

**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: 1 October 2015

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**RECORD OF DECISION**

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1. The Independent Secretariat received a request from JR Hutton and G and L Franks ('the applicants') to receive a late submission on Stage 2 Chapter 16 Industrial proposal. The applicants request that we receive a submission relating to their land at 88, 100, 120 Hawthornden Road and 214 Russley Road. The applicants request that the land be rezoned from Rural Urban Fringe to Business. The land is within the Land Use Recovery Plan ('LURP') Area 7 (Priority Business Zoning).
2. The closing date for lodging submissions on Stage 2 was 15 June 2015. The submission is extremely late. The hearing of Stage 2 Chapter 16 Industrial is due to commence on 5 October 2015. The applicants' agent, Mr Kim McCracken acknowledges this fact and notes that if the request is 'insurmountable' then that position is accepted.<sup>1</sup>
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 OIC. 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.

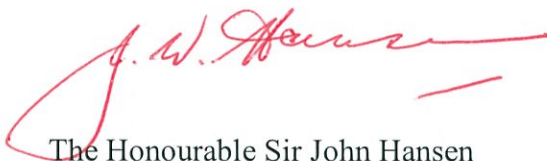
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<sup>1</sup> Letter from Kim McCracken and Associates on behalf of the applicants dated 30 September 2015

4. There is insufficient time to notify the submission to call for further submissions before the hearing of either the Commercial/Industrial proposal.

5. Although the applicants note that there are two other submissions requesting a similar rezoning within LURP Area 7, they appear to be site-specific and do not extend to the applicants' land.<sup>2</sup> The applicants are of the view that receiving the late submission would enable the further of Area 7 to be considered comprehensively. We are not in a position comment on the merits of the other submissions at this preliminary stage. More importantly, however, the fact that the submission is so late means that it is not possible for it to be notified as required by the OIC and for the opportunity to be given to receive further submissions. Receiving the late submission is likely to prejudice submitters who have already prepared for the Commercial/Industrial hearing and any persons seeking to lodge further submitters.

6. Accordingly the application by JR Hutton and GL Franks to waive the timeframe to receive a submission out of time is declined.



The Honourable Sir John Hansen  
Chair

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<sup>2</sup>.ibid