

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: 28 September 2015

RECORD OF DECISION

Background

1. The Christchurch City Council ('Council') has received two late submissions:
 - (a) The Milnes Family Trust, received on 22 September 2015, relating to Stage 3 Chapter 9 Natural and Cultural Heritage 9.3 Historic Heritage (Planning Map 77/H35).
 - (b) Ms Penelope Hazard, received on 11 September 2015, relating to Chapter 9 Natural and Cultural Heritage, 9.4 Significant Trees, addition to Appendix 9.4 to include a pohutukawa tree at 50 Hackthorne Road.
2. The Council has forwarded explanations for the late receipt of submissions. The agent for Milnes Family Trust, Novo Group, explained that although the submission was prepared and signed on 2 September, it was inadvertently not sent by them.¹ I accept that this was simply a mistake. In relation to Ms Hazard's submission, it appears that she tried to lodge the submission through the Council's website, within the required timeframe, but she encountered technical difficulties. She then re-sent the submission by email, but the scanned submission was not attached, despite Ms Hazard's belief she had done so.² The fact the submission was

¹ Email from Novo Group dated 22 September 2015.

² Email correspondence from Council dated 24 September 2015, including email correspondence between Ms Hazard and the Council dated 4, 8, 11 September 2015.

not received in time has only just been identified by the Council. I accept that Ms Hazard made an effort to have her submission lodged in time, however through administrative errors it was not lodged correctly. I note that it is not clear whether Ms Hazard wishes to be heard. Ms Hazard needs to urgently advise the Council whether or not she wishes to be heard on her submission.


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. Although the submissions are out of time, I do not consider any person would be prejudiced by waiver of the time for lodging submissions. There is sufficient time for the submissions to be notified and for the opportunity for further submissions before the hearing of this Chapter.

Decision

5. The receipt of a late submissions from Milnes Family Trust and Ms Penelope Hazard, referred to me for determination, are accepted. Accordingly it is so ordered:

- (a) The Council is directed to notify the Milnes Family Trust and Penelope Hazard submissions in accordance with the OIC.
- (b) The Council is to serve a copy of this decision on Milnes Family Trust and Ms Hazard.
- (c) Ms Hazard is to advise the Council within two working days of the receipt of this decision whether or not she wishes to be heard on her submission.



The Honourable Sir John Hansen
Chair