

**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: 1 April 2015

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**RECORD OF DECISION**

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**Background**

1. The Council received a late further submission from Hamilton Avenue and Otara Street Residents Association (“HORA”) on 1 April 2015. HORA is also an original submitter (#414). The submissions relate to the rezoning of land adjacent to Fendalton Mall. Fendalton Mall Limited (Submitter # 24) and Christchurch City Council (Submitter #310) seek further land to be rezoned from Residential to Commercial. The issues are related to HORA’s primary submission, but HORA has advised that they did not appreciate that they would need to lodge a further submission opposing the relief requested by Fendalton Mall and the Council. HORA have requested that their late further submission be accepted.
2. Clause 3(1)(e) of Schedule 2 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 authorises the Chairperson of the Hearings Panel to decide whether to accept any late submissions.
3. Clause 5 of Schedule 3 of the Order provides that the Chairperson of the Hearings Panel may extend or waive compliance with any time limits specified by or under this Order, except in relation to the time limit specified in Clause 12(2) which relates to completing the Panel’s obligation under the Order. 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.

4. In accordance with an earlier direction the Fendalton Mall rezoning matter is to be heard as part of the Commercial hearings. Accordingly it is also appropriate that the HORA submission be heard at that time also.

#### **Statutory considerations**

5. Clause 5(2) of Schedule 3 sets out the matters that must be considered in exercising this discretion. These are:

- (a) The interests of any person who, in the chairperson's opinion, may be directly affected by a waiver.
- (b) The need to ensure that there is an adequate assessment of the effects anticipated from the implementation of the proposal.
- (c) The stage of the hearing when the hearings panel is provided with the submissions.

6. The issues raised the further submission are related to the issues already addressed in the HORA primary submission and in the submissions made by Fendalton Mall Limited and the Council. Fendalton Mall and the Council are not prejudiced by the late submission. Hearing the submissions together will enable an adequate assessment of effects. There is sufficient time for the late further submitter to comply with time table directions for the forthcoming hearing on the Commercial proposal.

#### **Decision and directions**

7. Having considered the late submissions and the reasons given that have been referred to me for determination, I am satisfied that acceptance of the late submissions would meet the statutory requirements set out in clause 5(2) of Schedule 3 of the Order in Council. Accordingly it is so ordered;

- (a) The late further submission from HORA is accepted.

(b) The HORA primary submission #414 and this late submission will be heard at the Commercial Hearing only and no appearance is required at the Residential Hearing.



The Honourable Sir John Hansen  
Chair