

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

AND

IN THE MATTER OF Specific Purpose zones (part) Stage 2 proposal
and Decision 19

Date: 2 May 2016

RECORD OF DECISION

**in relation to a request by the Roman Catholic Bishop of the Diocese of Christchurch
for leave to lodge a late submission**

[1] The Roman Catholic Bishop of the Diocese of Christchurch (Bishop) made an application to the Panel for leave to lodge a late submission in respect of Stage 2 Chapter 21 Specific Purpose (Cemetery) Zone (Application).¹ Accompanying the Application was a copy of the Bishop's submission (submission) and a master plan for the Cemetery.² The request was made to facilitate the correction of an alleged error in the zoning of part of the Onuku Cemetery that the Bishop says was inadvertently overlooked by the Bishop and the Council in the preparation of the Replacement District Plan. The Bishop has proposed a number of possible methods to remedy the error. The Christchurch City Council (Council) responded by memorandum to the jurisdictional issues on 18 April 2016, and to the factual matters by further memorandum dated 28 April 2016.³

[2] The Application is to waive the time for filing a submission seeking a change to the zoning of Onuku Cemetery. Clause 3(1)(e) of Schedule 2 and Clause 5 of Schedule 3 to the Order sets out the matters relevant to an application to waive the time for filing of submissions.

¹ Application by Roman Catholic Bishop of the Diocese of Christchurch for leave to lodge a late further submission, 6 April 2016.

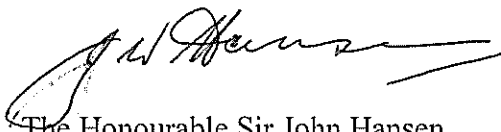
² Submission on the Proposed Replacement Christchurch District Plan dated 6 April 2016.

³ Memorandum of Christchurch City Council in response to late submission by Roman Catholic Bishop of the Diocese of Christchurch dated 18 April 2016, and further Memorandum dated 28 April 2016.

Having considered those matters, I have determined that it is too late to accept a late submission in relation to this matter. The zoning of the land in issue was the subject of Decision 19, which was issued before the application for waiver was made.

[3] I find that the fact that a waiver of time has not been granted to file a submission out of time would not preclude the Hearings Panel from making a minor correction to a decision if the relevant grounds are made out. Having considered the Application and the responses from the Council, it is clear that there is not the level of agreement between the Council and the Bishop that is indicated in the Application, which may have enabled a correction to have been made by the Hearings Panel.

[4] In the circumstances, the Hearings Panel does not have the power to correct the zoning pursuant to OIC, cl 16 of Schedule 3, or to otherwise revisit Decision 19. To the extent that the Bishop wishes to pursue an application to change the Existing Plan or the Replacement District Plan under OIC, cl 20, or through any alternative mean, is a matter entirely for the Bishop to determine.



The Honourable Sir John Hansen
Chair