

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: 3 July 2015

RECORD OF DECISION

Background

[1] The Council has received a late submission Christchurch International Airport Limited ('CIAL'). CIAL made a submission within time following public notification of Stage 2 proposals on the Replacement District Plan ('CIAL's submission'). CIAL has advised that it has subsequently identified two matters which it seeks to add to its submission by way of an addendum.

[2] By email dated 17 June 2015 – CIAL advised that they identified that two lines were accidentally omitted from what was Annexure 2 of CIAL's submission. CIAL has provided an addendum to its submission which is dated 17 June 2015 (first addendum).

[3] By email dated 25 June 2015, CIAL advise that they have identified an error on planning maps relating to the location of the 65dBALdn/95SEL contour, which is inconsistent with the expert panel process conducted in 2007. CIAL has provided an addendum to its submission which is dated 25 June 2015 ('second addendum').

[4] 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.

Statutory considerations

[5] Clause 5(2) of Schedule 3 sets out the matters that must be considered in exercising this discretion. These are:

- (a) The interests of any person who, in the chairperson's opinion, may be directly affected by a waiver.
- (b) The need to ensure that there is an adequate assessment of the effects anticipated from the implementation of the proposal.
- (c) The stage of the hearing when the hearings panel is provided with the submissions.

Validity of submissions

[6] Schedule 5 of the Order sets out the requirements of a submission. I have reviewed the first and second addendum referred to me and consider them to be valid for the purposes of considering them as late submissions.

Interests of directly affected persons

[7] The process for making submissions and further submissions is prescribed in the Order in Council. Following the receipt of submissions the Council is required to provide a list of submissions on its website and then invite further submissions supporting or opposing primary submissions where they represent a relevant aspect of the public interest or have an interest in the proposal greater than the interest the general public has.

[8] The first and second addendum will need to be notified immediately to enable interested persons to consider how they might be affected.

Adequate assessment of effects

[9] I am satisfied that allowing the first and second addendum as late submissions will likely assist with the assessment of effects of matters relating to the CIAL submission.

The stage of the hearing process

[10] The period for submissions has now closed. Submissions were notified on 29 June 2015 to call for further submissions until 13 July 2015. The time frames for the scheduling of hearings for Stage 2 matters is extremely tight. Pre hearing meetings are scheduled for 6, 7, 10 and 11 August 2015, with hearings commencing shortly thereafter.

[11] The addendums to the CIAL submissions will need to be notified by the Council in accordance with the Order which means that the pre hearing meetings will take place before the period for further submissions is closed.

[12] We will accept the addendums as late submissions in this case, however CIAL will need to comply with all directions that follow pre hearing meetings. It will be the late submitter's responsibility to check the panel website (www.chchplan.ihp.govt.nz) for updates.

Decision

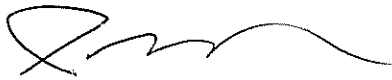
[13] The late submissions from CIAL referred to me for determination are accepted.

[14] Accordingly it is so ordered;

- (a) The Christchurch City Council is directed to publicly notify the first and second addendums to the Airport submission in accordance with the Order.
- (b) CIAL is to serve a copy of the first and second addendum on all persons who made a submission on matters relating to the Airport notified in Stage 2 and on any person

who subsequently lodges a further submission on the CIAL submission lodged on 15 June 2015.

- (c) The Independent Secretariat is directed to serve CIAL with this decision.



Environment Judge John Hassan
Deputy Chair