

Before the Independent Hearings Panel
at Christchurch

under: the Resource Management Act 1991 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

in the matter of: Submissions and further submissions in relation to the proposed Christchurch Replacement District Plan

and: The Chapter 21: Specific Purpose (Burwood Landfill and Resource Recovery) Zone **Stage 3** proposal

and: **Burwood Resource Recovery Park Limited**
Submitter 3444

and: **The Crown**
Submitter 2387

and: **Christchurch City Council**
Submitter 3723

and: **Canterbury Regional Council**
Submitter 3629 / F-5004

Joint memorandum of counsel – Request for early decision

Dated: 8 December 2015

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)

Chapman Tripp
T: +64 3 353 4130
F: +64 3 365 4587

245 Blenheim Road
PO Box 2510, Christchurch 8140
New Zealand

www.chapmantripp.com
Auckland, Wellington,
Christchurch



JOINT MEMORANDUM OF COUNSEL – REQUEST FOR EARLY DECISION

May it please the Panel:

- 1 The hearing for this matter is scheduled for tomorrow, 9 December 2015.
- 2 The Panel will be aware that the Christchurch City Council (*CCC*), the Crown and Burwood Resource Recovery Park Limited (*BRRP*) and Canterbury Regional Council are generally agreed on a draft proposal for the Chapter 21: Specific Purpose (Burwood Landfill and Resource Recovery) Zone (*Zone*).
- 3 This memorandum is to request that the Panel prioritises the decision on the Zone. This application is made in the context of the following processes which are occurring simultaneously:
 - 3.1 BRRP will shortly lodge applications for extension of the expiry date relating to the existing consents relating to the processing of earthquake waste;
 - 3.2 provided they are lodged soon those applications will be processed under the BRRP Order in Council but that Order is due to expire within the Canterbury Earthquake Recovery Act in April 2016 and BRRP is concerned that processing of the application may not be completed by the time the Act expires;
 - 3.3 because the Greater Christchurch Regeneration Bill proposes to extend the timeframe for decisions on the Replacement District Plan to December 2016 there is potentially a "gap" in timing where the BRRP Order in Council expires and before Chapter 21 is operative;
 - 3.4 in addition BRRP will need to shortly lodge additional applications for resource consents associated with the permanent disposal of earthquake waste. This may include site B referred to in paragraph 5.17 of the evidence of **Nardia Yozin**;
 - 3.5 in terms of the operative City Plan and until such time as Chapter 21 is operative the applications will be for either discretionary or non-complying activities under the Operative Plan. By contrast under the Chapter 21 proposal, if accepted by the Panel, the activities will be permitted or controlled and processed non-notified;

- 3.6 this creates a difficulty as the applications will need to be lodged and processed well before the Panel's final date for decisions in December 2016 (if the Greater Christchurch Regeneration Bill is passed). For this reason the parties seek early certainty as to the outcome of the Chapter 21 hearing as soon as practical within the Replacement District Plan process.
- 4 For completeness the Panel is advised that the Minister is currently considering changes to regional planning documents to facilitate Site B being included in the permitted area of earthquake waste disposal. A decision is expected in due course. That process is outside the ambit of this Panel but is occurring in parallel.
- 5 The Regional Council supports this joint request subject to the Minister making the decision in paragraph 4 above.
- 6 Christchurch City Council in its capacity as administrator of the Replacement District Plan does not oppose the request.
- 7 Accordingly, the parties' respectfully request that the Panel give consideration as to whether it is able to release a decision on the Zone earlier than decisions on other Chapters in order to provide a post-earthquake consenting context for the applications outlined above.
- 8 The parties acknowledge the demanding nature of the wider task facing the Panel, and appreciate the burden that this request adds to an already heavy workload and taxing timetable.

Dated: 8 December 2015



JM Appleyard

Counsel for Burwood Resource Recovery Park Limited



David Allen

Counsel for the Crown

Tim Fischer
Counsel for the Christchurch City Council



Michelle Mehlhopt
Counsel for Canterbury Regional Council