

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: 20 November 2015

RECORD OF DECISION

1. The Council received the following late submissions on Stage 2 and 3 Proposals;
 - (a) Cashmere Land Holdings Limited (Cashmere Land) lodged a late submission and further submission on 11 November 2015 in relation to the zoning of land in the Henderson’s Greenfield area, which was notified in the Stage 2 Residential Proposal as a mix of Rural Urban Fringe and Residential New Neighbourhood. Canterbury Land did not make a submission on the Stage 2 Residential, proposal because they were generally happy with the Notified Version. Canterbury Land has only just become aware that through a submission on its own plan the Council sought to modify the zoning of that area. Canterbury Land seek to lodge late submissions to support the Stage 2 provisions as notified and oppose the relief that the Council seeks. Cashmere Land, signalled their intention to lodge their submission in a Memorandum dated 9 November 2015¹, which was served on the Council. The Council has not opposed the filing of the late submission.
 - (b) Gavin Case, Margaret Case and Michael Case (“the Case family”) are submitters in relation to Stages 1, 2 and 3 of the Christchurch Replacement District Plan and have participated in hearings in relation to Stage 1 Natural Hazards and are

¹ Memorandum of Counsel for Cashmere Land Holdings Limited dated 9 November 2015.

to be heard in relation to the Cranford Basin hearing in January 2016. The Case Family have lodged a late submission on 18 November 2015² in relation to the Stage 3 Chapter 5 Natural Hazards provisions because they have only become aware, through recent discussions with the Council, that their land is also subject to a High Flood Hazard Management Area overlay notified in Stage 3. This matter was overlooked by the Case Family.³

2. The closing date for lodging submissions on Stage 2 was 15 June 2015 and Stage 3 was 4 September 2015 and the further submission periods closed for Stage 2 on 13 July 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 Canterbury Land submission we note that the matters relating to Residential New Neighbourhood zones are Scheduled to be heard commencing on 11 January 2016. We have already issued directions with regard to the preparation of that hearing.⁴ It is Canterbury Land's responsibility to comply with any directions already made.

4. In relation to the Case Family, we note that Stage 3 Chapter 5 Natural Hazards is scheduled to be hearing commencing on 24 February 2016. We have issued a Pre Hearing Report and Directions for that hearing which is available on the hearings Panel's website. It is the responsibility of the Case Family to comply with the directions already made.

5. Although the submissions, and further submission are out of time and we have already issued directions for the hearing of these matters, we accept that the particular reasons given for lateness support the late acceptance of submissions and there is no prejudice to any other party by granting the waiver of time for lodging the submissions.

² The submission form is an original submission but the attached commentary is headed 'further submission'. It appears that the request is, in addition to the submission that the Case Family lodged on Stage 3 requesting the rezoning of a portion of their land, rather than a 'Further Submission' in support or opposition to another original submission in terms of Sch1, cl8, OIC.

³ Memorandum of Counsel for the Case Family for the Chairman of Independent Hearings Panel seeking extension of time or waiver in relation to a late submission.

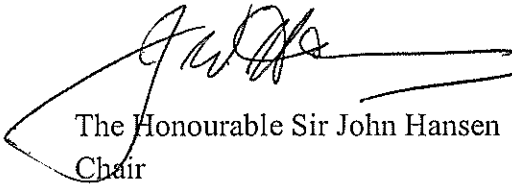
⁴ Minutes recording Pre Hearing meetings and directions are available on the Hearing Panels website, at www.chchplan.ihp.govt.nz.

6. Accordingly it is so ordered;

(a) The Christchurch City Council is directed to publicly notify the late submission from Canterbury Land and the Case Family in accordance with the OIC.

(b) The Council is to update the submissions database to include the Canterbury Land late further submission, and both late submissions.

(c) The Council is to serve a copy of this decision on Canterbury Land and the Case Family.



The Honourable Sir John Hansen
Chair