

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

AND

IN THE MATTER OF an application for an extension of time to
lodge submissions pursuant to cl 5 of
Schedule 3 to the OIC

Date: 1 September 2015

MINUTE
re application for extension of timeframe
for making submissions on Coastal Hazards matters

[1] Christchurch City Council ('Council') has applied for an extension to 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 pursuant to clause 5 of Schedule 3 to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('OIC').¹

[2] The reasons for the request can be summarised as follows:

- (a) The regulatory effect of the coastal hazards aspects of both proposals has attracted significant public interest, and an extension would better allow submitters to prepare and file submissions on the relevant issues.
- (b) The Council has been unable to undertake discretionary consultation on the proposals with affected land owners and the public generally, due to the tight

¹ Application on behalf of Christchurch City Council for extension of the timeframe for making of submissions on coastal hazards matters, 31 August 2015.

timeframes of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014.

- (c) The proposals affect a large number of properties, and responding to the implications of climate change and the associated coastal hazards is a difficult and complicated issue.
- (d) The Council has been advised that a large number of submitters will have difficulty meeting the current deadline for submissions (4 September 2015).
- (e) The Council considers that the suggested extension will not affect the ability to hold a hearing in 2016.
- (f) The Council points to a previous direction of the Panel, deferring the hearing of Residential Bach Zone provisions to Stage 3.² The Council considers that an extension on Coastal Hazard matters will enable affected communities to prepare comprehensive submissions to address all coastal matters for their areas.

[3] I am satisfied that, pursuant to clause 5 of Schedule 3 to the OIC, I have jurisdiction to consider the application to extend the time limits for making submissions on a proposal. However, when making a decision, I must take into account:

- (a) The interests of any person who, in the chairperson's opinion, may be directly affected by the waiver; and
- (b) The need to ensure that there is an adequate assessment of the effects anticipated from the implementation of the proposal; and
- (c) The stage of the hearing when the Hearings Panel is provided with the submissions.

[4] As identified in the Council memorandum, matters (a) and (b) appear most relevant in this context.

² Minute clarifying scope of matters to be heard in Residential Hearing (Stage 2), 14 August 2015.

[5] I am mindful of our obligations under clause 12(2) of the OIC to hear submissions and make decisions not later than 9 March 2016. We must be satisfied that any extension of time will not impinge on our ability to meet those obligations. I am also concerned that all submitters who have participated in, or will participate in the submission and hearing process under the OIC for the development of the Christchurch Replacement District Plan (CRDP) have been under the same time pressures and a number of them would likely be ‘directly affected’ by this extension. The short timeframes are simply a consequence of the special procedures set up under the OIC, to provide an expedited process for the development of the CRDP. Many submitters have already expressed in their presentations to us their concern about the short timeframes. To that extent, the circumstances outlined by the Council in its memorandum do not appear to be that unusual.

[6] We are mindful that this request is a generic request that would apply to all potential submitters to the Coastal Hazard aspects of the Natural Hazards Proposal and the Coastal Environment Proposal. In that sense, it differs from the usual type of application we have received and granted, namely for an extension or waiver of time applicable to named individuals. Our decision in response to this application has the potential to directly affect all submitters, who may question why the circumstances are any different for these matters.


[7] Before considering the application further, I require the Council to file an affidavit in support of its application. It is to address the matters in clause 5(2)(a)–(c) of Schedule 3 to the OIC and, in particular, why the circumstances pertaining to the Coastal Hazard aspects of the Natural Hazards Proposal and the Coastal Environment Proposal differ from other proposals, justifying an extension of time, where none has been sought for other Proposals. In addition, I require some assurance from the Council that the consequence of granting the extension will not see us faced with similar applications. We note we have already received correspondence from a submitter on Stage 3 relating to the Special Purpose (Flat land) Recovery Zone.³ Given the public profile and interest in this matter, I expect this affidavit will be from an appropriate senior planning manager.

[8] I therefore direct the Council to file an affidavit in support of its application for an extension of time to lodge submissions for the Coastal Hazard aspects of the Natural Hazards

³ Email from Gary Sharlick to Mayor and Chair of Independent Hearings Panel dated 31 August 2015 at 10.49 p.m.

Proposal and the Coastal Environment Proposal and relevant planning maps by *12 p.m.,
Wednesday 2 September 2015.*

For and on behalf of
The Honourable Sir John Hansen, Chair



Environment Judge John Hassan
Deputy Chair