

A G E N D A

HEARINGS AND JUDICIAL COMMITTEE

Monday, 29 April 2019, 9.00am

Council Chambers
Council Office
William Street
Paeroa



Membership

Committee Members:

Cr P A Milner (Chairperson)
Cr G R Leonard
Cr A Spicer
Mrs D M Carmine (Commissioner)

Staff

P Thom
R Bierre
W Harris
M Muller
M Sexton
M Evans
K Walton
Council Secretary

Public copies:

Paeroa Office
Plains Area Office
Waihi Area Office

Chief Executive

L D Cavers

Delegations: Hearings and Judicial Committee

Membership	Three Councillors with at least one member from each Ward
Meeting frequency	The second to last and fourth to last Monday of each month (if required) commencing at 9.00am
Delegations	<p>All delegations to this Committee are to be exercised within the framework of the Council's adopted regulatory policies, plans, strategies, policy guidelines and by-laws.</p> <p>The Council delegates to the Hearings and Judicial Committee the following powers, duties and responsibilities:</p> <ul style="list-style-type: none"> ■ Implementation of the Resource Management Act, the Operative District Plan and other regulatory Acts and Regulations in terms of judicial and regulatory responsibilities. ■ Monitor and implement Council's regulatory service delivery functions. ■ All powers, duties and discretions under the Resource Management Act 1991 to allow the above matters to be undertaken other than: <ul style="list-style-type: none"> □ The consideration or hearing of any application where the Council is the applicant □ The making of a recommendation on a requirement for a Designation or a Heritage Order where the Council is the Requiring Authority □ Exercising the power of delegation. ■ All Council's powers, duties and discretions in respect to the Dog Control Act 1996 in terms of judicial and regulatory responsibilities and the monitoring of the implementation of Council's regulatory service delivery functions under that Act. ■ In terms of judicial and regulatory service delivery responsibilities, and monitoring and implementation of these listed regulatory functions all: <ul style="list-style-type: none"> □ Powers, duties and discretions vested in the Council by the Crown Minerals Act 1991. □ Powers, functions and discretions under Building (Pools) Amendment Act 2016. □ Powers, duties and discretions pursuant to Section 78 232 of the Building Act 2004 with the exception of the power to set fees and charges. ■ Determining any Appeals to a Determination made by the Chief Executive under the Council's Consolidated Part 3 (Public Safety) Clause 4 – Liquor. ■ Pursuant to Section 34 of the Resource Management Act 1991 and clause 32 of Schedule 7 of the Local Government Act 2002 the Council directs that: <ul style="list-style-type: none"> □ Commissioners appointed to Joint Hearings shall be the Chairman of the Hearings and Judicial Committee together with not less than one or more than two others. One of who shall, if possible, be a member representing the Ward in which the site subject to the application is located.

□ Commissioners appointed to deal with all other matters shall be the Chairman of the Hearings and Judicial Committee together with not less than one other, who shall, if possible, be a member representing the Ward in which the site subject to the application is located.

■ Commissioners, except the Chairperson of the Hearings and Judicial Committee, shall attend to applications as far as practicable on a rotational basis.



HEARINGS AND JUDICIAL COMMITTEE

AGENDA

Monday, 29 April 2019 – 9.00am

Council Chambers, Council Office, William Street, Paeroa

Schedule of Hearings

9.05am	<u>Public Excluded</u> Application for Dog Number Dispensation
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ORDER OF BUSINESS

Pages

1. Apologies
2. Declarations of Late Items
3. Declarations of Conflict of Interest
4. Confirmation: Hearings and Judicial Committee Minutes (25-02-19) (2543300) **8**

PUBLIC EXCLUDED

5. Item 1: Application for Dog Number Dispensation (2564220) **18**
6. Item 2: Decision to disqualify dog owner under Section 25 Dog Control Act (1996) (2559347) **24**

MATTERS TO BE TAKEN WITH THE PUBLIC EXCLUDED

The public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	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 this Resolution
1	Application for Dog Number Dispensation: (2564220)	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of 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.
2	Decision to disqualify dog owner under Section 25 Dog Control Act (1996) (2559347)	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of 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.

PROCEDURE FOR HEARINGS

1. Chairman

The Chairman will declare the hearing open and will advise on the procedure to be followed.

2. Council Secretary

The Council Secretary will read the applications (*in the case of matters to be heard under the Resource Management Act*) and determine:

- If the applicant is in attendance, or represented;
- If there are any witnesses in support.
- If there are any submitters in attendance;
- If there are any witnesses in support.

3. Applicant/Appellant

The applicant/appellant will present the application/appeal and call any witnesses in support, and answer any questions from the Councillors.

5. Submissions to be heard (*in the case of matters to be heard under the Resource Management Act*)

The submitters may present their submissions, calling any witnesses in support and answering any questions from the Councillors.

5. Planning Officer/Animal Control Staff

The Planning Officer/Animal Control staff will present a report and answer any questions from the Councillors.

6. Right of Reply

The applicant/appellant has the right of reply.

7. Close of Hearing

The Chairman will close the hearing and advise that Council's decision is reserved until it has considered the evidence presented and all relevant matters.

HAURAKI DISTRICT COUNCIL
HEARINGS AND JUDICIAL COMMITTEE

MINUTES OF A MEETING OF THE HEARINGS AND JUDICIAL COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON MONDAY, 25 FEBRUARY 2019 COMMENCING AT 9.00AM

PRESENT

Cr P A Milner (Chairperson), Cr G R Leonard (Deputy Chairperson) and Cr A Spicer

IN ATTENDANCE

Messrs P Thom (Planning & Environmental Services), Mrs W Harris (Senior Planner), Mr M Sexton (Dog Control Officer) and Ms C Black (Council Secretary)

APOLOGIES

There were no apologies.

DECLARATIONS OF CONFLICTS OF INTEREST

There were no conflicts of interest.

CONFIRMATION: HEARINGS AND JUDICIAL COMMITTEE MINUTES (17-09-18) (2444494)

RESOLVED

THAT the meeting of the Hearings and Judicial Committee meeting held on Monday, 17 September 2018 be confirmed and are a true and correct record.

HJC19/01

Leonard/Milner

CARRIED

MATTERS TO BE TAKEN WITH THE PUBLIC EXCLUDED**RESOLVED**

THAT the public be excluded from the following parts of the proceedings of the meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	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 this Resolution
1	Appeal of Section 31 of Dog Control Act (1996) Notice of Classification of Dangerous Dog (2536690, 2541383)	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of 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.
2	Decision to disqualify dog owner under Section 25 Dog Control Act (1996) (2522301)	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of 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.
3	Appeal of Section 71 Retention of dog threatening public safety and decision to prosecute under Section 57 Dog Control Act (1996) (2536676)	Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.	Section 48(1)(a) That the public conduct of 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.

HJC19/02

Milner/Leonard

CARRIED

RESOLVED

THAT the public be re-admitted to the meeting and that the business in committee discussed be confirmed.

HJC19/07

Milner/Leonard

CARRIED

The meeting closed at 11.10am.

CONFIRMED

P A Milner
Chairperson

29 April 2019

Public Excluded Committee Business

Pages 18-27 have been removed