

**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: 8 December 2015

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**RECORD OF DECISION**

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1. The Christchurch City Council ('Council') has forwarded the following submissions received out of time, on various notified Stage2 and 3 Proposals<sup>1</sup>;

- (a) On 18 November 2015 James and Mary Koh requested that their Stage 3 submission (3990) to be amended, because they had erroneously recorded the wrong rule to be deleted from their property. They seek to amend the reference to rule 5.8.7 to refer to rule 5.8.7.1 P10 and 5.8.8.<sup>2</sup>
- (b) Paul Francis has requested that the Hearings Panel receive a late submission in relation to the relocation of the Carrs Road Kart Club. His late submission requests outlines that his request may need to be considered in the Stage 3 Special Purpose (Ruapuna) provisions, New Neighbourhood Zones (relating to Awatea) or Rural provisions (relating to McLeans Island).<sup>3</sup> Mr Francis' late submission was prompted by recent Environment Court litigation in relation to Ruapuna. Related to this Paul Francis has also requested that the Hearings Panel receive a late submission in relation to the non airport noise provisions in Chapter 6

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<sup>1</sup> Except in the case of Ms Beverley Seabridge who forwarded her request directly to the Independent Secretariat.

<sup>2</sup> Email from James Koh to the Council dated 18 November 2015

<sup>3</sup> Email from Paul Francis the Council dated 24 November 2015

General Rules and Procedures as they relate to ‘Kart Racing’ at McLeans Island.<sup>4</sup> Mr Francis states his submission is late on this latter point because he did not initially understand the relevance of these provisions. Mr Francis’ request was made on 1 December 2015.

(c) Boltbox Limited (‘Boltbox’) lodged a late further submission opposing an original submission by Dr Ian Lochhead and Dr Lynne Lochhead (submission number 3633). Boltbox Limited’s further submission relates to paragraph 20 of Dr and Dr Lochhead’s submission (3633), which requests the addition of the building at 159 Manchester St to Appendix 9.3.6.1.3 ‘Schedule of Significant Historic Heritage Places’ (Central City). As the owner of this building, Boltbox Limited opposes the addition of their building to the schedule.<sup>5</sup>

(d) Mr Lewelyn Davis made a Stage 2 submission (submission number 2033) which included a request for relief on a Stage 3 matter. He has requested that his submission be also considered at Stage 3 as it relates in part to Chapter 9 Natural and Cultural Heritage<sup>6</sup>.

(e) Christ’s College and G and J McVicar lodged a Stage 3 submission (submission number 3677) and now wish to make a supplementary submission to specifically address the rules in the Natural Hazard Chapter which relate to the FMA zone, and the flood ponding and high flood hazard management areas.<sup>7</sup>

(f) Beverley Seabridge has lodged a late further submission, opposing the submission from St George’s Hospital which seeks change of zoning of her property from Special Character Living 1 to Specific Purpose (Hospital) zone<sup>8</sup>.

2. The closing date for submissions and further submissions on Stage 2 and 3 notified proposals has now passed. 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,

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<sup>4</sup> Email from Paul Francis the Council dated 26 November 2015

<sup>5</sup> Memorandum of Counsel for Boltbox Limited seeking leave to file a late further submission and amend the timetable for exchange of evidence dated 26 November 2015 attaching a Further submission on Stage 3 of the Proposed Christchurch Replacement District Plan

<sup>6</sup> Email from Lewelyn Davis to the Council dated 1 December 2015

<sup>7</sup> Letter from Duncan Cotterill dated 18 November 2015 attaching a supplementary submission

<sup>8</sup> Email from Beverley Seabridge to Independent Secretariat dated 19 November 2015

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. The submissions are all well out of time, and we have now held pre hearing meetings in relation to the issues that the late submitters raise, the hearings of the various proposals are scheduled for the new year.

4. In relation to the submissions from Mr and Mrs Koh, Mr Davis and Christ's College and G and J McVicar, these relate to matters which the submitters have already lodged submissions on and are corrections or amendments to their previously lodged submissions. I accept that it is appropriate that the timeframes for lodging submissions are waived to enable those amendments to be made and for Mr Davis's submission to be correctly considered at the relevant Stage 3 hearing. We have already issued directions for the hearing of these matters and a copy of our pre hearing report and directions are available on the Panels website. It is the responsibility of the submitters to ensure they comply with the directions already made if they wish to attend the hearings.

