

**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: 14 September 2015

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**RECORD OF DECISION**

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**Background**

1. The Council received a late submission from Canterbury Westland Kindergarten Association, trading as Kidsfirst Kindergarten ('Kidsfirst'). The submission is dated 2 September 2015, but was received by the Council on 7 September 2015, outside of the close of submission period for Stage 3 provisions of the Replacement Plan. The Council has advised that there appears to have been an unexplained postal error because the front of the envelope shows the correct address for submissions to be received, but the back of the envelope shows that the envelope was returned by way of courier to the Freight Office on 4 September without any explanation of why it had not been delivered.<sup>1</sup>

2. The submission relates to Chapter 5 Natural Hazards, flood hazard rule 5.8 – 5.8.1.1.1 and in particular the identification of part of the Kidfirst property at 533 St Asaph Street being identified as being within a Floor Level Fill Management overlay as notified in Stage 3.

3. 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

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<sup>1</sup> Email from the Council dated 11 September 2015.

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.

4. I accept that the late receipt of the submission was not through any fault of the submitter. The submission will need to be notified so as to enable further submissions to be called for.

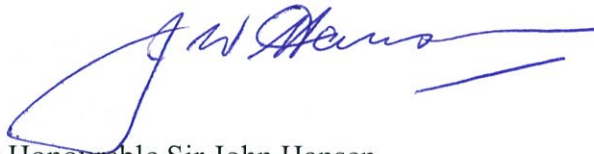
**Decision**

5. The late submission from Kidsfirst referred to me for determination is accepted.

6. Accordingly it is so ordered:

(a) The Christchurch City Council is directed to publicly notify the late submission in accordance with the OIC

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



The Honourable Sir John Hansen  
Chair