

Item 2: Hearings in Local Government

SESSION TYPE: Briefing

PURPOSE/DESIRED OUTCOME:

The purpose of this briefing is to provide Councillors with an overview of Local Government Hearings, with a focus on clarifying the goal and process around Hearings of Submissions and Deliberations that involve a Council or Committee appointed panel of elected members delegated to make a decision or recommendation.

DATE/START TIME:

Tuesday, 23 June 2026 at 2.00pm

TIME BREAKDOWN:

Presentation: 30 minutes

Questions: 30 minutes

PRESENTERS:

Naell Crosby-Roe - Director Democracy Services

Jon Winterbottom - Democracy Services Manager

Prepared by:



Name: Naell Crosby-Roe

Title: Director Democracy Services

27 May 2026

Reviewed and Authorised by:



Name: Meaghan Miller

Title: General Manager Corporate Services

27 May 2026

ATTACHMENTS:

A	Presentation Slides - Hearings in Local Government
B	Example Hearing Agenda (on draft Kawarau Riverside Reserve Management Plan) <i>Circulated separately</i>
C	Example Hearing Run Sheet (on draft Kawarau Riverside Reserve Management Plan)
D	Hearing Panel Selection Process

Hearings in Local Government

23 June Council Workshop

Naell Crosby-Roe, Democracy Services Director

Jon Winterbottom, Democracy Services Manager

Purpose of Hearings

> Why hearings matter:

- > Uphold democratic principles
- > Provide a structured forum for public input
- > Strengthen community trust in decision-making

> Legal foundation:

> Section 82 of the Local Government Act 2002 – principles of consultation

- > *“persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority”*
- > *“persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons”*

Types of Hearings you May Participate In

- > Special Consultative Procedure (SCP)
 - > Section 83 of the Local Government Act 2002 – special consultative procedure
- > Long Term Plan and Annual Plan Hearings
- > Bylaw Hearings
- > Dog Classification Hearings
- > Reserve Management Plan Hearings
- > Other statutory hearings, e.g. Resource Management Act 1991
- > Other significant plans, policies and strategies, e.g. Easter Shop Trading Policy, Gambling Policy, transfer of strategic assets

Your Role in the Hearing Process

- > Before the Hearing:
 - > Review all relevant documents and submissions *in full*, including any consultation materials and agenda items (e.g. previous reports)
- > During the Hearing:
 - > Listen actively and respectfully
 - > Maintain an open mind, i.e. you should not approach the Hearing with a pre-determined position
 - > Ask clarifying questions, if needed
- > After the Hearing:
 - > Deliberate with fellow panel members
 - > Make decision that reflect community input, officer advice, and statutory obligations

Principles for Panel Members

- > Be accessible and responsive
- > Ensure submitters are heard fairly
- > Consider all views and factors *before* making a decision
- > Be clear about *why* you have arrived at your decision
 - > Note: minutes cannot record the reason for a vote in favour or against but you should be able to articulate your reasoning if required (e.g. by media)

Working with Officers

> Officer support includes:

- > Preparing consultation materials
- > Providing you with all submissions
- > Preparing required reports and supporting materials, e.g. expert technical advice
- > Managing logistics and submitter coordination
- > Providing technical and policy advice
- > Providing on-the-day logistical support and meeting protocol advice

> Your role:

- > Focus on governance, not operations
- > Use officer advice to inform decision, not direct outcomes

Good Practice for Panel Members

- > Be present and prepared
- > Avoid pre-determination (including perception of pre-determination)
- > Respect all submitters equally
- > Reflect community feedback in your decisions alongside all other factors such as technical expert advice, statutory obligations, impact on rates or levels of service etc.
- > Uphold transparency and integrity

Appointment of Panelists

- > For Annual Plan, LTP and Fees and Charges Hearings the panel consists of Full Council. However, for other Hearings (e.g. Hearings of Submissions on draft Bylaws, Plans, Policies, Strategies etc. and Dog Classification Hearings) a smaller Hearing Panel (typically of three elected members) is utilised;
- > For Hearing of Submissions (not comprised of Full Council) the panel is appointed by resolution at a meeting of Council or a committee. The Democracy Services Team (DST) provide names of recommended panellists based on set criteria (see next slide). These names will be included in the officer recommendations in a report to the body. Ultimately, it is the decision of elected members which panellists are appointed at the meeting;
- > For Dog Classifications Hearings, the DST makes recommendations for the panel based on set criteria (overleaf), and the panel is finalised once three elected members have agreed to serve.

Panel Appointment Criteria

- > The Democracy Services team tracks councillor participation each triennium in all panels and the following criteria is applied:
 1. Seek four councillors with three making up the panel (and one as reserve);
 2. Seek representation from all three wards; (unless the matter is clearly ward-specific);
 3. Recommendation based on which councillors have participated in the least panels at the time of making the recommendation; and
 4. Where number of panels participated in is the same for two or more members, recommendation is made based on time since last sat on a panel (i.e. the one who hasn't participated recently gets recommended).
 5. Where the above cannot make a final recommendation the chair of the body considering the item will be consulted for direction (or the Mayor for Dog Classification Hearings);
 6. Once four councillors have been identified (as per 1-6 above), they will be contacted to confirm their availability as well as whether have any actual, perceived or potential conflicts of interest.

