

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: 13 October 2015

RECORD OF DECISION

1. The Council received the following late submissions on Stage 3 Proposals;
 - (a) Penny Wenlock lodged a submission on Chapter 9 Natural and Cultural Heritage in relation to Heritage item 449 and Heritage setting 395 at 6 Peartree Lane. Ms Wenlock's submission was received on 2 October 2015. Ms Wenlock indicated that she lodged the submission following receipt of correspondence from the Council advising her that the Council has made a late submission that affected 6 Peartree Lane.¹
 - (b) Mr Henri Shustak lodged a submission out of time in relation to the Natural Hazard Floor Level and Flood Management Areas that affects Flat 2 at 511 Tuam Street. The submission referred to the Coastal Environment Chapter, in error and the Council inadvertently set aside the submission with other submissions relating to Coastal Hazards.
 - (c) Ms Jennifer Hamilton has lodged a submission out of time in relation to provision 5.8.8 High Flood Hazard Management Areas and Planning Maps 46 and H25 that affect her property at Centaurus Road. It appears Ms Hamilton

¹ Letter from Christchurch City Council to Mr Packard dated 23 September 2015.

only became aware of the impact of the High Flood Hazard Management Areas when reviewing the District Plan in relation to the coastal inundation provisions which had an extended submission period.

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 the late submission from Ms Wenlock, I note that Ms Wenlock has used the Coastal Hazard Stage 3 submission form. However it is clear from the content of the submission form that Ms Wenlock is concerned about the area of land included in the Heritage Setting relating to 6 Peartree Lane. Ms Wenlock's submission is late because she was not previously aware of the proposal as notified, it was only later when the Council sought further changes to the heritage listing affecting the property that she was alerted to impact of the proposed provisions on her property. There is sufficient time for Ms Wenlock's submission to be notified before the hearing of Chapter 9 Natural and Cultural Heritage. I waive the time for lodging Ms Wenlock's submission. A pre hearing meeting has been scheduled for this Chapter on 28 October 2015. Ms Wenlock is encouraged to attend. A copy of the Pre Hearing Meeting Notice is available on the Panel's website.²

4. Mr Henri Shustak's submission relates to Stage 1 Natural Hazard provisions. It is only part of Flat 1 at 211 Tuam Street that is affected by Stage 3 Natural Hazard provisions. Due to the fact that Mr Shustak's submission relates to Flat 2, his submission is too late for a waiver of time to be granted because we have already made our decision on Stage 1 Natural Hazard provisions.

5. Ms Hamilton's submission is late, however, the hearing of Stage 3 Natural Hazards is likely to be scheduled for early in 2016 and there is sufficient time for her submission to be notified for further submissions before then. I waive the timeframe for receiving Ms Hamilton's submission accordingly. I note that we are holding a pre hearing meeting for Stage

² www.chchplan.ihp.govt.nz

3 Chapter 5 Natural Hazards on 27 October 2015. Notice of that pre hearing meeting is available on the Panel's website and Ms Hamilton should consider attending that meeting.

6. Accordingly it is so ordered;

(a) The Christchurch City Council is directed to publicly notify the late submission from Penny Wenlock and Jennifer Hamilton in accordance with the OIC.

(b) Mr Henri Shustak's request to consider a late submission is refused.

(c) The Council is to serve a copy of this decision on Penny Wenlock, Jennifer Hamilton and Henri Shustak.



The Honourable Sir John Hansen
Chair