

IN THE MATTER OF 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 decision: 22 July 2016

Hearing Panel: Environment Judge John Hassan (Chair), Ms Sarah Dawson, Mr John Illingsworth

**Decision to make minor corrections to Decision and
Decision on Appendix 16.6.15 — Industrial Park Zone
(Memorial Avenue) Outline Development Plan**

**DECISION 24
Private Plan Change Request (Memorial Business Park)**

Background

[1] The Hearings Panel ('the Panel') issued its decision on proposals for the Industrial Park Zone (Memorial Avenue) ('Decision 24') on 13 June 2016. On 29 June 2016, we issued a further decision making minor corrections dealing with three matters, being:¹

- (a) a correction to changes we directed to the Council's closing version of the Memorial Avenue Outline Development Plan ('ODP'). These related to the extent of the restricted location for guest accommodation and the omission of a maximum height limit relating to part of this area;
- (b) an amendment to Decision 24 at [46] to correctly reflect the position of Andrew Centre Limited and Avon Hotel Limited;² and
- (c) clarification as to the extent of the Industrial Park Zone (Memorial Avenue).³

[2] We received a further memorandum ('the memorandum') from the Christchurch City Council ('the Council') requesting corrections to Decision 24 on 18 July 2016.⁴ The first part of this decision addresses these corrections.

Decision as to minor corrections

[3] Clause 16 of Schedule 3 to the OIC provides as follows:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

[4] Appendix A to the memorandum sets out the requested corrections in detail. The Council summarised the nature of the corrections sought:

¹ Decision to make minor corrections to Decision 24, 29 June 2016.

² In response to a memorandum of counsel for Andrew Centre Limited and Avon Hotel Limited requesting correction to Decision 24, 23 June 2016.

³ In response to a memorandum of counsel for the Christchurch City Council seeking clarification as to Decision 24, 24 June 2016.

⁴ Memorandum of counsel for Christchurch City Council requesting corrections to Decision 24, 18 July 2016.

[7] It is submitted that all corrections sought by the Council do not amend the content (ie, the merits) of the relevant provisions. The corrections sought are simply to rectify mistakes or inaccuracies or to assist users with navigating the Plan, rather than the substance (merits) of the affected provisions. The requested corrections are recorded in **Appendix A** to this application.

[5] We accept those submissions as sufficiently justifying the corrections sought in Appendix A to the memorandum, with one exception: we do not agree with the Council that a change is required to Rule 16.4.7.1.4 Discretionary activities. The Council sought the following note be added to that rule:

Note: refer also to rule 16.4.2.4 Discretionary activities⁵

[6] Plan readers are already alerted to the fact that activities are also subject to the rules in 16.4.2 (activity status tables) in the introductory section to 16.4.7. Accepting the change requested by the Council would result in an unnecessary exception to the adopted style.

[7] We direct changes using our powers under cl 16 of Schedule 3 to the OIC by amending Decision 24 in accordance with Schedule 1. For the sake of completeness, but for information only, Schedule 1 also includes minor corrections made to our Stage 2 decision on the Industrial Proposal (Decision 23: Commercial (Part) and Industrial (Part) — Stage 2).

Decision on the ODP

[8] As background to this matter, Decision 24 stated:

[287] The Decision Version lists amendments that are required to the ODP to ensure it aligns with this decision. Once and updated ODP is received according to our directions, a second decision will issue for the purpose of its inclusion in the CRDP.

[288] The Council is directed to confer with MAIL and other parties (and as appropriate Secretariat staff) and file an updated ODP addressing the matters noted in the Decision Version...

[9] Subsequent to the clarification in our 29 June 2016 Minor Corrections Decision, the Council, as directed, provided the Panel with a memorandum that included the updated ODP to reflect the required amendments ('ODP Memorandum').⁶

⁵ Memorandum, page 3.

⁶ Memorandum of counsel on behalf of Christchurch City Council filing updated ODP dated 30 June 2016.

[10] At paragraph 2 of the ODP Memorandum, the Council states:

Following receipt of Decision 24, the Council conferred with MAIL and all submitters involved with the hearing. No further consultation has taken place since receiving the Corrections Decision.

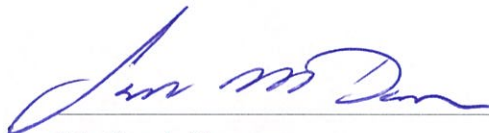
[11] We accept that the Council has conferred with parties, as per our direction at [288] of Decision 24, to the extent necessary.

[12] Upon reviewing the updated ODP, we are satisfied that it gives effect to Decision 24 and confirm it as part of this decision. We attach the ODP as Schedule 2 to this decision. For completeness, the updated ODP is also included in Schedule 1.

For the Hearings Panel:



Environment Judge John Hassan
Chair



Ms Sarah Dawson
Panel Member



Mr John Illingsworth
Panel Member

SCHEDULE 1

Amendments to Schedule 1B of Decision 24

SCHEDULE 2

Industrial Park Zone (Memorial Avenue) Outline Development Plan