On the Day

- > The Democracy Services Advisor will start the meeting and seek the election of a Panel Chair
- > Once elected, the Chair takes over and the steps for the Hearing will be laid out through the run sheet provided, which includes the opportunity to declare any conflicts of interest
- > A speaker run sheet and timings will be provided to follow and officers will support any speakers joining online
- > Some hearings, in particular with a high volume of speakers may impose a time limit to ensure all speakers can be heard within the total scheduled time
- > Hearings and deliberations are open to the public by default unless there are grounds under LGOIMA – officer advice will be provided through the Hearing report and steps provided to manage excluding the public (e.g. Dog Classification Hearings can sometimes be PX due to privacy of the owners – LGOIMA s7(2)(a))
- > At the end of deliberations a majority decision of the Panel is recorded in the minutes which will be attached to a subsequent report to the final decision-making body, e.g. Full Council; Panels do not prepare any sort of report

Questions and Discussion

- > Any questions?
- > Any returning members keen to share experiences or learnings?

Attachment C: Example Hearing Run Sheet (on draft Kawarau Riverside Reserve Management Plan)



Hearing of Submissions and Deliberations for the Kawarau Riverside Reserve Management Plan 22 APRIL 2026

Run notes for a Hearing of Submissions and Deliberations for the Kawarau Riverside Reserve Management Plan to be held in the Council Chambers, 10 Gorge Road on Wednesday 22 April 2026 commencing at 10.00am

Democracy Services Officer calls the meeting to order at 10.00am, signals to attendees that meeting will be recorded, begins recording meeting, and invites those present to elect a Chair.

Item	Report Title
	<p><u>Election of Chair (Democracy Services Advisor)</u></p> <p>It was moved (Mover/Seconder):</p> <p>“That [NAME] be appointed to chair the hearing.”</p> <p>(It is assumed) the motion is carried and the member elected takes the chair.</p> <p>The hearing panel was established at the 5 February Council meeting to consider submissions and make a recommendation on the final form of the Kawarau Riverside Reserve Management Plan.</p>
	<p><u>Apologies</u></p> <p><i>No apologies or leave requests = no resolution</i> <i>“There are no apologies”</i></p> <p><i>Apologies = resolution required.</i></p> <p><i>If resolution required (Move/second)</i></p> <p><i>“That the apology(ies) from [NAME] be accepted.”</i></p> <p><u>Motion carried</u></p>
	<p><u>Declarations of Conflict of Interest</u></p> <p>If any declarations are made, these are noted in the minutes.</p> <p><i>NO resolution is required.</i></p>

	<p><u>Confirmation of Agenda</u></p> <p>Resolution required (Move/second): “That the agenda be confirmed without addition or alteration.”</p> <p><u>Motion carried.</u></p>									
1	<p><u>Reporting Officer Summary</u></p> <p>Reporting Officer is invited to speak to the hearing panel report. Questions may be asked from the panel.</p> <p><i>The hearing of submissions is scheduled to start at 10.10am so it is recommended that, unless directly relevant to submissions, questions should be brief and/or kept for <u>after</u> the hearing of submissions has concluded, i.e. for the debrief session that takes place prior to the deliberations.</i></p>									
	<p><u>Submissions: 10 minutes each</u></p> <table border="1" data-bbox="320 969 1407 1169"> <thead> <tr> <th>Submitter</th> <th>Time</th> <th>Confirmed</th> </tr> </thead> <tbody> <tr> <td>Penelope (Penny) and Rachel Young (Individual)</td> <td>10.10-10.20am</td> <td>In person</td> </tr> <tr> <td>Brian Fitzpatrick (Remarkables Park Limited)</td> <td>10.20-10.30am</td> <td>In person</td> </tr> </tbody> </table>	Submitter	Time	Confirmed	Penelope (Penny) and Rachel Young (Individual)	10.10-10.20am	In person	Brian Fitzpatrick (Remarkables Park Limited)	10.20-10.30am	In person
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	<p><u>BREAK</u></p>									
	<p><u>Deliberations</u></p> <p>NOTE deliberations will be public.</p> <p>Resolution is required (once panel is ready to proceed after discussing the policy and recommending proposed changes/updates to the draft Plan)</p> <p>That the Hearing Panel:</p> <ol style="list-style-type: none"> 1. Note the contents of this report; 2. Receive all submissions on the draft Kawarau Riverside Reserve Management Plan, hear any submitters who wish to be heard; and 3. Recommend to the Community & Environment Committee a final form of the Kawarau Riverside Reserve Management Plan with changes as an outcome of the consultation process. <p><i>Note: if <u>no changes</u> are recommended then clause 3 would be amended to read: “Recommend to the Community & Environment Committee a final form of the Kawarau Riverside Reserve Management Plan without changes as an outcome of the consultation process.”</i></p>									

	<p><u>End of meeting:</u></p> <p>If the deliberations have concluded: declare the meeting closed and note the TIME.</p> <p><u>OR</u></p> <p><u>Adjournment of meeting (Procedural)</u></p> <p>If the deliberations have not concluded: declare the meeting adjourned until [note the date/time it will restart (if known)] and note the TIME at which the meeting is adjourned.</p>

Appendix A: Resolution to Exclude the Public – If required

Resolution to exclude the public

Chair to explain resolution and grounds for public exclusion. Only one ground should be selected. Below are identified several grounds that may be relevant in the context of this hearing.

