

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource
Management Act 1991
and the Canterbury
Earthquake
(Christchurch
Replacement District
Plan) Order 2014

AND

IN THE MATTER of the Specific Purpose
Zone (Stage 2)
Proposal of the
Christchurch
Replacement District
Plan

**MEMORANDUM OF COUNSEL FOR CHRISTCHURCH CITY COUNCIL IN
RESPONSE TO PANEL'S MINUTE ON LATE SUBMISSION OF THE ROMAN
CATHOLIC BISHOP OF THE DIOCESE OF CHRISTCHURCH**

28 APRIL 2016

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MAY IT PLEASE THE PANEL:

1. This memorandum is filed in response to the Panel's minute, dated 27 April 2016, seeking the Christchurch City Council's (**Council**) response to the factual matters of the Roman Catholic Bishop of the Diocese of Christchurch (**Bishop**) late submission (**submission**).

Council's response to factual assertions in Bishop's submission

2. The land is designated for "Cemetery" purposes in the Banks Peninsula District Plan, along with other adjoining cemeteries (Akaroa Anglican and Dissenters Cemetery). It is understood the designation is in place based on the fact that the cemetery was a public work being managed by the then Banks Peninsula District Council. The land is owned by the Bishop. Under the current plan review process the land was notified with a Specific Purpose (Cemetery) Zone in Stage 2.
3. Council officers have confirmed that they also have not been able to find any written agreement in Council's records as mentioned in paragraph 3 of the submission, nor are they in a position to confirm that, as asserted in the submission, the Council's actions in administering the cemetery have been consistent with the unknown "agreement".
4. For the Panel's assistance, a copy of the 1980 *Gazette* notice referred to in paragraph 5 of the submission is included as **Attachment A**.
5. The *Gazette* notice is not recorded on the title (CB404/68). The title includes those two other parcels of land referred to in paragraph 6 of the submission.
6. The Council confirms that discussions were held between Asset Planning & Management (Parks) staff and representatives of the Bishop regarding the designation under the Banks Peninsula District Plan (prior to the Canterbury Earthquakes). Those discussions included the prospect of removing the designation from part of the land. As mentioned in the last sentence of paragraph 11 of the submission, the Bishop was advised that a subdivision consent application would need to be made (which is the Bishop's reference to a "finalised scheme plan for the remainder of the land" in paragraph 11). No such application was made by the Bishop.

7. Discussions continued in 2013. Council officers advised the Bishop that the Diocese (as landowner) needed to formally write to the Council seeking that the Council as requiring authority remove part of the designation. This communication took place separately to, and before the proposed Replacement District Plan was notified. Therefore, the Council does not agree with the statement at paragraph 12 of the submission that "the Council appears to have had the expectation that the Bishop would request the removal in a submission", if that reference is meant to refer to a submission on the pRDP. The Council officers outlined the available process to the Bishop at the time of the discussions, and therefore had not referred to (nor were anticipating) the pRDP process in order to progress matters.
8. As mentioned in the Council's memorandum of counsel dated 18 April 2016, the Council does not understand paragraph 16 of the submission. The Council does not agree with the assertions in that paragraph as to the "Council's policy".
9. The issue as to the extent of land at 100 Onuku Road that is not required for Cemetery purposes is not yet resolved. The plan attached to the Bishop's submission, from the 2013 Christchurch City Council Cemeteries Master Plan, does not (in the Council's view) accurately reflect what has been discussed in the past as being necessary to retain for the cemetery.
10. The plan is titled "Existing Akaroa Catholic Cemetery Plan June 2013". However, what the Master Plan proposed to be retained "as the operational cemetery" (referred to in paragraph 17 of the submission) is the larger area indicated in the plan titled "Future Akaroa Catholic Cemetery Plan June 2013" on the following page of the Master Plan (a copy is included at **Attachment B** to this memorandum). This plan includes more land at the south-west corner that contains overgrown graves.

11. In addition, the need for a "buffer" was raised by the Council, and agreed with the Bishop, in 2013. The Bishop has also agreed that it needs to deploy ground penetration radar to determine whether there are any unmarked graves beyond the larger area indicated in the plan in **Attachment B** and any buffer area (and therefore the extent of the Cemetery). That has not happened at this time.

DATED 28 April 2016



S J Scott / A O J Sinclair
Counsel for Christchurch City Council

Attachment A
Gazette Notice

*The New Zealand Society for the Intellectually Handicapped
(Incorporated), Wanganui Branch Order 1980*

KEITH HOLYOAKE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 6th day of
October 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 4 of the Disabled Persons Employment Promotion Act 1960, His Excellency the Governor-General, acting on the recommendation of the Minister of Labour made after consultation with the unions, associations, and organisations referred to in section 5 of that Act, and by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the New Zealand Society for the Intellectually Handicapped (Incorporated), Wanganui Branch Order 1980.

2. Exemption—The New Zealand Society for the Intellectually Handicapped (Incorporated) Wanganui Branch, an organisation approved by the Minister of Labour under section 3 of the Disabled Persons Employment Promotion Act 1960, is hereby granted exemption, in respect of its sheltered workshop at Turoa Road, Wanganui East, from—

- (a) All the provisions of every award and agreement that would otherwise apply to persons employed in that workshop; and
- (b) The Annual Holidays Act 1944, the Minimum Wage Act 1945, and sections 34 and 37 of the Factories Act 1946.

