

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

Minute # 2 of Hearings Panel

Introduction

1. The hearing of submissions to the proposal to amend the Canterbury Regional Council Flood Protection and Drainage Bylaw 2013 ('the Bylaw') was adjourned on 25 September 2018 to enable the Reporting Officers to consider further revisions to the wording of the amendments to enhance certainty and clarity of the provisions, without changing the intent or substance of the wording of the proposed amendments to the Bylaw, as publicly notified.
2. On the last day of the hearing, the Reporting Officers recommended a number of revisions to the wording of amendments in the Council's written right of reply to address issues raised in submissions and in response to questions raised by the Hearing Panel during the hearing. The Reporting Officers' right of reply is available on the Council's website.
3. Further discussions during the hearing resulted in the Hearings Panel asking the Reporting Officers to consider further revisions to the wording of the amendments, as outlined in the Officers' right of reply. The Reporting Officers have subsequently considered these comments and have provided a further revision of the wording of the amendments, as directed during the hearing. These wording amendments are shown in Appendix 1, attached to this Minute.
4. The purpose of this Minute is to provide submitters with an opportunity to provide comment on the further revised wording amendments to the Bylaw, as set out in Appendix 1. Accordingly, we direct that any further comment by submitters is limited to the further revisions outlined in Appendix 1 only and are provided to the Council by **12pm Friday 12 October 2018**.
5. On receipt of any further comments from submitters, we direct the Reporting Officers to consider the comments and to provide a final document setting out the recommended amendments to the Bylaw shown in tracked changes.
6. 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 or by phone on 03 367 7137.

DATED this 28th day of September 2018



Sharon McGarry
Hearings Panel (Chair)
On behalf of Hearings Panel

APPENDIX 1 – Further revised wording of proposed amendments to Bylaw

1. Section 5.1(b)(ii) to read as follows:

within 7.5 metres of the top of the bank of any drain or small watercourse that may interfere with access for inspection or maintenance purposes, affect bank stability, or have the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread of water, including floodwaters, in or out of the drain or small watercourse.

2. Subclause (iii) of Sections 5.3(d), (e), (g) and (h) to read as follows:

iii. Between ~~the~~ a defence against water which forms a part of the primary flood defence system of a watercourse and the opposite bank of ~~any the~~ watercourse ~~and any adjoining defence against water~~ in respect to which the defence against water applies."

3. Section 5.4 Flood protection to read as follows:

No person shall, without the prior authority of the Council -

(a) Remove, or damage; or allow stock to damage

(b) Allow stock to graze within

any flood protection vegetation that is managed, or has been planted adjacent to, on the banks, or within, a river by the Council or its predecessors.

The extent of this vegetation is defined as the area between the Flood protection vegetation lines as shown in Schedule 1 and any other areas of vegetation outside these lines that is specifically identified in Schedule 1.

4. Section 9.1 Revocation of authority to read as follows:

(a) The Council may, ~~in accordance with this clause,~~ revoke any authority granted under this Bylaw where:

- i. ~~if~~ the holder of that authority contravenes or fails to comply with any condition of the authority; or
- ii. if the information made available to the consent authority by the applicant for the authority for the purposes of the application contained inaccuracies which materially influenced the decision made by Council in respect of the application.

(b) Where the authority is to be revoked in accordance with clause 9.1(a)(i), ~~The~~ Council shall not revoke any such authority without giving to the holder a notice in writing which:

- i. Sets out the respects in which the holder has contravened or has failed to comply with any condition of the authority; and
- ii. If the breach or failure is capable of remedy, gives the holder a reasonable time within which to remedy it; and
- iii. Warns the holder that the Council may revoke the authority if the holder does not either:
 1. Remedy the breach or failure within the time specified or within such further time as the Council may allow on application; or
 2. Make, within a time to be specified in the notice, a written submission to the Council setting out reasons why the authority should not be revoked.