

UNDER the Local Government Act 2002
AND Section 22AB of the Land Transport Act 1998
IN THE MATTER of a proposed Bylaw using a Special Consultative
Procedure

PROCEDURAL MINUTE 6
ISSUED BY COMMISSIONERS
Issued 11 April 2022

- 1 This minute is issued for the purposes of case management. In making these directions, Commissioners have not come to any view on the merits.
- 2 We acknowledge receipt of all information lodged by submitters, from the date of our first hearing (23-25 November 2021), to the date of this minute. That information has been posted to the Council website, and is available for review by all submitters.
- 3 This minute addresses procedural matters, as follows:
 - (a) Hearings process to be followed on 3 and (if required) 4 May 2022;
 - (b) Site visit on 4 March 2022;
 - (c) Further information received from Burkhart Fisheries Ltd & Lanfar Holdings (No.4) Ltd and article by Dr Shane Orchard.
- 4 Process to be followed at reconvened hearing on 3 May 2022 (and 4 May if required)**
 - 4.1 Any submitter may request the opportunity to speak. They should focus their comments on new information received since the date of the last hearing. This information is clearly signposted on the Council website.
 - 4.2 Submitters should not feel obliged to speak. We will be considering all relevant information placed before us at the first hearing, as well as the written submissions and other relevant material that we have received.
 - 4.3 Commissioners request that the following make themselves available at the reconvened hearing to answer any questions: Ministry of Primary Industries, Department of Conservation,

and Mr. James Bentley. Attendance in-person or by Zoom is acceptable.

5 Further information

- 5.1 As noted, we have received further information from:
- (a) Memorandum of Counsel for Burkhart Fisheries Ltd & Lanfar Holdings (No.4) Ltd dated 1 April 2022;
 - (b) Recently published article by Dr. Shane Orchard & other authors (entitled, *Managing Beach Access and vehicle impacts following reconfiguration of the landscape by a hazard event*).
- 5.2 As to the Memorandum (Burkhart Fisheries et. al), we acknowledge receipt of the information (in relation to a resource consent application for a discretionary activity). While relevant as background, we doubt that we can place any real weight on the application, unless and until it is granted. However, we are certainly open to hearing from Counsel for Burkhart Fisheries et. al at the reconvened hearing on this topic.
- 5.3 As to Dr Orchard's article, this has been produced by the East Coast Protection Group, and we agree that it is potentially relevant. We therefore direct that the article is placed on the Council website, so that submitters may review. Submitters may respond to the article by providing written comments by **29 April 2022**, or by addressing Dr Orchard's article at the reconvened hearing on 3 May 2022.

6 Site visit on 4 March 2022

- 6.1 In preparation for the reconvened hearing, Commissioners spent about 5 hours walking from Canterbury Gully to Ward Beach. We arrived at our starting point, at Canterbury Gully, via farm roads (with permission of the owners).
- 6.2 On an overcast day, we spent considerable time during our walk observing the coastal character and landscape of this remote coastal area. We observed flora and fauna, including various seabirds, banded Dottrell, and seals; native vegetation, particularly in and around the sand-dunes, and kelp-beds below the low tide area. We could see obvious vehicle tracks, mainly Quad tracks, between Canterbury Gully and about 400m past Long Point (where vehicle access becomes

impractical). We also observed likely former occupation areas and sites.

- 6.3 Our site visit provided substantial context to the information received to date from submitters. We may undertake a further site walk, and will report back on that at the hearing.
- 7 In summary, we direct that Dr Orchard's article is posted to the Council website. Submitters may provide written comments in advance of the hearing (by 29 April) or may address the article during presentations at our reconvened hearing on 3 May 2022.

Dated 11th April 2022

A handwritten signature in black ink, appearing to read 'Rob Enright', is written over a light grey rectangular background.

Rob Enright
Chair