

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: 31 August 2015

RECORD OF DECISION

Background

1. Christchurch City Council ('Council') received late submissions from Mr John Baxter dated 22 August 2015 (received by the Council on 24 August 2015) and from the Grace Vineyard Church ('Grace Vineyard') dated 26 August 2015. Both submissions were lodged with the Council outside the close of submission period for Stage 2 provisions of the Replacement Plan.

2. Mr Baxter opposes residential zoning of the property at 116 Bridle Path Road, and seeks that the property remain subject to the Rural Zone, because of the potential impacts of residential zoning on his existing horticultural operation. Mr Baxter explained that his submission was late because he inadvertently missed the notification of Stage 2 for personal reasons.

3. He was encouraged by the Council at a public information meeting on 17 August 2015 to make a late submission. Mr Baxter's submission relates to both the Residential Proposal and the Rural Proposal.

4. Grace Vineyard has made a late submission on Proposal 6 General Rules and Procedures, seeking that its church, which is located in the Industrial General Zone, be scheduled along

with other churches located in the Residential Zone. In the submission and application for waiver,¹ Grace Vineyard explains that there is already a submission, lodged in time, on behalf of a number of churches (the Catholic Bishop and Others, submitter 2147) seeking their scheduling in the Residential zone, and although the Industrial Zone was mentioned in the body of the submission, there was no specific mention in the relief sought. To protect its position, Grace Vineyard requests the Panel to consider its late submission.

5. 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.

6. Both submissions will need to be notified so as to enable further submissions to be called for. Pre-hearing meetings have been held in relation to Stage 2 proposals, and the Hearings Panel has issued directions for the preparation of hearings.

7. Mr Baxter's submission relates to both the Residential and Rural Proposals. It is noted that, in cases where a submitter requests a change in zoning from Residential to another zone, it is the Panel's expectation that the submitter would appear at the Residential hearing. The Panel strongly encourages such submitters to also appear at the other proposal hearing. The difficulty in regard to Mr Baxter's submission is that the Residential hearing is due to commence on 7 September 2015. That means there is insufficient time for Mr Baxter to be heard at the Residential Hearing. However, as Mr Baxter is seeking a Rural Zone, it would be appropriate for the hearing of Mr Baxter's late submission to be deferred until the Rural Hearing, scheduled to commence on 16 November 2015. This will allow sufficient time for his submission to be notified by the Council and for any further submissions to be received. It is Mr Baxter's responsibility to inform himself of the requirements for hearing and to comply with any directions. A copy of the Rural Pre-Hearing Report and Directions is available on the Panel's website. The 'Friend of Submitter', Mr Richard Ball, is available to assist if required, and his contact details are available on the website.

8. In relation to the Grace Vineyard's submission, the Hearings Panel has already issued directions deferring the hearing of Proposal 6 General Rules and Procedures until early 2016.

¹ Application for waiver by Grace Vineyard Church, 28 August 2015.

A pre-hearing meeting will be scheduled in late October 2015. Grace Vineyard is encouraged to attend that pre-hearing meeting, and will need to comply with any directions that follow.

Decision

9. Time limits for submissions are waived, and the late submissions from Mr John Baxter and Grace Vineyard referred to me for determination are accepted.

10. Therefore I direct:

(a) The Council is to publicly notify the late submissions in accordance with the OIC.

(b) The Council is to serve a copy of this decision on the late submitters.

(c) Mr Baxter's submission will be heard as part of Proposal 17 Rural (part), scheduled to commence on 16 November 2015.

(d) Mr Baxter must comply with the Panels directions set out in the Pre Hearing Report and Directions Chapter 17 Rural Proposal dated 11 August 2015.

11. Grace Vineyard will be notified of the pre-hearing meeting for Chapter 6 — General Rules and Procedures in due course.



For and on behalf of
The Honourable Sir John Hansen
Chair