

**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: 27 October 2015

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**RECORD OF DECISION**

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1. The Council received the following late submissions;
  - (a) Ron van der Busse lodged a late submission dated 23 October 2015 in relation to the proposals contained in Stage 2 Chapter 6, General Rules and Procedures, section 6.1 Noise, in particular the engine testing noise contours. The reason for lateness is due to the submitter claiming that the original public notice did not sufficiently highlight the impact the changes will have on his property.
  - (b) Richard Peebles lodged a late further submission dated 23 October in relation to Chapter 9, Natural and Cultural Heritage. The further submission opposes a submission by The Christchurch City Council ('the Council') to the listing of the properties at 5 and 7 Barnabas Lane and 10A Glandovey Road. The Submitter seeks to amend the planning maps and maps identifying heritage items and settings. The reason for lateness is the submitter has only just entered into a Contract to purchase the properties at 5 and 7 Barnabas Lane and 10A Glandovey Road.
  - (c) Five Blends Holdings Ltd and Foxton Properties Ltd, together have lodged a late further submission in relation to the submission lodged by Nga Rūnanga o Ngāi Tahu (submission 3722). They oppose the new Chapter 9, Natural and Cultural

Heritage objectives, policies and rules sought by the submission; identification of site 83/1 (North Belfast) as shown on the aerial photographs included with the submission as a Ngāi Tahu Site of Cultural Significance, Wahi Tapu Site and Ngai Wai Site; and the associated objectives, policies and rules framework. No reason for lateness has been received by the Secretariat.

(d) Five Blends Holdings Ltd and Foxton Properties Ltd, together have lodged a late further submission in relation to Chapter 9, Natural and Cultural Heritage in support of a submission lodged by the Radford Family (submission 3622). No reason for lateness has been received by the Secretariat.

2. The closing date for lodging submissions on Stage 3 was 4 September 2015 and further submissions on 2 October 2015. Clause 5 of Schedule 3 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('OIC') provides that the Chairperson of the Hearings Panel may extend or waive compliance with any time limits specified by or under the OIC, 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.

3. In relation to the late submission from Ron van der Busse, the Christchurch International Airport Ltd ('CIAL') is most affected by the late submission. It is therefore important that a copy of the late submission is served on CIAL immediately. There is sufficient time for the submission to be notified and for the opportunity for further submissions before the hearing of Chapter 6 as part of the Stage 3 hearings. There is a pre-hearing scheduled for this matter on Thursday 29 October 2015 at 10am. Notice of the pre-hearing is available on the Council website<sup>1</sup>. It is recommended that Ron van der Busse and or his representative attend the pre-hearing.

4. In relation to the late further submission from Richard Peebles the Council is the only party affected by the late submission. The late submission is to be served on the Council if it has not already been. The hearing for this matter is to be scheduled for early next year so there is unlikely to be any prejudice to any other person by waiving the time limit for lodging the late further submissions. A pre-hearing meeting is scheduled for Chapter 9 Natural and

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<sup>1</sup> [www.chch.ihp.govt.nz](http://www.chch.ihp.govt.nz)

Cultural Heritage on Wednesday 28 October 2015 at 4pm. Notice of the pre hearing meeting is available on the Panel's website<sup>2</sup> and it would be appropriate for Richard Peebles to attend or have a representative attend.

5. In relation to the late further submission from Five Blends Holdings Ltd and Foxton Properties Ltd the further submissions must be served on submitters 3722 and 3622 if they have not already been. The hearing for Chapter 9 Natural and Cultural Heritage is to be scheduled for early next year so there is unlikely to be any prejudice to any other person by waiving the time limit for lodging the late further submissions. A pre hearing meeting is scheduled for Chapter 9 Natural and Cultural Heritage on Wednesday 28 October 2015 at 4pm. Notice of the pre hearing meeting is available on the Panel's website<sup>3</sup> and it would be appropriate for Five Blends Holdings Ltd and Foxton Properties Ltd to attend or have a representative attend.

6. The Hearings Panel has made available a Friend of Submitter, Mr Richard Ball to assist submitters in understanding the hearings process. Mr Ball's contact details are available on the Hearing Panels website.

### **Decision**

7. The receipt of the late submission from Ron van der Busse and the late further submissions from Richard Peebles, Five Blends Holdings Ltd and Foxton Properties Ltd referred to me for determination, are accepted.

8. Accordingly I direct;

(a) The Christchurch City Council is to publicly notify the late submission from Ron van der Busse in accordance with the OIC.

(b) The Council is to add the late further submissions from Richard Peebles, Five Blends Holdings Ltd and Foxton Properties Ltd to the database.

(c) Richard Peebles must serve his late further submission on the Council.

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<sup>2</sup> [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz)

<sup>3</sup> Ibid.

- (d) Five Blends Holdings Ltd and Foxtan Properties Ltd must serve their late further submission on submitters 3722 and 3633.
- (e) The Council is to serve a copy of this decision on Ron van der Busse, Richard Peebles, Five Blends Holdings Ltd and Foxtan Properties Ltd



The Honourable Sir John Hansen  
Chair