Item	Reasoning for Exclusion	LGMOIA ref.
	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <ul style="list-style-type: none"> to maintain legal professional privilege <p><i>Reason for recommendation</i></p> <p>To enable Council to discuss in private its strategy (legal and planning) for deciding on a recommendation concerning the Draft Te Tapunui Queenstown Hill Reserve Forestry Management Plan 2025.</p>	Section 7(2)(g)
	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <ul style="list-style-type: none"> enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) <p><i>Reason for recommendation</i></p> <p>To allow discussion on a recommendation concerning the Draft Te Tapunui Queenstown Hill Reserve Forestry Management Plan 2025 which may prejudice the Council if the information was in the public forum.</p>	Section 7(2)(i)

Note section 7(f)(i) ‘maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority in the course of their duty’ under the Local Government Official information and Meetings Act 1987 cannot be applied here.

Resolution required (Mover/seconded): “That the public be excluded from the deliberations of the hearing panel.”

Chair to ask for hearing recording to conclude.

Attachment D: Hearing Panel Selection Process

Hearing Panel Section Process:

The below process applies to panels for hearings of submissions and dog classification hearings. Panels for such hearings consist of 3 elected members with 1 reserve panellist.

NB. For Annual Plan Hearings, Long Term Plan Hearings, and Fees and Charges Hearings the hearing panel consists of the whole Council and the Mayor is the Chair.

For **Hearings of Submissions**, the panel is appointed by resolution at a meeting of Council or a committee.¹

The Democracy Services Team provides names of recommended panellists based on the criteria and procedure set out below. These names are included in the officer recommendations in a report to the body (in the CE Report or a standalone report). Ultimately, it is the decision of elected members which panellists are appointed at the meeting, i.e. if they wish, elected members can amend the officer's recommendation and choose to appoint a different set of panellists.

For **Dog Classification Hearings**, recommendations for the panel are made by the Democracy Services Team based on the criteria and procedure set out below, and the panel is finalised once three elected members have agreed to serve.

Procedure by which Democracy Services recommends councillors to serve on hearings panels:

The Democracy Services team tracks councillor² participation each triennium³ in all panels and the following criteria is applied:

- 1) Cross check approved leave of absence register to discount anyone known to be unavailable;
- 2) Seek four councillors with three making up the panel (and one as reserve);
- 3) Seek representation from all three wards; (unless the matter is clearly ward-specific e.g. Mount Iron RMP);
- 4) Recommendation based on which councillors have participated in the least panels at the time of making the recommendation;
- 5) Where there is a known, documented conflict of interest, councillors will be excluded from consideration, or if a potential or perceived conflict may exist these

¹ If the WUCCB is asked to appoint a panel, then the process described here would also take into account WUCCB members (appointed and elected) as potential panelists.

² The Mayor does not serve on panels for hearings of submissions or dog classification hearings.

³ The slate is wiped clean at the start of each triennium, i.e. participation of (returning) councillors/WUCCB elected members on panels in prior triennium(s) is not taken into account.

will be raised with the councillor by the Democracy Services team to consider their suitability; and

- 6) Where number of panels participated in is the same for two or more members, recommendation is made based on time since last sat on a panel (i.e. the one who hasn't participated recently gets recommended).
- 7) Where the above cannot make a final recommendation the chair of the body considering the item will be consulted (or the Mayor for Dog Classification Hearings). When consulting the chair under such circumstances, the Democracy Services team may provide a recommendation that appeals to further criteria (e.g. whether the matter falls within the Terms of Reference of a committee or the WUCCB), although the decision is ultimately made by the chair.
- 8) Once four councillors have been identified (as per 1-6 above), they are contacted to confirm their availability⁴ as well as whether have any actual, perceived or potential conflicts of interest (pecuniary or otherwise) that officers may not be aware of in making a recommendation. *Note:* This is particularly so if Councillors have made any strong statements on a topic and are unable to confidently state they will approach any item with an open mind (can be perceived as pre-determination).
- 9) If any recommended councillor indicates that they are unable to serve, then the process will be repeated (as per 1-7 above) in order to identify a further recommendation(s).
- 10) The four recommended councillors will be contacted to confirm the panel's recommended make-up, with the Chair of the body (or Mayor for Dog Classification Hearings) copied for awareness. As noted above, for Hearings of Submissions, the names of the recommended panellists will be included in an upcoming meeting report for consideration by the appropriate body, while for Dog Classification Hearings the appointment is at that point confirmed.

⁴ Although the date(s) for a hearing are not fixed until after the panel membership is confirmed, there will generally be a limited window of time within which the hearing will need to take place.