

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

AND

IN THE MATTER OF the hearing of Chapter 17 Rural and
Chapter 8 Subdivision (Stage 2) proposals

Date: 18 September 2015

MINUTE

in response to joint memorandum of Counsel for the Crown, Te Rūnanga o Ngāi Tahu and Mahaanui Kurataiao Limited and Christchurch City Council dated 14 August 2015 and a separate memorandum of Counsel for Christchurch City Council dated 14 August 2015 regarding deferrals of issues for hearing

[1] We have received a joint memorandum of Counsel for the Crown, Ngāi Tahu and the Christchurch City Council ('Council'), together the 'Parties', dated 14 August 2015. The memorandum updates the Panel in relation to an earlier request to have certain provisions relating to cultural and natural heritage (eg ss 6 and 7 RMA and NZCPS), that were notified as part of the Rural proposal and Subdivision proposal in Stage 2, deferred until Stage 3 and heard with Proposal 9 Cultural and Natural Heritage. The joint memorandum also requests that minimum lot size provisions in the Subdivision proposal for Stage 2, that relate to Papakāinga, be deferred and heard along with Proposal 4 Papakāinga (Stage 2).¹ These requests were discussed at our pre-hearing meetings in respect of the Subdivision and Rural proposals.²

[2] We have received an additional memorandum from the Council, also dated 14 August 2015. That memorandum relates to airport-related noise issues as they relate to the Rural proposal. The Council requests that certain submission points by Christchurch International

¹ Memorandum of Counsel for the Crown dated 5 August 2015.

² Refer to our Pre-hearing Reports and Directions for Chapter 8 Subdivision and Chapter 17 Rural, available on the Panel's website: www.chchplan.iph.govt.nz.

Airport (CIAL), which seek to include specific airport-related provisions in the Rural Chapter, be deferred to Stage 3 when we hear the Chapter 6 General Rules and Procedures hearing.³

[3] I will deal with each of those matters in turn.

Natural and Cultural Heritage issues in Chapter 8 Subdivision and Chapter 17 Rural.

[4] The parties have reflected on their position and now advise that no deferral is now sought in relation to natural and cultural issues relating to the Subdivision and Rural proposals from Stage 2 to Stage 3. We accept that position and no direction is required.

Transfer of Subdivision provisions for minimum lot size relating to Papakāinga zoned land to Proposal 4 Papakāinga hearing.

[5] Ngāi Tahu request that the issue of whether there should be a minimum lot size for subdivision of land zoned for Papakāinga should be heard at the Proposal 4 Papakāinga hearing. The Parties advise that there is only one submitter on this matter who is not already identified as a submitter on Proposal 4, and that is submitter Mr Beggs (2309). Mr Beggs has indicated that he does not wish to be heard. The Council has already identified this matter as an issue for the Papakāinga hearing in their updated Statement of Issues dated 13 August 2015

[6] Although this appears to be a relatively confined point, we are concerned that the deferral or transfer of the hearing and consideration of specific issues or provisions, even as between hearings in the same stage, will have wider implications on the efficient conduct of hearings and issuing our decisions. Although attendance at hearings in a matter for the submitters to determine, we would expect that if Ngāi Tahu wish to be heard on the Subdivision proposal they will make representations and/or call evidence at that hearing. If, on hearing that evidence, we consider that our decision on that issue should be deferred until after hearing another proposal, we can make any directions at that time. We therefore decline the application.

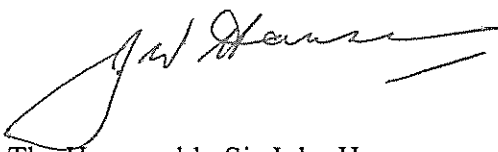
³ We have previously directed that all airport noise related matters be deferred to Stage 3 when we will hear all Chapter 6 General Rules and Procedures provisions.

Transfer of CIAL submission points seeking airport-related noise provisions in the Proposal 17 Rural, to the hearing in Stage 3 of Chapter 6 General Rules and Procedures

[7] The Council advises that there are no provisions in the Rural Proposal that specifically reference the air noise contour or engine testing contour within the Rural Proposal, although parts of the Rural Urban Fringe zone, Rural Waimakariri Zone and the Rural Quarry Zone are covered by the air noise and engine testing contours. The contours are addressed in the provisions of Chapter 6 General Rules and Procedures. CIAL have made submissions seeking additions to the Rural Proposal provisions that relate to the air noise and engine testing contours. The relevant submission points are set out in para 2.3 of the Council's memorandum.

[8] The Council is not seeking to defer the relevant Rural provisions because they are integral to the Rural proposal, however the Council supports a request by CIAL that their submission points be heard at the Stage 3 hearing on General Rules and Procedures along with other airport matters.

[9] We are concerned that such an approach may result in some aspects of the Rural proposal being left in limbo, pending the hearing of the General rules and Procedures proposal. On that basis we do not agree to the request. The manner in which a submitter presents its case at a hearing is a matter for the submitter to determine, however we would expect that if CIAL wish to be heard on their submission seeking changes to the Rural proposal, that they would make representations and/or call relevant evidence at the Rural hearing. If, on hearing that evidence, we consider that it more appropriate to defer our decision on those provisions until the hearing of Chapter 6, we can make directions at that time.



The Honourable Sir John Hansen
Chair