A. C. McLEOD,
Acting for Clerk of the Executive Council.

*Declaration that State Forest Land Ceases to be Part of
Mount Richmond State Forest Park*

KEITH HOLYOAKE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 6th day of
October 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL PRESIDING IN COUNCIL
PURSUANT to section 63B (2) of the Forests Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby declares that the area of State forest land described in the Schedule hereto, having been set apart as part of Mount Richmond State Forest Park by a Proclamation dated the 28th day of February 1977 and published in the *Gazette*, of 3 March 1977, Vol. 23, p. 445, hereby ceases to be part of Mount Richmond State Forest Park as from the date of publication hereof.

SCHEDULE

MARLBOROUGH LAND DISTRICT—MARLBOROUGH COUNTY

415.4098 hectares, being sections 1 and 4, Block XIV, Linkwater Survey District, as described in *New Zealand Gazette*, 1947, page 1672, shown as G on S.O. 5482; and section 2, Block XI, section 15, Block XIV, and section 34, Block XV, Linkwater Survey District, as described in *New Zealand Gazette*, 1957, page 1617, shown as J on S.O. 5482, as shown on plan P27/7, deposited in the Head Office of the New Zealand Forest Service at Wellington.

A. C. McLEOD,
Acting for Clerk of the Executive Council.
(F.S. 56/4/15/1)

*The Rehabilitation League (New Zealand) Incorporated
Order 1980*

KEITH HOLYOAKE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 6th day of
October 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 4 of the Disabled Persons Employment Promotion Act 1960, His Excellency the Governor-General, acting on the recommendation of the Minister of Labour made after consultation with the unions, associations, and organisations referred to in section 5 of that Act, and by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the Rehabilitation League (New Zealand) Incorporated Order 1980.

2. Exemption—The Rehabilitation League (New Zealand) Incorporated, an organisation approved under the name of the Disabled Re-establishment League Incorporated by the Minister of Labour under section 3 of the Disabled Persons Employment Promotion Act 1960, is hereby granted exemption, in respect of its sheltered workshop at 47 Leeds Street, Christchurch, from—

- (a) All the provisions of every award and agreement that would otherwise apply to persons employed in that workshop; and
- (b) The Annual Holidays Act 1944, the Minimum Wage Act 1945, and section 34 of the Factories Act 1946.

A. C. McLEOD,
Acting for Clerk of the Executive Council.

*Akaroa County Council Appointed to Control and Manage
Akaroa Roman Catholic Cemetery*

KEITH HOLYOAKE, Governor-General

His Excellency the Governor-General of New Zealand at
Wellington, this 9th day of October 1980

IN pursuance and exercise of the powers and authorities vested in me by section 23 of the Burial and Cremation Act 1964, I, Sir Keith Jacka Holyoake, the Governor-General of New Zealand, do hereby appoint the Akaroa County Council to have the control and management of the Roman Catholic Cemetery described in the Schedule hereto, as from the 31st day of January 1980.

SCHEDULE

AKAROA ROMAN CATHOLIC CEMETERY

ALL that area in the Christchurch land district, containing together 2.023 hectares, more or less, situated in the Borough of Akaroa, being Reserve 116, and Town Section 138 to 144 (both inclusive), 148 to 154 (both inclusive), 158 and 159, and being all the land comprised and described in certificate of title, Volume 404, folio 68, Christchurch District Land Registry.

Dated this 9th day of October 1980.

GEORGE F. GAIR, Minister of Health.

(191/2/586)

*Reconstituting the North-West Nelson State Forest Park
Advisory Committee*

PURSUANT to regulation 3 of the State Forest Parks and Forest Recreation Regulations 1979, the Minister of Forests hereby reconstitutes the North-West Nelson State Forest Park Advisory Committee.

The reconstituted committee shall consist of the Conservator of Forests, Nelson, and nine appointed members, namely:

Christopher Raymond Arnold,
Christopher H. Blackman,
Bruce Archibald Ferguson,
Joe Mario Fon,
Janice Callum Heine,
Shirley Ruth Lineham,
James Martin Robertson,
Gerald Edward Rowan, and
Frank Graham Soper.

The appointed members shall hold office for a term expiring on the 1st day of March 1983.

Dated at Wellington this 29th day of September 1980.

VENN YOUNG, Minister of Forests.




(F.S. 36/4/1/1)

Attachment B
Future Akaroa Catholic Cemetery Plan June 2013





FEATURES





EXISTING - to be retained

-  Trees
-  Lawn
-  **(A)** Burial Area

EXISTING - to be removed

-  **(B)** Planting on graves to be removed with minimum intervention
-  **(C)** Post and wire fence to be removed

PROPOSED

-  **(D)** Post and chain fence
-  **(E)** Enhance entrance including gates and signage
-  **(F)** Maintain planting around the cemetery ensuring it does not encroach onto graves
-  **(G)** Pedestrian walking track

NOTE:

1. Additional signage and seats are to be in keeping with the style and character of the cemetery

