

Before

The Canterbury Regional Council

**In the Matter
Of:**

**Proposed Change No. 1 to the
Canterbury Regional Policy
Statement Chapter 12A
(Development of Greater
Christchurch) including
Variations 1, 2, 3 and 4**

Third Minute By Commissioners

14 March 2009

1. By Memorandum dated 9 March, 2009 Environment Canterbury's Counsel has sought some clarification from the Commissioners on two issues:
 - (i) Whether the Commissioners intend utilising the "accept/reject submissions recommendations" database format utilised in the officers' report process, and if so how that is to be done given that only two of the reporting officers have the familiarity and availability to carry out that task – (the 'Decision Process').
 - (ii) Whether there will be any opportunity provided to the report writers to respond to cases advanced by other parties given that many will not be lodging their written submissions sufficiently far in advance of the report writers' being heard to enable a considered response – ('Responses')
2. Decision Process
 - (a) Whilst we are grateful for this issue being raised early in the process we feel it is too early for us to express definitive views on the method we will adopt in recording a decision.
 - (b) We need to hear from submitters on the officers' report and their own submissions before finalising how the decision recording process will occur.
 - (c) Whilst we anticipate that relatively early in the hearings it is likely to become apparent what is most practical, and it may well be that the use of that format is the only practical answer, we need to reserve our views on that issue until all submitters have been heard.
3. Responses
 - (a) There is of course no specific provision for either the report writers or any submitters to have any 'right of reply'. Rather the change process in the RMA is more akin to a true Inquiry which anticipates the identification of issues through the submissions and further submissions sufficiently to ensure that any report

writer or submitters are able to address the nature of any issues raised by the submission/further submission process at the hearing. After all, our jurisdiction is limited to the relief sought in the submissions and further submissions. Those issues have been well identified by now and cannot be extended by legal submissions made at the hearing.

- (b) Having said that it has become common practice for hearing bodies to ask of the report writers at the conclusion of a hearing pursuant to the powers in s.41(4) RMA whether they wish to amend any of their recommendations. It needs to be remembered that that provision also enables the Commissioners to call on any person represented at the hearing to provide any information or advice that is “relevant and reasonably necessary”.
- (c) The use of that provision will require careful consideration throughout the hearing to ensure that we do not hesitate to use it so as to ensure we are fully informed.
- (d) At the same time in a hearing of this size we need to be constantly cognisant of the s.21 and s.39(1) duties to avoid unreasonable delay, and to adopt a procedure that is fair and appropriate. That will require us to maintain a reasonably tight rein on the duration of the hearing.
- (e) At this stage we cannot give any further indication.

R.D.Crosby
Chairman of Commissioners