

# A G E N D A

## **HEARINGS AND JUDICIAL COMMISSIONERS MEETING**

**Wednesday, 23 October 2019, 9.00am**

Council Chambers  
Council Office  
William Street  
Paeroa



## Membership

### Commissioners:

Cr P A Milner  
Cr A Spicer

### 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

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## Delegations: Hearings and Judicial Commissioners

<b>Membership</b>	Three Commissioners appointed by Council to consider regulatory matters over the election period.
<b>Meeting frequency</b>	As required – commencing at 9.00am.
<b>Delegations</b>	<p>All delegations to the Commissioners 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 Commissioners the following powers, duties and responsibilities:</p> <ul style="list-style-type: none"> <li>■ Implementation of the Resource Management Act, the Operative District Plan and other regulatory Acts and Regulations in terms of judicial and regulatory responsibilities.</li> <li>■ Monitor and implement Council’s regulatory service delivery functions.</li> <li>■ 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"> <li>□ The consideration or hearing of any application where the Council is the applicant</li> <li>□ The making of a recommendation on a requirement for a Designation or a Heritage Order where the Council is the Requiring Authority</li> <li>□ Exercising the power of delegation.</li> </ul> </li> <li>■ 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.</li> <li>■ 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"> <li>□ Powers, duties and discretions vested in the Council by the Crown Minerals Act 1991.</li> <li>□ Powers, functions and discretions under Building (Pools) Amendment Act 2016.</li> <li>□ 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.</li> </ul> </li> <li>■ Determining any Appeals to a Determination made by the Chief Executive under the Council’s Consolidated Part 3 (Public Safety) Clause 4 – Liquor.</li> <li>■ 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"> <li>□ 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.</li> </ul> </li> </ul>

□ 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.

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## ***Ngà Karakia Timatanga (opening)***

(1)

Kia tau te rangimarie  
Kia whakapapa pounamu te moana  
Hei huarahi ma tatou i te rangi nei  
Aroha atu, aroha mai  
Tatou i a tatou katoa  
Hui e! Taiki e!

*May peace be widespread  
May the sea be like greenstone  
A pathway for us all this day  
Let us show respect for each other  
For one another  
Bind us all together!*

(2)

Whakataka te hau ki te uru,  
Whakataka te hau ki te tonga.  
Kia mākinakina ki uta,  
Kia mātaratara ki tai.  
E hī ake ana te atākura he tio,  
he huka, he hauhunga.  
Haumi e! Hui e! Tāiki e!

*Get ready for the westerly  
and be prepared for the southerly.  
It will be icy cold inland,  
and icy cold on the shore.  
May the dawn rise red-tipped on ice,  
on snow, on frost.  
Join! Gather! Intertwine!*

## ***Karakia Whakamutunga (closing)***

Kia whakai-ria te tapu  
Kia wātea ai te ara  
Kia turuki whakataha ai  
Haumi e. Hui e. Tāiki e!

*Restrictions are moved aside  
So the pathways is clear  
To return to everyday activities  
Join Gather Intertwine!*

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## HEARINGS AND JUDICIAL COMMISSIONERS

### AGENDA

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**Wednesday, 23 October 2019 – 9.00am**

**Council Chambers, Council Office, William Street, Paeroa**

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#### Schedule of Hearings

9.05am	<b>Public Excluded:</b>  Notice under Section (31) Dog Control Act 1996 Act (1996) Dangerous Dog Appeal
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#### **ORDER OF BUSINESS**

Pages

1. Apologies
2. Declarations of Late Items
3. Declarations of Conflict of Interest
4. Public Excluded Business

**8 - 18**

4.1 **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:

<b>Item No.</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) Under Section 48(1) for the Passing of this Resolution</b>
<b>1</b>	Notice Under Section (31) Dog Control Act 1996 ACT (1996) Dangerous Dog Appeal	<b>Section 7(2)(a)</b> – 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.



Public Excluded Committee Business

(Pages 9-18 have been removed)