016. The Committee was advised that the changes to the Dog Control Bylaw had come in to effect with 400 to 500 signs being put up throughout the district over a two week period.

Staff were complimented on the high level of information being presented in the report.

61/16 **Resolved**

JC That the Judicial Committee receives the Community Environment Group monthly report, dated June 2016.

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

### 4.3 Building Control report June 2016

The Committee was presented with the Building Control report for June 2016.

62/16 **Resolved**

JC That the Judicial Committee receives the Building Control monthly report, dated June 2016.

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

## 4.4 Members reports

Councillor Brljevich commented on the certification of exterior cladding, and the Council standard colour requirements in the District Plan. He stated that some suppliers would not warrant their product as the British Standard colours that are required are in conflict with certification standards by suppliers.

Councillor Fox requested that staff investigate construction at a Rimu Street property in Whitianga that appears to be 3 - 4 chalets with screened fencing. There was a concern about the impact on infrastructure and infil housing.

Councillor McLean conveyed his thanks to all on the committee for their help over the last three years. He had enjoyed chairing this Committee and doing the homework to get things through.

63/16  
JC

### Resolved

That the Judicial Committee receives the members' reports.

**Moved/seconded by:** Connors/Brljevich

## 5 Public excluded

64/16 **Resolved**

JC That the public be excluded from the following parts of the proceedings of this meeting namely:

<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>
5.1 Thames Pound Cost Increase	<p><b>7(2)(a)</b> – Protect the privacy of natural persons, including that of deceased natural persons</p> <p><b>7(2)(b)(ii)</b> – Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p>	<p><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.</p> <p><b>(48)(1)(d)</b> – That the exclusion of the public from the whole or relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.</p>

**Moved/seconded by:** McLean/Connors

65/16 **Resolved**

JC 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>
5.1	Thames Pound SPCA Contract

**Moved/seconded by:** Brljevich/Connors

**Meeting closed at 09.47am**

The foregoing minutes were certified as being a true and correct record of the meeting of the Judicial Committee held on 1 September 2016.

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