



A G E N D A **RĀRANGI TAKE**

REGULATORY HEARINGS COMMITTEE

Monday, 22 April 2024, 9.00am

Council Chamber
Hauraki House
1 William Street
Paeroa



Membership

Committee Members:

Cr P A Milner (Chairperson)
Cr A Rattray (Deputy Chairperson)
Mayor D A Adams
Cr A Spicer
Commissioners (if required)

Staff

P Thom
A de Laborde
E Kroukam
K Moore
M Matich
D Hannah
A Harris
Council Secretary

Chief Executive

L D Cavers

Regulatory Hearings Committee

Membership	<p><i>All members of this Committee must be trained (or undertaking training) in accordance with section 39B the Resource Management Act 2002.</i></p> <p>Deputy Mayor (Chairperson) One Councillor (Deputy Chairperson) One Councillor The Mayor Approved Independent Commissioners (appointed by the Council)</p>
Meeting frequency	<p>Monthly meeting (if required) on [the second or fourth to last] Mondays of each month, commencing at 9.00am.</p>
Purpose	<p>This committee is responsible for resource management and regulatory hearings.</p>
Delegations	<p>All delegations made to this Committee are to be exercised within the framework of the Council's adopted regulatory policies, plans, strategies, policies and bylaws.</p> <p>The Council delegates to the Regulatory Hearings 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 regulatory responsibilities. • 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. <p>Provide governance oversight of the Council's regulatory service delivery functions, including: :</p> <ul style="list-style-type: none"> • Powers, duties and discretions vested in the Council by the Crown Minerals Act 1991. • Powers, duties and discretions in respect to the Dog Control Act 1996. • Powers, functions and discretions under Building (Pools) Amendment Act 2016. • Powers, duties and discretions pursuant to section 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. • The Council's Compliance, Monitoring and Enforcement Policy and activity. • 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. • Reviewing and deciding on objections to development contributions payment requests in relation to the Council's Development Contributions Policy. • Determine and grant of Territorial Authority consents under s100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues). <p>In accordance with section 34 of the Resource Management Act 1991 and clause 32 of Schedule 7 of the Local Government Act 2002 the Council directs that:</p> <ul style="list-style-type: none"> • Commissioners appointed to deal with all other matters shall be the Chairman of the Hearings Committee together with not less than one other elected member. • Commissioners, except the Chairperson of the Regulatory Hearings Committee, shall attend to applications as far as practicable on a rotational basis.

Specific delegations	<p>The Council delegates to the Regulatory Hearings Committee the following powers, duties and responsibilities in respect to the:</p> <p>Resource Management Act:</p> <ul style="list-style-type: none"> • Pursuant to section 34A, approve applications where delegated staff acting under delegated authority do not consider they can approve an application. • Section 87E: Decision to return, defer, decline or grant a request to transfer an application for resource consent or application for a change or cancellation of consent condition to the Environment Court. • Section 132: Change conditions of resource consent on a review. Cancel a resource consent following a review. • Section 189: Give notice of a requirement for a heritage order. • Where no agreement can be reached with staff, sections 357 & 357D: Authority to consider any objection (pursuant to this section) to an officer's decision when the objection cannot be wholly upheld by staff or agreement is reached with applicant on partial upholding of the objection. <p>Dog Control Act 1996:</p> <ul style="list-style-type: none"> • Section 22: Hear and determine an objection to classification as a probationary owner. • Section 25: Specify period of disqualification. • Determine whether the circumstances are such that disqualification is not warranted, or the person should instead be classified as a probationary owner. • Section 26: Hear and determine an objection to disqualification. • Section 28: Extend period of disqualification. • Section 31: Hear and determine an objection to classification of any dog as a dangerous dog. • Section 33B: Hear and determine an objection to classification of a dog as a menacing dog. • Section 33D: Hear and determine an objection to classification of a dog as a menacing dog. • Section 55: Consider and determine an objection to a notice to abate a barking dog nuisance. • Section 70: Determine an application for return of a dog – barking. • Section 71: Determine an application for return of a dog – danger. • Section 71A: Determine that a dog shall be sold, destroyed or otherwise disposed of. <p>Building Act 2004 to:</p> <ul style="list-style-type: none"> • Sections 107(3)(b) and (c): Hear and determine submissions on proposed amendment to a compliance schedule. • Section 109: Hear and determine submissions on a recommendation made by a licensed building practitioner under section 108(3)(d) for a compliance schedule to be amended. <p>Food Act 2014:</p> <ul style="list-style-type: none"> • Section 355(2) & (3): Determine a request for reconsideration of a decision to which section 354(4) applies.
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REGULATORY HEARINGS COMMITTEE

