

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

Closing legal submissions on behalf of Burwood Resource
Recovery Park Limited

Dated: 16 December 2015

REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)
ADW Brent (allan.brent@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



**CLOSING LEGAL SUBMISSIONS ON BEHALF OF BURWOOD
RESOURCE RECOVERY PARK LIMITED**

May it please the Panel:

INTRODUCTION

- 1 These closing submissions relate to Stage 3 of the Christchurch City District Plan Review (*DPR*) process, and in particular the Chapter 21.12 Specific Purpose (Burwood Landfill and Recovery Park) Zone (*Zone*).

SUMMARY OF SUBMISSIONS

- 2 All remaining issues of substance were agreed by the parties' planning witnesses at the hearing of proposal 21.12 on 9 December 2015, though minor drafting points remained to be finalised.
- 3 Those final drafting issues were addressed in the revised proposal filed with the Panel on 10 December 2015 (*Further Revised Proposal*).
- 4 It is understood that the parties are in full agreement over the Further Revised Proposal.
- 5 Further, the Revised Proposal:
 - 5.1 is consistent with the Statement of Expectations included in Schedule to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014;
 - 5.2 implements Objectives 3.3.1, 3.3.2, 3.3.7 and 3.3.9 of the decision of the Hearings Panel on strategic directions and strategic outcomes (and relevant definitions) dated 26 February 2015;
 - 5.3 gives effect to the Canterbury Regional Policy Statement 2013;
 - 5.4 is consistent with the Recovery Strategy Mahere Haumanutanga o Waitaha and the Land Use Recovery Plan - Te Mahere Whakahaumanu Tāone; and
 - 5.5 achieves the purposes of the Resource Management Act 1991.
- 6 Finally, the Panel has scope to adopt the Revised Proposal for the reasons set out below.

- 7 Accordingly, BRRP submits that the Panel ought to adopt the Revised Proposal in its entirety.


SCOPE TO ADOPT REVISED PROPOSAL

- 8 BRRP submits that all of the changes contemplated in the revised Proposal are within scope of submissions received on the Zone.
- 9 Changes to Rule 21.12.2.2.1 P5 can be sourced in BRRP's submission as to recreational access.¹ **Ms Rolton's** analysis² makes clear that Rule P5 (relating to conservation and park management activities) is sourced in BRRP's submission.
- 10 However, Ms Rolton considered that a wider array of activities was appropriate for inclusion in Rule P5, apparently on the basis that these activities already occur in the Burwood Forest area.
- 11 BRRP has not opposed that approach at any stage, and does not oppose the further extension to existing forestry activities in the Zone.

PRIORITY RELIEF

- 12 BRRP is obliged that the Panel has entertained making a priority decision on the Zone, and in particular that a decision might follow closely on ministerial directions under section 27(1) of the Canterbury Earthquake Recovery Act 2011 about the regional rules relating to "Area G" at Burwood.
- 13 We will provide the Panel with any updates in relation to the above as they become available to us.

Dated: 16 December 2015



JM Appleyard

Counsel for Burwood Resource Recovery Park Limited

¹ See BRRP's submission #3444 at Attachment E, page 7.

² See paragraphs 9.36 and 9.39 in her Evidence in Chief.