

**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: 14 August 2015

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**RECORD OF DECISION**

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**Background**

1. The Council received a late further submission from G N McVicar № 1 Trust on 12 August 2015 in relation to Proposal 16 Industrial Stage 2. Counsel for the Trust, Ms Steven QC filed a memorandum seeking waiver of the time frame.<sup>1</sup> The Trust is a submitter in relation to the Memorial Avenue Investments Limited (MAIL) plan change, which also affects the Trust property. The particular issues raised by the late further submission relate to part of the Industrial provisions that affect the Trust property. The Trust was unaware of the inclusion of provisions notified in Chapter 16 Industrial that affect the zoning of this land, due to the fact that Mr McVicar recently passed away. The Trust opposes a submission lodged by Christchurch International Airport Limited (CIAL) (submission 2348) as it relates to the Trust property.

2. 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.

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<sup>1</sup> Memorandum of Counsel for GN McVicar № 1 Trust Seeking Waiver of time to file further submission in relation to Stage 2, 12 August 2015.

3. A pre-hearing meeting has already been held for the MAIL plan change and the relevant aspects of the Industrial proposal, and preparations are underway for the hearing of both matters. The Trust was represented by Ms Steven QC at the pre-hearing meeting, where she advised of her client's intention to make a late submission and an application for waiver. At the pre-hearing the Panel canvassed the views of the potentially affected persons.<sup>2</sup> No opposition was raised to the lodging the late submission, although Mr Williams for CIAL reserved his position on the scope of the submission until he had seen the late submission.<sup>3</sup> Mr Williams advised the Independent Secretariat by email that CIAL will abide by the decision of the Panel.<sup>4</sup> The Council also confirmed it is not opposed.<sup>5</sup>

4. I am satisfied that the receipt of the late further submission will enable an integrated assessment of effects relevant to the MAIL Plan Change and Industrial provisions. On the basis that all interested persons are already involved in the hearing of this matter, no prejudice arises to any person in allowing the late submission. It is the responsibility of the late submitter to comply with the Panel's directions for the hearing.

#### **Decision**

5. The late further submission from GN McVicar № 1 Trust referred to me for determination is accepted.

6. Accordingly it is so ordered:

(a) The Christchurch City Council is directed to add the late further submitter to the submissions database.

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

For and on behalf of the Chairperson



Environment Judge John Hassan  
Deputy Chair

<sup>2</sup> Transcript of Pre Hearing Meeting for MAIL plan change dated page 7-9.

<sup>3</sup> Transcript page 9 line 29-36

<sup>4</sup> Email from Chapman Tripp dated 14 August 2015 at 12.15pm.

<sup>5</sup> Email from Simpson Grierson dated 14 August 2015 at 12.20pm.