

A G E N D A

HEARINGS AND JUDICIAL COMMITTEE

Monday, 24 February 2020, 9.00am

Council Chamber
Council Office
William Street
Paeroa



Membership

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

Public copies:

Paeroa Office
Plains Area Office (Ngatea Library)
Waihi Area Office (Waihi Library)

Chief Executive

L D Cavers

Hearings and Judicial Committee

Reporting To:	Council
Membership:	Mayor and 2 Councillors Approved Independent Commissioners (to be appointed at the discretion of the Chair)
Meeting Frequency:	Twice monthly (as required)
Delegation:	<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 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:

	<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. <p>Commissioners, except the Chairperson of the Hearings and Judicial Committee, shall attend to applications as far as practicable on a rotational basis.</p>
Management Responsibility:	Group Manager - Planning and Environmental Services

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!*



HEARINGS AND JUDICIAL COMMITTEE

AGENDA

Monday, 24 February 2020 – 9.00am

Council Chambers, Council Office, William Street, Paeroa

Schedule of Hearings

9.05am	Public Excluded: Objection to Classification of dog under Section 33A Dog Control Act 1996
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ORDER OF BUSINESS

Pages

1. Karakia Timatanga – Cr Spicer
2. Apologies
2. Declarations of Late Items
3. Declarations of Conflict of Interest
4. Confirmation: Hearings and Judicial Committee Minutes (16-12-19) (2693784)
5. **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
Item 1	Objection to Classification of dog under Section 33A Dog Control Act 1996	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.

26-43

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, 16 DECEMBER 2019 COMMENCING AT 9.00AM

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

IN ATTENDANCE Ms Stephanie Philcox (Brookfield's Lawyers – Counsel on behalf of HDC), Mr P Thom (Group Manager Planning & Environmental Services), Mrs W Harris (Regulatory Services Manager), Mr M Sexton (Dog Control Officer) and Ms C Black (Council Secretary)

KARAKIA TIMATANGA

Cr Adams opened the meeting with a karakia.

APOLOGIES

There were no apologies.

LATE ITEMS

There were no late items.

DECLARATIONS OF CONFLICTS OF INTEREST

There were no declarations.

CONFIRMATION OF MINUTES

RESOLVED

THAT the minutes of the meeting of the Hearings and Judicial Committee held on Wednesday, 27 November 2019 are received and confirmed as a true and correct record.

HJC19/33

Milner/Spicer

CARRIED

Matters to be taken with the Public Excluded

RESOLVED

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

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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
Item 1	APPLICATION UNDER SECTION (71) DOG CONTROL ACT (1996) FOR RELEASE OF DOG	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.
Item 2	NOTICE UNDER SECTION (33A) DOG CONTROL ACT (1996) MENACING DOG	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.
Item 3	APPLICATION FOR DOG NUMBER DISPENSATION – SECTION 4.2 HAURAKI DISTRICT COUNCIL DOG CONTROL BYLAW	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.

HJC19/34

Adams/Spicer

CARRIED

RESOLVED

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

HJC19/40

Milner/Adams

CARRIED

The meeting closed at 12.40pm.

CONFIRMED

P A Milner
Chairperson

Public Excluded Business

(Pages 26-43 have been removed)

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The meeting closed at 12.40pm.

CONFIRMED

P A Milner
Chairperson

Public Excluded Business