

**Before the Christchurch Replacement District Plan
Hearings Panel**

In the matter of the Resource Management Act 1991 and the
Canterbury Earthquake (Christchurch Replacement
District Plan) Order 2014

And the proposed Christchurch Replacement District Plan
(Chapter 9 Natural and Cultural Heritage - Stage 3:
Topic 9.5)

**Application by Michael Wyndham Bayley for leave to lodge a late
further submission**

Date: 22 April 2016

leave granted
27/4/16

Copy to Ngāi Tahu
counsel (Mr Van Mierlo)
and the Council (Mr Conway)

Directly - if opposed memorandum
with grounds to be filed
by Tuesday 26 April 2016 4pm

AJS-815130-1-151-V1

22/4/16 3:30p

May it please the Hearing Panel

1. Michael Wynham Bayley hereby applies to the Christchurch Replacement District Plan Hearing Panel (**Panel**) for leave to lodge a late further submission (**attached**) on the submission of Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**, submitter #3722) in respect of Stage 3, Chapter 9, Topic 9.5, in particular the Schedules of Wāhi Tapu/Wāhi Taonga (Including silent files) and Ngā Tūranga Tūpuna: Site ID 64 – Kaitorete Spit.
2. The grounds for the application are as follows:
 - 2.1. Mr Bayley, despite having followed the Chapter 9 process in respect of Topic 9.1 has only become aware of the potential impact on his property at 1641 Bayley's Road, Kaitorete Spit;
 - 2.2. Mr Bayley is one of a limited number of private landowners at Kaitorete Spit. Neither he nor Mr Brian Hutchinson who also farms the spit had been made aware of the intention to schedule the entire spit under chapter 9.5, let alone have they been approached for any form of consultation about the proposed scheduling;
 - 2.3. Mr Bayley is clearly a "stakeholder" and should be included in any discussions about scheduling the Kaitorete Spit where that scheduling involves the imposition of another layer of rules; affecting Mr Bayley's ability to continue farming without unnecessary interference;
 - 2.4. It also appears that the proposed rules are far from finalised – apart from a reference to the possible approach in the Council's supplementary evidence (Shirley Fergusson), which the rules don't appear to reflect, it is uncertain what rules would apply. And if a "farm management plan approach" were to be implemented there is no indication of how the approach might work in the context of chapter 9.5; and
 - 2.5. The matters set out in the brief statement of evidence by Mr Bayley attached to this application.

3. Given the uncertain nature of the applicable rules, there would be no prejudice to Ngāi Tahu or any other party if Mr Bayley was given the opportunity to be heard on his further submission.
4. Therefore, it is respectfully submitted that the Panel is able to grant leave for the late lodging of Mr Bayley's further submission.

Dated: 22 April 2016

Signed: 
A J Schulte
Counsel for Michael Wyndham Bayley