

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

AND

IN THE MATTER OF decisions on a late submission pursuant to Clause 3(1)(e) of Schedule 2 and Clause 5 of Schedule 3 to the Order

Date: 31 August 2015

RECORD OF DECISION

Background

1. Christchurch City Council ('Council') received a late further submission from RJ and PF McGuigan on 21 August 2015 in support 'in part' of a submission by Carter Group Limited (2330) on Proposal 8 Subdivision and Development Stage 2, Rules 8.7–8.8 Earthworks. The submitter's support is conditional on the need to consider adverse effects on neighbouring properties.
2. Clause 5 of Schedule 3 of the Order provides that the Chairperson of the Hearings Panel may extend or waive compliance with any time limits specified by or under this Order, except in relation to the time limit specified in Clause 12(2) which relates to completing the Panel's obligation under the Order. Clause 5 also states that the Chairperson of the Panel may accept submissions received after the relevant closing date notified under clause 5 or 7 of Schedule 1.
3. I issued a minute on 25 August 2015, requesting the submitter to serve Carter Group, and the Council and Carter Group to advise their position with regard to the late submission. Service was completed and the Council advised that it is not opposed to the acceptance of the late submission. Carter Group also confirmed that it has no opposition to the late submission. However, it noted that there may be a scope issue with regard to the McGuigan submission

because Carter Group was supportive of the rule as notified.¹ Mr and Mrs McGuigan wish to go further and seek some changes to the assessment matters relating to the rules. I do not make any finding on the scope argument at this stage and reserve leave for the parties to address the Panel on issues of scope at the hearing if it remains of concern following the exchange of evidence.

4. A pre-hearing meeting has already been held for the Subdivision Stage 2 Proposal and a copy of our Pre-Hearing Report and Directions is available on the Panel's website. Mr and Mrs McGuigan will need to comply with the directions relating to the preparations for hearing. I encourage them to speak with the Friend of Submitter, Mr Ball, who can assist them in their preparations for the hearing.

5. I am satisfied that the receipt of the late further submission may enable an integrated assessment of effects relevant to the Subdivision Proposal and that no prejudice arises to any person in allowing the late submission.

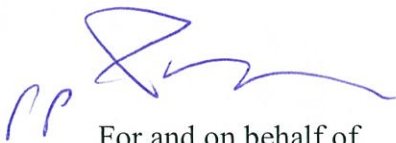
Decision

6. The time limits for submission lodgement are waived, and the late further submission from RJ and PF McGuigan referred to me for determination is accepted.

7. I direct:

(a) The Council is to add the late further submitter to the submissions database.

(b) The Council is to serve a copy of this decision on the late further submitter.



For and on behalf of
The Honourable Sir John Hansen
Chair

¹ Memorandum of Counsel for Carter Group Limited, 28 August 2015.