

# **Statement of Proposal to Amend the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013**

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## **Minute # 1 of Hearings Panel**

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### **Introduction**

1. This is a Minute of Ms Sharon McGarry (Chair), Councillor Lan Pham and Councillor Rod Cullinane.
2. We have been appointed by the Canterbury Regional Council (**CRC** or 'the Council') under clause 32 of Schedule 7 of the Local Government Act 2002 (**LGA**) to hear submissions on the proposed amendments to the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013 ('the Bylaw') and make recommendations to the Council.
3. The purpose of this Minute is to give notice of the hearing and to set out some preliminary matters and directions in preparation for the hearing. The hearing will commence at **9.30am on Monday 17 September 2018 in the Council Chambers in the offices of the CRC, 200 Tuam Street, Christchurch**. We anticipate that an additional hearing day may be required to hear the Council Officers' right of reply. Tuesday 25 September 2018 has been set down as an additional day, if required.
4. This Minute covers the following matters:
  - (a) Report and evidence preparation and circulation;
  - (b) Hearing process and presentations;
  - (c) Late submissions; and
  - (d) Disclosure of any relationships between the parties and the Hearings Panel members.
5. It is possible that there will be further directions issued by way of further minutes before, during, and after the hearing. All correspondence between the parties and the Hearings Panel will be facilitated by Ms Lochiel McKellar at the CRC. Her contact details are provided at the end of this Minute. There shall be no direct contact between the Hearings Panel and the hearing parties (including Council Officers), either before or during the hearing process, except if instigated by the Hearings Panel.

### **Report and Evidence Preparation and Circulation**

6. We direct Council Officers to prepare and circulate a report outlining the amendments proposed, submissions received and relief sought, and recommendations.
7. We direct that any submitters intending to provide expert evidence in support of their submission provide written briefs of evidence to circulate to the parties prior to the hearing.
8. We also direct the provision of any supplementary written statements from those submitters not wishing to attend the hearing, but wanting to table material in support of their submissions.

9. The timetable for the provision and pre-circulation of the Council Officer's report, submitter expert evidence and written statements of submitters not attending the hearing is as follows:

Date (2018)	Action
Friday 24 August, 4pm	CRC Council Officers' Report to be circulated to the submitters who wish to be heard
Friday 7 September, 4pm	All submitters to provide briefs of their <u>expert</u> evidence (if intending to call) and supplementary statement of evidence from <u>submitters not wishing to attend</u> . Provide names of all individuals presenting evidence to CRC.
Monday 17 September, 9.30am	Hearing commencement

10. The above timetable allows ample time for reports and evidence to be prepared. Notwithstanding this, where any submitter (or their representative) is unable to comply with the above timetable, other arrangements can be made with our prior approval. It is our strong preference, however, that every effort be made to follow the prescribed schedule.
11. For completeness, we expect to hear any legal submissions during the hearing proceedings and confirm there is no need for these to be pre-circulated. However, parties should indicate their intention to present legal submissions and provide an estimate of the hearing time required.

#### Hearing Process/Presentations

12. We anticipate that some parties may wish to call expert witnesses in support of their submissions, while others will opt to 'go it alone.' In either case, we direct that all parties provide Ms McKellar with a list of all individuals that will be presenting evidence and an estimate of the hearing time needed no later than Friday 7 September 2018. This direction applies even if a submitter is representing himself/herself without any additional representation. This will assist in scheduling the hearing proceedings – both in terms of indicating the likely duration of the hearing and understanding roughly how long each party will require to present its case.
13. All the pre-circulated evidence (Council Officers' report, written statements to be tabled and submitter expert evidence) will be available to all parties via the Council's website and at their main offices prior to the hearing. All pre-circulated material will be read by Hearings Panel prior to the hearing commencing and will be 'taken as read', meaning that it will not be necessary for a verbatim oral presentation of the written statements of evidence at the hearing.
14. We direct that any expert witness presenting evidence:
- be introduced by the party calling the expert and asked to confirm their qualifications and areas of expertise;
  - confirm the matters of fact and opinion contained in the statements of evidence;
  - identify any corrections to be made; and
  - provide a summary of their evidence to draw attention to key points in their statement of evidence - we request that this be limited to no more than 2-3 A4 pages.

15. Non-expert evidence from submitters, including written statements or legal submissions, shall be tabled at the hearing and read aloud on the day the submitter appears. We remind the parties we will have also read all the submissions received prior to the hearing and therefore discourage submitters from reading their written submissions verbatim. Again, we are happy for submitters presenting to speak to a summary of their submission by either:
  - a separate tabled statement that condenses the key points of the written submission (i.e. a couple of pages); or
  - highlighting particular points within their submission during their presentation.
16. With this approach in place, we envisage presentations will be in the order of 10-15 minutes per speaker, though this is not a fixed time requirement. Our intent in signalling this is less a stipulation that speakers rigidly adhere to an imposed time limit, and more a *guide* for those wondering how long their presentation is likely to last. Further time may be required to answer any questions the Hearings Panel may have.
17. We want to be clear that all parties (Council Officers and submitters) will be given the time they require to adequately present their cases. The main reason for directing the pre-circulation of evidence is to minimise the time required for all parties to be present at the hearing itself. This expedited process will not, however, be at the expense of any party's ability to fully participate in the process and present its case to the Hearings Panel.
18. We request submitters provide 12 copies of written statements at the hearing for the Hearings Panel and the parties in attendance. We also ask that any party requiring use of equipment, such as for a PowerPoint presentation or use of a translator to present in Te Reo, advise Ms McKellar of their needs when confirming their attendance at the hearing.

#### **Late Submissions**

19. One submission from D.L. Parkinson & R.D Parkinson Estates was received after the submission period closed. We have considered whether any party would be prejudiced by waiving compliance with the submission period and understand the CRC agrees to accepting this late submission. We therefore determine to accept the late submission by D.L. Parkinson & R.D Parkinson Estates.
20. We were advised by the Council that a number of property owners potentially affected by the Bylaw (approximately 50 owners) were not directly notified of the proposed amendments due to use of the wrong maps. This error was subsequently rectified by the Council serving notice of the proposal to amend the Bylaw to the identified potentially affected property owners and extending the submission period. This action resulted in the receipt of one additional submission in support from the Banks Peninsula Community Board. We determine the extension of the submission period for these potentially affected property owners was appropriate and therefore accept the submission from the Banks Peninsula Community Board.

### **Disclosure of Relationships with the Parties**

21. Councillor Cullinane wishes to advise the parties that through North Canterbury Fish & Game (with which he is engaged as General Manager), he has a business relationship with a submitter, namely The Isaac Conservation and Wildlife Trust.
22. Councillor Cullinane does not consider this relationship with the party constitutes an actual or potential conflict of interest and wishes to make this this disclosure in the interests of transparency. However, if any party wishes to comment on this matter or object to Councillor Cullinane's appointment to the Hearings Panel on this basis, we invite them to do so in writing, including reasons for their objection, to the CRC by 24 August 2018.
23. If any party wishes to seek further clarification around this Minute or the hearing process, please contact Ms McKellar in the first instance by email at [lochiel.mckellar@ecan.govt.nz](mailto:lochiel.mckellar@ecan.govt.nz) or by phone on 03 367 7137.

**DATED** this 17<sup>th</sup> day of August 2018



Sharon McGarry  
Hearings Panel (Chair)

On behalf of Hearings Panel