

Attachment SC103A – Details of events to date

1. On 17 December 2012 the City received a complaint from the owner of a neighbouring property regarding light nuisance.
2. On 10 January 2013 Officers sent a letter to the owners of No. 5 Lands Edge Close, Bluff Point providing notification of concerns raised with the City. The owners were requested to take appropriate steps to mitigate artificial light being emitted from the property causing a nuisance.
3. On 14 January 2013 Mrs Conder telephoned the City and the matter was discussed. Again the City requested that suitable measures be taken to resolve the issue.
4. On 16 January 2013 the City received correspondence from Mrs Conder dated 15 January 2013. A number of issues were raised in the letter and there was no agreement to comply with the City's request.
5. On 29 January 2013 a further complaint was received from the owner of different neighbouring property regarding light nuisance.
6. On 29 January 2013 Officers inspected the lighting at the property and a letter was sent to the owners providing some clarification of points raised in Mrs Conder's correspondence dated 15 January 2013. The letter again requested that steps be taken to shield or direct the security lighting to prevent light spilling onto the road and adjoining land.
7. On 20 February 2013 a Section 3.25 Notice under the Local Government Act 1995 and Confidential Briefing Note was prepared and submitted to the CEO for review and signature.
8. On 25 February 2013 the Notice and covering letter was sent by mail to Mr and Mrs Conder, providing them 14 days to install a suitable screen to prevent artificial light being emitted from their property spilling on to the road or neighbouring land. Refer to Appendix I.
9. On 1 March 2013 Mr Conder attended the Civic Centre in response to the Notice issued and he informed Officers that he would take the matter to Court and advise the media.
10. On 8 March 2013 legal representatives for Mr and Mrs Conder sent an objection to the Notice to the City. Refer to Appendix II.
11. On 20 March 2013 Officers met with Mr and Mrs Conder at No. 5 Lands Edge Close, Bluff Point to discuss the security lights and the effect of the lights on the neighbouring land.

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12. On 21 March 2013 a letter was sent to Mr and Mrs Conder confirming the meeting and events as follows:
 - a. The purpose of the site inspection was to discuss the security lights at the front of No. 5 Lands Edge Close and the effect of the lights on neighbouring land.
 - b. The City's vehicle was parked across the road on the verge of No. 4 Lands Edge Close. The parking of the vehicle activated the southern set of security lights on the front of No. 5 Lands Edge Close and when the Officers exited the vehicle there was a faint personal shadow of the Officers.
 - c. The Officers approached the front of No. 5 Lands Edge Close and approximately 4 metres from the garage door the northern set of security lights activated. The Officers continued to the front door of the premises.
 - d. The Officers introduced themselves at the front door and all parties proceeded to the front paved area. Mr Conder made the Officers aware that the initial reason for installing the security lights was that damage was being done to the front garden by persons unknown. Mr Conder subsequently stated that the lights were used to view persons and vehicles traveling up and down the roadway.
 - e. Mr Conder made the Officers aware that the southern set lights were set so that the lights would activate and illuminate the property, verge and roadway as Mrs Conder approached the property in her vehicle on the road. This was for security reasons.
 - f. All parties stood at the curb side in the driveway and the northern set of lights were activated. The lights are set at approximately 2m above the ground, Mr White is approximately 1.9m high, the shadow of Mr White was clearly discernible up to the top of the brickwork of the fence at No. 6 Lands Edge Close which is approximately 1.8m high. The northern lights were again activated and it was noted that the brickwork above the verandah at the second level of No. 6 Lands Edge Close was illuminated by the lights. Mrs Conder stated that the street light had been out for some days and that if it was working the illumination of No. 6 Lands Edge Close by the security lights would not be noticeable. The Officers stated that it was fortuitous that the street light was out so that the Conders' could appreciate how much light was emanating from the property onto the neighbouring land.
 - g. The Officers discussed the options to screen the lights so that they did not cause nuisance to neighbouring land. Mr White used his hand to screen the light and indicate a possible solution.
 - h. Mr Conder again stated that the lights were required to illuminate the area in front of the property for security reasons. He then stated that if he were required to control the lights so that they did not illuminate beyond the property and something happened to his family then "you know who I will be coming after", pointing to Mr White.
 - i. Mrs Conder stated that the lights were standard lights and that there were other lights in the area that were just the same. The City Officers stated that

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- if concerns were received regarding issues with other properties the City would investigate those concerns.
- j. Mr Conder raised the issue of the owner of No. 6 Lands Edge Close displaying Christmas lights that caused them annoyance. The Officers stated that if concerns were received when the issue existed the City would investigate.
 - k. Mrs Conder stated that this was the first time the City had visited the site. The City Officers stated that the affected properties had been inspected on previous occasions to assess the validity of the concerns.
 - l. Mr Conder turned his back and walked into the house stating that he intended taking the matter to the media.
 - m. The Officers thanked the Conders for their time and exited the front of the property and proceeded across the road. It was noted that due to illumination of the security lights at No. 5 Lands Edge Close the shadow of the Officers was evident on the wall of the second level of No. 6 Lands Edge Close.
13. On 26 April 2013 a letter was sent to the Conders from the City informing them that in accordance with Section 9.6(3) of the Local Government Act 1995 they may make submissions on the matter when it is dealt with at Council.
14. On 6 May 2013 a further site inspection was undertaken by the Officers as the Conders indicated that they had undertaken works to address the issues. A translucent hood had been attached to the top of 2 of the 4 globes of the security lights. Light from the security lights is still discernible outside the boundaries of the property and hence it is considered that the notice has not been complied with.
15. On 7 May 2013 the City contacted the original complainant who confirmed that the lights were still creating a nuisance.
16. On 9 May 2013 a letter was sent to the Conders from the City informing them that the City acknowledges their efforts to resolve the issues but unfortunately the notice has not been complied with.