5. In relation to Boltbox, although the submission is very late and arrangements are underway for this hearing which is due to commence on 18 January 2016, I accept that it is appropriate to waive the time frame to enable the owner of the site affected by the submission made by Dr's Ian and Lynne Lochhead to make a late further submission. Boltbox should serve their submission on the Lochheads if they have not done so already. We have already issued Pre Hearing Directions in relation to Chapter 9 Natural and Cultural Heritage, and these are available on the Hearing Panel's website. It is the responsibility of Boltbox to comply with those directions if they wish to attend the hearing.

6. In relation to Ms Seabridge, although the hearing has already occurred I accept that it is appropriate to waive the time frame to enable the owner of the site affected by the submission made by St George's Hospital to make a late further submission. Ms Seabridge should serve her submission on St George's Hospital if she has not done so already.

7. In relation to the late submissions from Mr Paul Francis it appears he wishes to have rules included in Chapter 6 General Rules and Procedures for go-carting activities, or to make submissions about go carting activities as part of the Special Purpose (Ruapuna) zone or

alternatively to consider those activities as part of the New Neighbourhood provisions as they relate to Awatea. The submission does not contain sufficient detail to understand precisely what relief the submitters seeks in relation to the Special Purpose (Ruapuna) zones or in relation to the New Neighbourhood provisions.

8. In relation to the request of rules in Chapter 6, the Hearing Panel received a memorandum from Counsel for the Isaac Conservation and Wildlife Trust (submitter 2146) ('ICWT') opposing the request for leave on the basis that it is affected by the receipt of the late submission and is this would involve that submitter seeking further expert noise advice and advice in relation to other effects, prior to the hearing scheduled on 17 February 2016.<sup>9</sup>

9. Having considered the requests from Mr Francis and the memorandum from the ICWT, I will allow Mr Francis to make a late submission in relation Chapter 6 General Rules and Procedures, however if he wishes to call expert evidence to support his request he must advise the Secretariat, the Council and ICWT of the name of the expert, the qualifications of that expert and the intended scope of the evidence to be given in support of his submission by 5pm Monday 11 December 2015. In all other respects he must comply with the Pre Hearing Report and Directions which are available on the Hearing Panels website in relation to Chapter 6 General Rules and Procedures.

10. In relation to Mr Francis' request to consider late submissions that may relate to the Specific Purpose (Ruapuna) zone and the New Neighbourhood Zone at Awatea, Mr Francis appears to be of the understanding that the Panel will decide where the Kart club will be relocated to (or if it will). That is not the role of this Panel, rather our role is to hear submissions and make decisions on the proposals notified to be included in the Replacement District Plan. The hearing of the New Neighbourhood zone is scheduled to commence on 11 January 2016 and the parties are already in the process of exchanging evidence. It is now too late for Mr Francis to be heard at the New Neighbourhood hearing. To the extent that Mr Francis seeks to make a late submission on the New Neighbourhood zones his request is declined.

11. The hearing for the Specific Purpose (Ruapuna) zone has been postponed at this time. It would assist if Mr Francis would clearly specify what he is seeking to be included or excluded in the Specific Purpose (Ruapuna) zone. If Mr Francis wishes to make a submission on the


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<sup>9</sup> Memorandum of Counsel on Behalf of Isaac Conservation and Wildlife Trust opposing application for leave dated 7 December 2015.

Specific Purpose (Ruapuna) zone he must advise the Secretariat of what specific changes he wishes to have made to that zone by 5pm Monday 11 December 2015. I will then consider his request further.

12. Accordingly it is so ordered;

- (a) The Christchurch City Council is directed to publicly notify the late submission from James and Mary Koh, Mr Lewelyn Davis, Christ's College and G and J McVicar and Mr Paul Francis (in relation to Chapter 6 only), accordance with the OIC.
- (b) If Mr Francis wishes to call expert evidence in support of his submission on Chapter 6 General Rules and Procedures he must advise the Secretariat, the Council and legal counsel for ICWT of the name of the expert, the qualifications of that expert and the intended scope of the evidence to be given in support of his submission by **5pm Monday 11 December 2015**.
- (c) If Mr Francis wishes to make a submission on the Specific Purpose (Ruapuna) zone he must advise the Secretariat of the specific relief he seeks with reference to the provisions in Chapter 21 Specific Purpose (Ruapuna) Zone by **5pm Monday 11 December 2015**.
- (d) Boltbox Limited is to serve its late further submission on Dr Ian and Dr Lynne Lochhead.
- (e) Ms Seabridge is to serve her late further submission on St George's Hospital.
- (f) The Council is directed to update the submissions data base to include the late submissions and late further submission and is to serve a copy of this decision on James and Mary Koh, Mr Lewelyn Davis, Christ's College and G and J McVicar, Mr Paul Francis and Ms Seabridge.



The Honourable Sir John Hansen  
Chair