AGENDA

Monday, 22 April 2024 – 9.00am

Schedule of Hearings

9.05am	Notice under Section (55) Dog Control Act (1996) Barking Dog
9.30am	Notice under Section 4.2 of the Dog Control Bylaw 2021 – Application For Dog Number Dispensation

ORDER OF BUSINESS

Pages

Karakia timatanga (*opening of meeting*) Mayor Adams

Procedural

1. **Apologies | Ngā Matangaro or Te hunga kāore I tae**
2. **Declarations of Late Items | Whāki Pānga**
3. **Declarations of Conflict of Interest | Whakapuakitanga Whaipānga**
4. **Confirmation of Minutes | Te Whakaū i ngā Meneti**
 - 4.1 Regulatory Hearings Committee Minutes – 18-03-2024 **8**
5. **Public Excluded Business | Ngā Hui Kāore anō mō te Hāpori**
 - 5.1 Item 1: NOTICE UNDER SECTION (55) DOG CONTROL ACT (1996) BARKING DOG **19**
 - 5.2 Item 2: NOTICE UNDER SECTION 4.2 OF THE DOG CONTROL BYLAW 2021 - APPLICATION FOR DOG NUMBER DISPENSATION **40**

Karakia whakamutunga (*closing of meeting*)

Reasons for Matters to be taken with the Public Excluded
Ngā take kia tū te hui o te Kaunihera anake

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	Notice Under Section (55) Dog Control Act (1996) Barking 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.
2	Notice under Section 4.2 of the Dog Control Bylaw 2021 – Application For Dog Number Dispensation	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 - DOG CONTROL ACT 1996

1. Chairman

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

2. Applicant/Appellant

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

3. Animal Control Staff

Animal Control staff will present a report and answer any questions from the Councillors.

4. Right of Reply

The applicant/appellant has the right of reply.

5. 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
REGULATORY HEARINGS COMMITTEE

MINUTES OF A MEETING OF THE REGULATORY HEARINGS COMMITTEE HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON MONDAY, 18 MARCH 2024 COMMENCING AT 9.00AM

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

IN ATTENDANCE P Thom (Planning & Environmental Services), E Kroukam (Development Engineer), C Moore (Manager, Projects and Operations), M Matich (Regulatory Team Leader), D Hannah and C Hannah (Dog Control Officers), A Harris (Animal Control Administrator and C Black (Council Secretary)

Meeting opening | Karakia timatanga

Cr Spicer opened the meeting with a karakia.

Appointment of Chair

RESOLVED

THAT the Mayor, D A Adams be appointed as Chair in the absence of the Chair and Deputy Chair.

RHC24/01 Spicer/Adams **CARRIED**

APOLOGIES | Te hunga kāore I tae

RESOLVED

THAT the apology of Cr. P Milner and Cr. A Rattray be received and sustained.

RHC24/02 Adams/Spicer **CARRIED**

LATE ITEMS | Whāki Pānga

There were no late items.

DECLARATIONS OF INTERESTS | Whakapuakitanga Whaipānga

There were no conflicts of interest.

CONFIRMATION OF MINUTES | Te Whakaū i ngā Meneti

REGULATORY HEARINGS COMMITTEE MINUTES – 21-08-2023 - 3481198

RESOLVED

THAT the minutes of the meeting of the Regulatory Hearings Committee held on Monday, 21 August 2023 are received and confirmed as a true and correct record.

RHC24/03 Adams/Spicer **CARRIED**

Reasons for Matters to be taken with the Public Excluded
Ngā take kia tū te hui o te Kaunihera anake

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:

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	Objection to Menacing Classification	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	Dispensation to have more than three dogs	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	Development Contributions Reconsideration for ITR Investments Ltd (Utemaster) for a new Warehouse at 116 Kerepehi Road, Kerepehi	Section 7(2)(b)(i) - Protect information where the making available of the information: Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	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.

RHC24/04

Spicer/Adams

CARRIED

confidential pages 10-16 have been removed

RESOLVED

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

RHC24/11

Spicer/Adams

CARRIED

Chair, Mayor Adams closed the meeting with a karakia at 10.10am

CONFIRMED

P A Milner
Chairperson

22 April 2024

Matters to be taken with the Public Excluded

confidential pages 19-52 have been removed