

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

AND

IN THE MATTER OF Proposal 8 Subdivision, Development and
Earthworks (Part)

Date: 4 November 2015

MINUTE

Timetabling directions regarding Council provision of updated Stage 2 Subdivision & Earthworks Proposal (Part) and closing submissions and timing of release of decision

[1] Prior to yesterday's adjournment, Mr Laing for the Council, at my request, proposed a sequence for closing submissions commencing with the Council lodging a revised proposal, followed by opportunity for parties to make comments on that revised proposal as part of closing submissions/representations, followed by a final right of reply by the Council.

[2] Earlier in the hearing, the Crown offered drafting refinement suggestions.

[3] As I signalled during the hearing, I consider this proposal sensible in view of the technical nature of this topic and the relatively confined range of matters in issue between parties. I appreciate that, for a number of lay submitters who presented, the formalities of closing submission processes may be somewhat unfamiliar territory. As such, I record that there is no need to repeat what you have already presented to us (both in writing and orally, the latter being fully recorded on the transcript). It is your opportunity to make any final representations, for instance by way of key points of emphasis, but not to adduce new evidence. The only addition to those normal protocols here is that you will also have opportunity to comment on anything arising from the Council's revised proposal. You should focus, in particular, on things that are changed in that proposal from the version that was included in Mr Long's rebuttal evidence.

My directions require the Council to show this by tracking, to assist you. In all respects, the relief you have sought in your submission/ further submission sets the legitimate boundaries of what you are entitled to address. It assists us if parties keep to those parameters.

[4] Directions are made as sought by Mr Laing, with some adjustments as discussed above and as to timing (the latter to ensure the Secretariat can post lodged material on our website before the close of the relevant business day).

[5] During the course of the hearing, various submitters indicated a preference that the Panel delay making its decisions on this Stage 2 proposal until after the hearing of the Rural Proposal and Natural and Cultural Heritage Proposal. Those submitters included Te Rūnanga o Ngāi Tahu and ngā rūnanga (2458, FS 2821) and Lyttelton Mt Herbert Community Board (2354). This was supported by the Crown and the Council particularly in view of ongoing discussions and mediation on the Papakāinga Zone.

[6] Given the relatively confined submitter interests in the Papakāinga Zone, and the inherent relationships between minimum lot sizes and the extent and nature of other land use controls within that Zone, we agree that it would be appropriate to withhold from issuing our decision on the present proposal for the time being. We are mindful that the timing of issuance of our decisions has consequences for when related provisions of the proposal come into operative effect, in terms of the OIC¹. However, we are also mindful of our overarching obligations as to the timely and efficient discharge of our hearing and decision-making responsibilities.

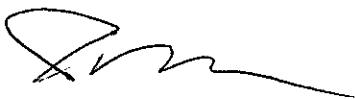
[7] In view of those factors, and the significant burden already being carried by Panel members in the completion of their deliberations and issuance of decisions on other proposals, we simply signal that it could be some months before a decision on this proposal would likely be issued.

[8] Therefore, I now make directions for the sequential lodgement of the Council's revised proposal and closing submissions, as follows.

¹ Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, clause 16.

Directions

- (a) By *3pm Monday 9 November 2015*, the Council is to lodge in electronic form its further revised proposal, in response to evidence and submissions heard, and showing (include the Crown's drafting refinement proposal in its electronic version):
- (i) Changes from the version in Mr Long's rebuttal evidence, in colour tracking;
 - (ii) "Comments box" references to the evidence, submission or representation (whether written or on the transcript) in respect of which the revision is proposed;
- (b) By *3pm Monday 16 November 2015*, those submitters who wish to do so are to lodge any closing submissions or representations (including any comments on the Council's revised proposal) within the scope of the relief sought in their submission and/or further submission;
- (c) By *3pm Monday 23 November 2015*, the Council is to lodge its closing legal submissions (and, if it wishes to do so, accompany this with any update on its further revised proposal in response to closing submissions or representations).
- (d) Where submitters are not relying on service through the Independent Secretariat's website, and they individually serve all parties, the times mentioned above are extended to 5pm on the specified dates.



Environment Judge John Hassan
Deputy Chair