

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 submission from Kathleen Clinton. It is dated “August 2015”, and was received by the Council on 21 August 2015, which is outside the close of submission period for Stage 2 provisions of the Replacement Plan.
2. The submission seeks an amendment to the zoning of the property at 315 Hills Road so that a greater proportion of the property is zoned Rural Hills, rather than Residential Hills zone. Ms Clinton’s submission relates to Proposals 14 Residential and 17 Rural, and Planning Map 47. Ms Clinton was a submitter on Stage 1 and submitted similar information as part of her earlier submission and was advised that this would be relevant to Stage 2 and would need resubmitting. It appears that Ms Clinton may have been confused about the timing of her submission, as the submission form lodged with the Council comprises an amalgamation of a Stage 2 further submission form and a Stage 3 primary submission form. Notwithstanding that apparent confusion, when read as a whole, it is clear that Ms Clinton’s submission relates to a change in zoning boundary addressed in Stage 2.
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 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. The submission will need to be notified so as to enable further submissions to be called for. Pre-hearing meetings have been held in relation to Stage 2 proposals, and the Hearings Panel has issued directions for the preparation of hearings. The Pre-Hearing Reports and Directions are available on the Hearing Panel's website. It is noted that in cases where a submitter requests a change in zoning from Residential to another zone, it is the Panel's expectation that the submitter appear at the Residential hearing in the first instance. The Panel strongly encourages such submitters to also appear at the other proposal hearing. In this case however, the Residential hearing is due to commence on 7 September 2015 and submitters have already participated in mediation and expert witness conferencing. Exchanges of evidence is also underway. There is insufficient time for the submission to be notified before the hearing commences. However, because Ms Clinton is also seeking a change to the Rural Hills Zone boundary, the Panel considers that it would be appropriate for the hearing of Ms Clinton's submission to be deferred until the Rural Hearing, scheduled to commence on 16 November 2015. This will enable her submission to be notified by the Council and any for any further submissions to be received. The Secretariat has conferred with the Council in relation to a deferral of the hearing of Ms Clinton's submission and the Panel understands that is acceptable to the Council¹.

5. It is Ms Clinton's responsibility to inform herself of the requirements for hearing and to comply with any directions. The 'Friend of Submitter', Richard Ball, is available to assist if required, and his contact details are available on the website.

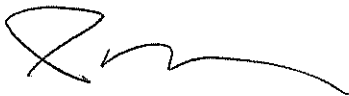
Decision

6. The time limits for submission lodgement are waived, and the late submission from Kathleen Clinton referred to me for determination is accordingly accepted.

¹ Email from Simpson Grierson to the Independent Secretariat, 25 August 2015.

7. I direct:

- (a) The Council is directed to publicly notify Kathleen Clinton in accordance with the OIC.
- (b) The Council is to serve a copy of this decision on the late submitter.
- (c) Ms Clinton's submission will be heard as part of Proposal 17 Rural (part), scheduled to commence on 16 November 2015.
- (d) Ms Clinton must comply with the Panels directions set out in the Pre Hearing Report and Directions Chapter 17 Rural Proposal dated 11 August 2015.



For and on behalf of
The Honourable Sir John Hansen
Chair