

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: 18 December 2015

RECORD OF DECISION

1. The Council received the following submissions after the closing date for Stage 3 Proposals:

(a) On 19 November 2015¹, NZ Science & Technology Charitable Trust ('Science Alive') and Ngāi Tahu Justice Holdings Limited ('Ngāi Tahu') filed a supplementary submission in relation to the following properties:

- i. 85 Armagh Street;
- ii. 282 Durham Street; and
- iii. 66 Chester Street West.

The above properties are bounded by Chester Street West, Durham Street, Armagh Street and the Avon River. Science Alive and Ngāi Tahu, have reflected on their submission and now consider a supplementary submission is required to specifically address those rules relating to the Central City Open Space – Central City Water and Margins Zone and Avon River Precinct/Papa o Ōtākaro Zone (Avon River Precinct).

¹ The submitters request was not forwarded to the Secretariat until 10 December 2015, due to a Council administrative error

(b) On 9 December 2015 Church Property Trustees ('CPT') requested a waiver of the time to lodge a amendment to submission 3670 to include a challenge to three additional items contained in Appendix 9.3.6.1 in the Replacement Plan:

- i. St Barnabas "Sunday School" - Heritage Item 1303
- ii. St Augustine Church and Tower, Hall, Hannan Room - Heritage Item 156 (in part).
- iii. St Peters, Akaroa - Heritage Item 747 (in part).

The above properties were mistakenly overlooked in the preparation of their original submission.

2. 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. It is noted that although both the 'late' submissions are amendments to submissions already filed, they extend the scope of those submissions to additional matters. On that basis they will still need to be notified in accordance with the Order in Council. In relation to Science Alive and Ngāi Tahu, there is sufficient time for the supplementary submission to be notified under the OIC before the hearing commences and therefore there is no prejudice to any person in granting the waiver. In relation to the request to amend the CPT submission, if the Council notifies the amendment prior to the Christmas period the 10 working day period for receiving further submissions will not expire until 22 January 2016.² The hearing for the Natural and Cultural Heritage proposal commences on 18 January 2016. I am concerned that there is the potential for a further submission to be made without a fair opportunity for that further submitter to be heard. This can in part be addressed by ensuring that this decision is served on all submitters and further submitters who have already submitted on Appendix 9.3.6.1, to ensure they have the opportunity to respond before the hearing commences. If as a result of the public notification of the late submission, a person not already a submitter on Appendix

² S2 RMA 'working day' excludes the days between 20 December 2015 and 10 January 2016.

9.3.6.1 wishes to be heard, we will need to address that at the hearing. To ensure any affected further submitter is identified as a matter of urgency, we direct the Council to lodge a memorandum within a day of the close of further submissions to advise of the response to notification.

4. We have already issued directions for the hearing of both the Natural and Cultural Heritage and Open Space hearings. The submitters are aware of those requirements. Preparations are underway for both hearings. It is the responsibility of the submitters to comply with the directions already made.

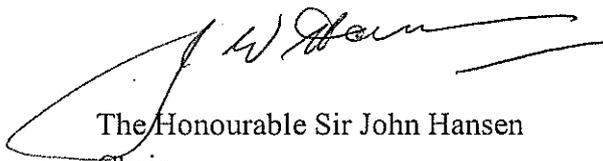
5. Accordingly it is so ordered;

(a) The Christchurch City Council is directed to publicly notify the late submission from NZ Science & Technology Charitable Trust and Ngāi Tahu Justice Holdings Limited and Church Property Trustees

(b) The Council is to update the submissions database to include the late submissions.

(c) The Council is to serve a copy of this decision on NZ Science & Technology Charitable Trust and Ngāi Tahu Justice Holdings Limited and Church Property Trustees and on all submitters and further submitters on Appendix 9.3.6.1 on or before 5pm on 21 December 2015

(d) The Council is to file a memorandum within 1 day of the close of the further submission period for the Church Property Trustees late submission to advise the Panel if any further submissions have been received.



The Honourable Sir John Hansen
Chair