

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN 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 Natural Hazards
Stage 3 Proposal
(Part) and Coastal
Environment Stage 3
Proposal

**APPLICATION ON BEHALF OF CHRISTCHURCH CITY COUNCIL FOR
EXTENSION OF THE TIMEFRAME FOR MAKING OF SUBMISSIONS ON
COASTAL HAZARDS MATTERS**

31 AUGUST 2015

 **Simpson Grierson**
Barristers & Solicitors

Simpson Grierson
J G Winchester / S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

MAY IT PLEASE THE PANEL:

Introduction

1. This application is made on behalf of the Christchurch City Council (**Council**). The purpose of this application is to respectfully seek that the Chairperson of the Hearings Panel extend the closing date for submissions on the coastal hazards aspects of the Stage 3 Natural Hazards Proposal (part) and all of the Coastal Environments Proposal (**Proposals**).
2. The requested extension of the closing date for submissions is specific to the following provisions:

Proposal 5, Natural Hazards¹

- (a) 5.0 Introduction Coastal Hazards;
- (b) 5.2.9 Policy - Changing Climate;
- (c) 5.6 Policies for coastal hazards (5.6.1. Policies for coastal erosion and sea water inundation and 5.6.2 Policies for coastal hazard mitigation works);
- (d) 5.11 Coastal erosion and coastal inundation rules (Rules 5.11.1, 5.11.2, 5.11.3, 5.11.4 and 5.11.5);

Proposal 19, Coastal Environment

- (e) All of Proposal 19;

Planning Maps

- (f) All Planning Maps which include the "Coastal Zone", the "Coastal Environment" notation, Coastal Erosion Management Areas 1 and 2, and Coastal Inundation Management Areas 1 and 2; and

¹ For the avoidance of doubt, the Application does not extend to Stage 3 Floor Level and Fill Management Areas, Flood Ponding Management Areas, High Flood Hazard Management Areas or Port Hills and Banks Peninsula Slope Instability Rules.

- (g) All Natural Hazard Planning Maps which include Coastal Erosion Management Areas 1 and 2, and Coastal Inundation Management Areas 1 and 2.
3. The Council respectfully requests the following extension:
- (a) A six week (30 working days) extension to the closing date for submissions. This would amend the closing date from 4 September 2015 to 16 October 2015;
 - (b) Coding and uploading of the submissions and public notice calling for further submissions to be completed by 2 November 2015 (10 working days); and
 - (c) Further submissions to be received between 2 November 2015 to 16 November 2015 (10 working days).

Reasons for the request

4. The regulatory effect of the coastal hazards aspects of the Natural Hazards Proposal and the Coastal Environment Proposal has attracted significant public interest and the Council would like to ensure that submitters have the best opportunity in the time available to prepare and file submissions on the relevant issues. The Stage 3 Natural Hazards Chapter includes policies and rules for Coastal Hazards. The Coastal Environment Chapter includes objectives and policies which provide overarching direction to the management of subdivision, use and development within the Coastal Environment. Much of the Coastal Zone is subject to coastal hazards over the next 100 years such as coastal erosion, and seawater inundation associated with storm events.
5. Due to the tight timeframes under the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (**Order in Council**), the Council was unable to undertake discretionary consultation on the Proposals with affected landowners and the public more generally.²
6. Responding to the implications of climate change and the associated coastal hazards is a difficult and complicated issue which affects a large number of

² The Council undertook mandatory consultation as required by clause 1 (2) and (4) of Schedule 1 of the Order in Council.

properties. The coastal hazards aspects of the Proposal have the potential to affect 18,600 properties and approximately 40,000 people.

7. The Council has been advised that a large number of submitters will have difficulty meeting the current deadline for submissions. The Council understands that members of the community are concerned that there has not been enough time to gather the necessary information and seek appropriate expert advice to ensure that their submissions and any relief sought are based on the evidence they will present at the hearing.
8. For this particular hearing, the Council considers the suggested extension set out above could be accommodated without affecting the ability to hold a hearing in 2016.
9. For completeness it is noted that, in respect of Stage 2, by its Minute dated 14 August 2015, the Hearings Panel confirmed its direction that the hearing of the Residential Bach Zone provisions (at 14.3) is deferred until Stage 3, to take account of the relevant Coastal Environment provisions in Stage 3. The deferred Stage 2 provisions are all of 14.13, related Policy 14.1.5.9 and Appendices 14.1.5.9 and 14.10.32. The submission extension will also enable the communities at Taylors Mistake, Boulder Bay and Hobson Bay to prepare comprehensive submissions to address all of the coastal matters applying to this area.

Jurisdiction

10. The jurisdiction to make an extension to the timeframe is in clause 5 of Schedule 3 to the Order in Council. Clause 5 states:
 - (1) ***The chairperson of the hearings panel may—***
 - (a) ***extend, or waive compliance with, any time limits specified by or under this order, except in relation to the time limit specified in clause 12(2) of this order; and***
 - (b) *accept submissions received after the relevant closing date notified under clause 5 or 7 of Schedule 1.*
 - (2) *In making a decision under subclause (1), the chairperson must take into account—*