A G E N D A

HEARINGS AND JUDICIAL COMMITTEE

Monday, 16 December 2019, 9.00am

Council Chamber
Council Office
William Street
Paeroa
Committee Members:
Cr P A Milner (Chairperson)
Cr A Spicer (Deputy Chairperson)
Mayor Toby Adams

Staff
P Thom
W Harris
M Muller
M Sexton
M Matich
Council Secretary

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Chief Executive
L D Cavers

Hauraki District Council, P O Box 17, William Street, Paeroa, New Zealand
P: 07 862 8609 or 0800 734 834 (within the District)
E: info@hauraki-dc.govt.nz  www.hauraki-dc.govt.nz
**Hearings and Judicial Committee**

<table>
<thead>
<tr>
<th>Reporting To:</th>
<th>Council</th>
</tr>
</thead>
</table>
| Membership:  | Mayor and 2 Councillors  
Approved Independent Commissioners (to be appointed at the discretion of the Chair) |
| Meeting Frequency: | Twice monthly (as required) |

**Delegation:**

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.

The Council delegates to the Hearings and Judicial Committee the following powers, duties and responsibilities:

- 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:
  - 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:
  - 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 Bylaws. Approval of legal action taken by the Council in relation to the Council’s Bylaws made under the Local Government Act 2002 or any other legislation.

- 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:
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.

**Management Responsibility:**

Group Manager - Planning and Environmental Services
**Ngā Karakia Timatanga (opening)**

1. May peace be widespread
   Kia tau te rangimarie
   May the sea be like greenstone
   Kia whakapapa pounamu te moana
   A pathway for us all this day
   Hei huarahi ma tatou i te rangi nei
   Let us show respect for each other
   Aroha atu, aroha mai
   For one another
   Tatou i a tatou katoa
   Bind us all together!
   Hui e! Taiki e!

2. Get ready for the westerly
   Whakataka te hau ki te uru,
   and be prepared for the southerly.
   Whakataka te hau ki te tonga.
   It will be icy cold inland,
   Kia mākinakina ki uta,
   and icy cold on the shore.
   Kia mātaratara ki tai.
   May the dawn rise red-tipped on ice,
   E hī ake ana te atākura he tio,
   on snow, on frost.
   He huka, he hauhunga.
   Join! Gather! Intertwine!
   Haumi e! Hui e! Tāiki e!

**Karakia Whakamutunga (closing)**

Kia whakai-ria te tapu
Restrictions are moved aside
Kia wātea ai te ara
So the pathways is clear
Kia turuki whakataha ai
To return to everyday activities
Haumi e. Hui e. Tāiki e!
Join Gather Intertwine!
HEARINGS AND JUDICIAL COMMITTEE

AGENDA

Monday, 16 February 2019 – 9.00am
Council Chambers, Council Office, William Street, Paeroa

Schedule of Hearings

<table>
<thead>
<tr>
<th>Time</th>
<th>Public Excluded:</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.05am</td>
<td>Item 1: Application for release of Dog – Section 71 Dog Control Act 1996</td>
</tr>
<tr>
<td>10.30am</td>
<td>Item 2: Appeal against Menacing Dog Classification – Section 33A Dog Control Act 1996</td>
</tr>
<tr>
<td>11.15am</td>
<td>Item 3: Application for Dog Number Dispensation – Section 4.2 Hauraki District Council Dog Control Bylaw</td>
</tr>
</tbody>
</table>

ORDER OF BUSINESS

1. Apologies
2. Declarations of Late Items
3. Declarations of Conflict of Interest
4. Confirmation: Hearings and Judicial Committee Minutes (27-11-19) (2690369)
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:

<table>
<thead>
<tr>
<th>Item No.</th>
<th>General subject of each matter to be considered</th>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Ground(s) Under Section 48(1) for the Passing of this Resolution</th>
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<tr>
<td>Item 1</td>
<td>NOTICE UNDER SECTION (71) DOG CONTROL ACT (1996) MENACING DOG</td>
<td>Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.</td>
<td>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.</td>
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<td>Item 2</td>
<td>NOTICE UNDER SECTION (33A) DOG CONTROL ACT (1996) MENACING DOG</td>
<td>Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.</td>
<td>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.</td>
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<td>Item 3</td>
<td>APPLICATION FOR DOG NUMBER DISPENSATION – SECTION 4.2 HAURAKI DISTRICT COUNCIL DOG CONTROL BYLAW</td>
<td>Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.</td>
<td>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.</td>
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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 OHINEMURI ROOM, WILLIAM STREET, PAEROA ON WEDNESDAY, 27 NOVEMBER 2019 COMMENCING AT 8.30AM

PRESENT
Cr P A Milner (Chairperson), Cr A Spicer (Deputy Chairperson) and Mayor, D A Adams

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.

LATE ITEMS
There were no late items.

DECLARATIONS OF CONFLICTS OF INTEREST
There were no conflicts of interest.
**Reasons for Matters to be taken with the Public Excluded**

**RESOLVED**

THAT 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:

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<td>1</td>
<td>Notice to Fix: Non Complying Retaining Wall</td>
<td>Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.</td>
<td>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.</td>
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<td>2</td>
<td>Injuries sustained to Dog Owner</td>
<td>Section 7(2)(a) – Protect the privacy of natural persons, including that of deceased natural persons.</td>
<td>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.</td>
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RESOLVED

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

HJC19/32 Spicer/Milner CARRIED

The meeting closed at 8.49am.

CONFIRMED

P A Milner
Chairperson

16 December 2019