

IN THE MATTER OF section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

AND

IN THE MATTER OF proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 23, 24 and 30 June, 1 July and 10 December 2015
Date of decision: 30 June 2016
Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Mr Martin Udale

DECISION 25

Subdivision, development and earthworks — Stage 1 (part): supplementary decision

Outcomes: **Directions to delete Repair and Rebuild provisions that were the subject of Decision 3 — Repair and rebuild of multi-unit residential complexes**

INTRODUCTION

[1] In Decision 13 we recorded that there may be a need, as a consequence of issuing that decision, to revisit Decision 3 on the Repair and Rebuild of Multi Unit Residential Complexes (and Relevant Definitions), and related CRDP provisions.¹

[2] It was the view of the Council's planning witness that those provisions were entirely superseded by the Council's revised version (and subsequently our Decision 13). We concurred in that view, and set out a timetable seeking that parties file supplementary submissions as to the use of cl 13(5) and (6) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 ('the Order') to delete those provisions.

[3] Supplementary submissions were subsequently filed by the Council² and the Crown³. No other parties filed supplementary submissions on this matter.

DECISION

[4] Both the Council and the Crown agreed that the provisions are superseded by our Decision 13, and the Council helpfully set out the reasons in its submissions.⁴ We adopt the Council's reasons.

[5] Clause 13 of the Order provides that:

(5) While the hearings panel is considering a proposal, it may reconsider any decision it has already made on another proposal if it considers it is necessary or desirable to do so to ensure that the replacement district plan is coherent and consistent.

(6) If the hearings panel considers, after reconsidering a decision under subclause (5), that an earlier proposal or a part of the replacement district plan requires change, the panel may direct the council—

- (a) to make changes of no more than minor effect; or
- (b) to prepare and notify a new proposal, and invite submissions on the new proposal in accordance with Schedule 1.

¹ Decision 13: Subdivision, Development and Earthworks — Stage 1 at [148]–[151].

² Supplementary legal submission for the Council, 22 January 2016.

³ Supplementary legal submissions for the Crown regarding the integration of Decision 3 on the repair and rebuild of multi-unit residential complexes and decision 13 on the Stage 1 Subdivision, Development and Earthworks Proposal, 29 January 2016.

⁴ At para 3.1.

[6] Both the Council and the Crown agreed that the Panel has jurisdiction to make changes. We concur in those submissions, and agree that the changes are of no more than minor effect. We find that the provisions are now entirely replaced by Decision 13.

[7] We therefore make the following direction under cl 13(6)(a) of the Order:

- (a) that the Council make changes to effect the removal of the Repair and Rebuild provisions that were the subject of Decision 3.

For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Mr Martin Udale
Panel Member