

**IN THE MATTER OF** the Canterbury Earthquake  
(Christchurch Replacement District Plan)  
Order 2014

**AND**

**IN THE MATTER OF** Stage 3 Chapter 9 Natural and Cultural  
Heritage Hearing

Date: 29 February 2016

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**MINUTE**

**Re Christchurch City Council's Memorandum of Counsel concerning the Panel's  
proposal to appoint John Kyle as an expert to the Panel**

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[1] In response to the Panel's Minute dated 22 February 2016<sup>1</sup>, the Panel received a memorandum of counsel, on behalf of Christchurch City Council, dated 25 February 2016. It concerns the Panel's proposal to appoint Mr John Kyle pursuant to clause 8, Schedule 3 to the OIC<sup>2</sup> as an expert to the Panel, to assist facilitated mediation on Topic 9.3, and to report to the Panel with detailed recommendations including on drafting matters.

[2] The Council records that it takes no issue with Mr Kyle's qualifications, experience or capability to perform the intended role, and does not oppose his appointment. However, the Council goes on to comment that it "is concerned about the potential public perception of Mr Kyle's independence and the potential for a conflict of interest in light of his role as a Director of Mitchell Partnerships, given that Dr Mitchell is also a Director of Mitchell Partnerships and would in the ordinary course of events be involved in considering Mr Kyle's report and questioning him at the resumed hearing".

[3] The Secretariat posted the Council's Memorandum to the Panel's website, on 26 February 2016.

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<sup>1</sup> Minute regarding Topics 9.1-9.5 dated 22 February 2016


<sup>2</sup> Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

[4] Parties should be assured that, as the 22 February Minute pointed out, any report of any expert appointed to this role would be able to be contested, including by cross-examination and supplementary expert opinion. That would be according to directions to issue by further Minute, as the 22 February Minute identified. However, in view of the Council's Memorandum, it is appropriate that I canvas parties on this matter.

**Direction**

[5] I direct:

- (a) Any party who has any concern regarding the appropriateness of Mr Kyle's appointment as above-described is to file with the Secretariat a memorandum of counsel setting out that concern and how it could be addressed, by **4pm 2 March 2016**.



The Honourable Sir John Hansen  
Chair