

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: 2 October 2015

RECORD OF DECISION

1. The Christchurch City Council ('Council') received the following late submissions on Stage 3 Proposals;

- (a) Fulton Hogan Limited ('Fulton Hogan') requested a waiver of time for lodging submissions on Stage 3 to enable them to amend their submission that was lodged in time in relation to Proposal 9 Natural and Cultural Heritage. The request for waiver was received on 7 September 2015;
- (b) Three submissions were received by the Council within time but due to the Council's error the submissions were not coded or loaded on the Council's website. This was brought to my attention on 30 September 2015¹. The affected submissions are
 - i. Pu-Lin and Ruoh-Jyu Jang in relation to Planning Map 30 received on 28 August 2015;
 - ii. Richmond Working Men's Club (the 'Club') in relation to Planning Map 32 and the proposal to zone the Club's property as Commercial Core.

¹ Email from Alan Matheson to the Secretariat dated 30 September 2015

iii. Summit Road Society Incorporated in relation to the Rural, Open Space and Subdivision Proposals.

(c) Papanui Club Incorporated lodged a submission in relation to Stage 3 Chapter 6 General Rules and Procedures, provision 6.5.4. The submission was lodged on 22 September 2015. The Papanui Club had attended the Stage 2 Residential Hearing and was advised by the Council that its concerns would be better addressed as part of Chapter 6.

(d) Lyndon Telfer lodged a submission on 30 September 2015. The submission relates to Chapter 5 Natural Hazards, Floor Level and Flood Management Maps with respect to 13 Rimu Street as notified in Stage 3. The submission was lodged out of time because Mr Telfer says that he misunderstood the direction for the extension of time for lodging submissions in relation to Coastal Hazards.

2. The closing date for lodging submissions was 4 September 2015. Clause 5 of Schedule 3 of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('OIC') provides that the Chairperson of the Hearings Panel may extend or waive compliance with any time limits specified by or under the OIC, except in relation to the time limit specified in Clause 12(2) which relates to completing the Panel's obligation under the OIC. 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.

3. In relation to Fulton Hogan, the issue is limited to an amendment to an existing submission. I approve Fulton Hogan's application for waiver of time to lodge an amended submission.

4. In relation to the three late submitters in paragraph 1 (b) above, the submissions were not of themselves late, but an error was made by the Council in processing the submissions, hence the need for a decision to waive the time frames to enable their notification under the OIC. I accept these are valid reasons to justify granting the waiver.

5. In the case of the Papanui Club Inc, I accept that the relief the submitter now seeks is generally consistent with that sought in the original submission, albeit in a different form. As a matter of due process, it is appropriate that the amended submission be notified under the OIC.

6. In relation to Mr Telfer, I accept that he may well have been confused by the extension granted.


7. All six late submissions will need to be notified by the Council to enable the opportunity for further submissions to be made. There is sufficient time to enable that step to be undertaken in relation to the Stage 3 hearings. Hence, there is unlikely to be any prejudice to any person in allowing each of these late submissions. It is noted, however that pre hearing meetings on Stage 3 Proposals are scheduled for 27, 28 and 29 October 2015. The late submitters are advised to regularly visit the Hearing Panel's website to ensure they are aware of any notices and directions in relation to Stage 3 matters.

8. The time frame for lodging submissions is waived in the case of Fulton Hogan, Pu-Lin and Ruoh-Jyu Jang, Summit Road Protection Society, Richmond Working Men's Club, Papanui Club Inc and Lyndon Telfer. The receipt of the same are accepted.

9. Accordingly it is so ordered;

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

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


~~For and on behalf of~~
The Honourable Sir John Hansen
Chair