

**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: 22 October 2015

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**RECORD OF DECISION**

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1. The Council received the following late submissions;
  - (a) Theatre Royal Foundation ('the Foundation') lodged a late further submission in relation to Chapter 9 Natural and Cultural Heritage dated 12 October 2015. The further submission relates to the heritage listing of the Theatre Royal (item 222) at 145 Gloucester Street Christchurch. The Theatre Royal Foundation opposes a submission lodged by Dr Ian Lochhead and Dr Lyn Lochhead (submission 3633), as it relates to the heritage listing of the Theatre Royal. The Foundation advised that they were not aware of the submission.
  - (b) Ms Jane Belkin lodged three late submissions on Chapter 5, provision 5.8.8 High Flood Hazard Management Areas Activities and Earthquakes on Map 46 in relation to properties at 100 and 98 Hunter Terrace and 34 Sloan Terrace. Ms Belkin lodged the submission on 15 October 2015 and has explained that the submissions were late because she was unaware of the full implications of what the newly designated High Flood Hazard Management Area was and how it impacted her properties and in particular her development plans.
  - (c) New Brighton Surf Bathing and Lifesaving Club Inc ('NBSBLC') lodged a late submission on Chapter 19 Coastal Environment. The submission is dated 16

October and was received on 19 October 2015. The submission relates to the wording of Objectives 19.1.1 and Policy 19.1.3. NBSBLC has explained that they were not clear on the relevance of the chapter to their interests given that their surf club building is beyond the coastal zone. With the recent media announcement that the coastal hazard provisions were to be withdrawn they are now aware that although their site is outside the coastal zone it is still within the Coastal Environment and they could be impacted by the provisions in Chapter 19.

(d) Andrew McKay, Kirsty Inwood and Ray Wood have all lodged identical further submissions out of time in relation to multiple chapters as referred to in the submission lodged by Nga Rūnanga o Ngāi Tahu (submission 3722). No reason for lateness has been received by the Secretariat. They oppose all of the submission except those parts relating to landscapes, the Coastal Environment, Rural environment, Utilities, Open Space and the Central City. In particular 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.

(e) Andrew McKay, Kirsty Inwood and Ray Wood have all lodged identical further submissions out of time 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 further submission from the Theatre Royal Foundation the late further submission must be served on submitter 3633 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 submission. A pre hearing meeting is scheduled for Chapter 9 Natural and Cultural Heritage at 4pm on Wednesday 28 October 2015. Notice of the pre hearing meeting is available on the Panel's website<sup>1</sup> and it would be appropriate for the Foundation to attend or have a representative attend.

4. In relation to Ms Belkin's three late submissions, there is sufficient time before the hearing of Stage 3 Chapter 5 Natural Hazards so as not to prejudice any person by receiving the submission out of time. A pre hearing meeting for Stage 3 Chapter 5 Natural Hazards is to be held at 2.30pm on 27 October 2015. Notice of that pre hearing meeting is available on the Panel's website<sup>2</sup> and Ms Belkin should consider attending that meeting.

5. In relation to NBSBLC's late submission the date for filing submissions on Chapter 19 Coastal Environment has only just closed and the Council is due to notify submissions to receive further submissions in early November. The hearing of Sage 3 Chapter 19 is likely to be early in 2016. A pre-hearing has been tentatively scheduled for 7 December at 10am but has not yet been notified. There is unlikely to be any prejudice to any other person by lodging the submission out of time.

6. In relation to the further submissions from Andrew McKay, Kirsty Inwood and Ray Wood 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 at 4pm on Wednesday 28 October 2015. Notice of the pre hearing meeting is available on the Panel's website<sup>3</sup> and it would be appropriate for the submitters Andrew McKay, Kirsty Inwood and Ray Wood to attend or have a representative attend.

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

<sup>2</sup> ibid

<sup>3</sup> ibid

7. 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.

8. Accordingly it is so ordered;

(a) The Christchurch City Council is directed to publicly notify the late submissions from Ms Janie Belkin and NBSBLC in accordance with the OIC.

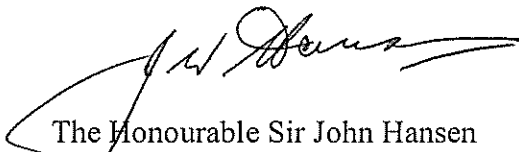
(b) The Council is directed to add the Theatre Royal Foundation late further submission to the database.

(c) The Theatre Royal Foundation must serve their late further submission on submitter 3633.

(d) The Council is directed to add the further submissions from Andrew McKay, Kirsty Inwood and Ray Wood to the database.

(e) Submitters Andrew McKay, Kirsty Inwood and Ray Wood must serve their further submissions on submitters 3722 and 3622.

(f) The Council is to serve a copy of this decision on Ms Belkin, the Theatre Royal Foundation, the NBSBLC, Andrew McKay, Kirsty Inwood and Ray Wood.



The Honourable Sir John Hansen  
Chair