

IN THE MATTER OF the Canterbury Earthquake
(Christchurch Replacement District Plan)
Order 2014

AND

IN THE MATTER OF Directions to the Christchurch City Council to
provide a record of deferred proposals.

Date: 29 September 2015

MINUTE

**Directions to the Christchurch City Council to provide a record of deferred proposals
for decision or hearing in relation to Stage 2 and Stage 3 proposals**

[1] Throughout the hearings process, the Council has made a number of requests for the hearing and/or decisions on parts of proposals on the proposed Christchurch Replacement District Plan to be deferred to later stages or to other hearings within a stage ('proposal hearing'). The Hearings Panel has made directions to accommodate the requests for deferrals in a number of cases. By way of example, requests have been made in the following circumstances;

- (a) The hearing of provisions notified as part of Stage 1 proposals deferred to Stage 2 or Stage 3, for example the hearing of airport noise contour issues and noise sensitive activities to be deferred to Stage 3 Chapter 6 General Rules and Procedures proposal hearing.¹
- (b) The hearing of submissions lodged on Stage 1 to a Stage 2 hearing, for example the hearing of submissions on Lyttelton Farmers Market to be heard along with Stage 2 Chapter 7 Transport proposal hearing.²

¹ Pre-Hearing Report and Directions Stage 2 Rural dated 11 August 2015.

² Minute 23 April 2015.

- (c) The deferral of the hearing of parts of proposals notified in Stage 2 to be heard at another Stage 2 hearing, for example the deferral of the RSDT provisions at New Brighton for areas adjoining the Commercial Core Zone, notified in Stage 2 to be heard along with Stage 2 Chapter 15 Commercial proposal hearing³ and the deferral of the Residential Bach zone, notified in Stage 2, until Stage 3 Coastal Environment proposal hearing;⁴
- (d) The deferral of decisions by the Hearings Panel on matters notified to be heard as part of Stage 1 until after the hearing of Stage 2 parts of the same proposal, for example the Residential Conservation Zone for Banks Peninsula notified in Stage 1 are to be made after the hearing of the Stage 2 Residential proposal hearing.⁵
- (e) The deferral of hearing of Stage 1 and 2 proposals relating to the Residential New Neighbourhood zones which for part of Chapter 14 Residential and Chapter 8 Subdivision, be heard together in early 2016;⁶
- (f) And most recently a request to defer decisions on matters already heard in Stage 1 until after Stage 2 hearings due to an error in the E-Plan that signalled matters relating to Outline Development Plans remained open for submission in Stage 2.⁷

[2] We acknowledge that to date the Council has provided an outline of the intended scope of hearings as part of the memorandum that it files ahead of pre-hearing meetings, and has made requests for deferrals during pre-hearing meetings. However, a number of requests for deferrals have also been made after pre-hearing meetings, and in some cases in the Council's opening submissions at a particular hearing, or even after the hearing has concluded (in the case of the latest request in (f) above). The Hearings Panel is concerned that due to the number of deferrals, there is a risk that submitters in the hearing will become confused by the deferral of hearings. We are also concerned to ensure that all notices for pre-hearings and hearings accurately identify submitters wishing to be heard at the relevant hearing.

³ Accepted by the hearings panel and notice of hearing issued for these matters to be heard together.

⁴ Directions made following pre hearing meeting for Stage 2 Residential see minute dated 14 August 2015.

⁵ Agreed during Stage 1 hearing of Chapter 14 Residential.


⁶ Directions followed the hearing of Stage 1 Residential and Subdivision proposals by minute dated 16 July 2015.

⁷ Memorandum of Counsel for Christchurch City Council dated 24 September 2015 and Minute of Hearing Panel dated 28 September 2015.

[3] To assist with the fair and efficient conduct of hearings, we direct the Council to provide to the Secretariat by *5 p.m. on Friday 2 October 2015* a Schedule that identifies the scope of all Stage 2 and 3 hearings; and

- (a) Ensures that the Schedule clearly identifies the provisions that have been deferred from one proposal hearing to another proposal hearing; and
- (b) Clearly distinguishes between part of a proposal that has already been heard (as part of Stage 1 or 2), but *decisions* on those parts of the proposals have been requested to be deferred until after a later hearing proposal and deferrals where the *hearing* of parts of proposals are to be deferred to another proposal hearing.

[4] The Council is to identify any other parts of proposals or submission points that they are intending to request deferral of. It is critical that these matters are signalled well ahead of pre hearings on Stage 3 so that the affected submitters can be invited to attend the relevant pre hearing meeting.



The Honourable Sir John Hansen
Chair