

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of decision: 8 November 2016

Hearing Panel: Environment Judge John Hassan (Deputy Chair), Ms Sarah Dawson, Dr Philip Mitchell, Ms Jane Huria

**Minor Corrections to Decision 46 – Natural and Cultural Heritage (Part)
Chapter 9.3 Historic Heritage – Hagley Park (including Botanic Gardens) and Decision
on Appendix 9.3.7.2**

Background

[1] In accordance with our directions in Decision 46 at [72] the Council filed a memorandum on 12 October 2016 requesting clarification and corrections to Decision 46 (‘corrections memorandum’).¹

[2] There are four matters raised by the Council:

- (a) Whether Decision 46 includes the Botanic Gardens in the listing for ‘Hagley Park’.
- (b) Whether the Hearings Panel intended that, by including Hagley Park in Appendix 9.3.7.2, the Objective and Policies in Chapter 9.3 apply.

¹ Memorandum of counsel for CCC, in relation to Decision 46, 12 October 2016.

- (c) Amendments required to clarify which heritage items and heritage settings apply to Hagley Park and to the Botanic Gardens.
- (d) Other minor corrections set out in Appendix A to the corrections memorandum.

[3] In relation to matters (a) and (b), the Council has offered various amendments to support their preferred interpretation of the Decision.

[4] We address each matter having considered our jurisdiction to make minor corrections.

Jurisdiction to make minor corrections

[5] Clause 16 of Schedule 3 to the OIC provides as follows:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

[6] To the extent we have accepted the corrections sought by the Council, we find that these meet the requirements of cl 16 of Schedule 3.

‘Hagley Park’ heritage item addition to Appendix 9.3.7.2

[7] Our Decision to include Hagley Park as a Highly Significant Heritage Item in Appendix 9.3.7.2 does not include the Botanic Gardens as part of the listing for Hagley Park. No correction is required to the Decision.

[8] The description of Hagley Park, as shown in the corrections memorandum in appendix A, page 2 in relation to Appendix 9.3.7.2, is appropriate and we confirm the addition accordingly. We have incorporated the reference into Schedule 2 to the minor corrections to Decision 45 decision.

Application of Objective and Policies in Sub Chapter 9.3

[9] Rule 9.3.3 stands as it relates to Hagley Park. No change is required to the provisions, apart from the minor drafting corrections made as a consequence of the Hearings Panel Decision on minor corrections to Decision 45 and arising from [19] below.

[10] We note that the changes requested by the Council do not amount to minor corrections and seek to substantively amend the decision to accord with the Council's interpretation. It is not our role to provide interpretative direction to the Council or any other party in relation to matters addressed by our decisions.

Corrections to list of 'remaining heritage items in Hagley Park'

[11] The listing of the Cricket Pavilion and Setting is addressed in Decision 46 at [39]-[68]. We rejected the initial relief requested by Canterbury Cricket to amend the setting at [64]. No amendment is required to paragraph [69] as a consequence. Paragraph [69] deals with remaining matters.

[12] In relation to the 'Remaining listed heritage items in Hagley Park', that heading ought to include reference to the Botanic Gardens to reflect the fact that the items and settings listed at (a) to (h) were the remaining matters to be addressed in the Decision.

[13] The heading to paragraph [69] is amended as follows:

Remaining listed Heritage items in Hagley Park and Botanic Gardens appropriate

[14] We also accept it is appropriate to confirm the listing of Helmores Lane Bridge for completeness.²

[15] Notwithstanding that some items are only partly located within Hagley Park and the Botanic Gardens, no further change is required as the Decision simply confirms the listing of those items for completeness. Those items and settings are included in Appendix 9.3.7.2 and

² Corrections memorandum at 9.

we confirm them accordingly. They have been incorporated into the Panel's Minor Corrections to Decision 45 which includes the decision to confirm Appendix 9.3.7.2.³

Other minor corrections requested by the Council

[16] In addition to changes arising from the matters addressed above, which we have rejected (except as provided in [13] and [14] above), the Council has requested additional corrections in Appendix A to its corrections memorandum.

[17] We acknowledge that there is an error in the reference to legal counsel and apologise to Mr Conway and Ms Coyle for the administrative error. We note that a full list of Counsel in relation to the Chapter 9 Natural and Cultural Heritage hearing is set out in Schedule 2 to Decision 45.

[18] The reference to Chapter 18 Open Space at [29] ought to refer to Chapter 6.

[19] We have included the words 'within Hagley Park' to Rule 9.3.3. k.iii, and have added reference to the Heritage item number that the Council has allocated to Hagley Park (1395). The Hearings Panel Decision on minor corrections to Decision 45 includes an updated Schedule 1 incorporating minor corrections arising from both Decision 45 and 46.

[20] We accept that it is appropriate to include consequential cross referencing on Heritage Aerial Map 810 as noted by the Council in appendix A, page 3 to the corrections memorandum.

Planning Maps

[21] For completeness we note that an updated set of Planning Maps and Heritage Aerial Maps is to be provided by the Council following completion of any minor corrections arising from Decisions 50 –52.⁴ A separate decision will issue in due course on all Chapter 9 Planning Maps and relevant Aerial Maps.

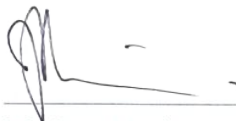
³ Minor corrections to Decision 45 Schedule 2.

⁴ Decision 51 at [249].

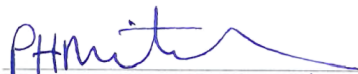
For the Hearings Panel:



Environment Judge John Hassan
Deputy Chair



Ms Jane Huria
Panel Member



Dr Philip Mitchell
Panel Member



Ms Sarah Dawson
Panel Member