

**BEFORE A PANEL OF COMMISSIONERS ON BEHALF OF THE CHRISTCHURCH CITY  
COUNCIL**

**IN THE MATTER OF**      The Resource Management Act 1991

**AND**                      Proposed Plan Change 13 – Heritage to the  
Christchurch District Plan

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**MINUTE 1 OF THE HEARING PANEL**

23 May 2025

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## PURPOSE

This Minute is issued in accordance with our appointment as a panel of independent hearing commissioners to make recommendations on proposed Plan Change 13 – Heritage, and related submissions and further submissions.

The hearing has been set down for the 17 and 18 June 2025, with the possibility of extending into June 19, if required.

The purpose of this Minute is threefold:

1. To record our decision in respect of a request for waiver of time to file a further submission on the plan change made on behalf of Canterbury Rugby Football Union (CRFU).
2. To set dates in respect of the receipt and circulation of key documents in advance of the hearing.
3. To outline our expectations of how evidence is to be presented to the hearing and inform of our initial intentions regarding site visits.

## WAIVER REQUEST

The Christchurch City Council has received a request to waive the time for making further submissions on behalf of CRFU. The Hearing Panel were asked by the City Council to decide on whether to accept or not that request on 21 May 2025.

The closing date for the submissions period on PC13 was 12 May 2023, with the period for further submissions ending 17 July 2023. CRFU did not lodge a submission on PC13.

That application for waiver and the relevant further submission (dated 14 March 2025) is attached to this Minute. At issue is land owned by CRFU within the suburb of St Albans, which comprises both sports facilities and residential properties. PC13 proposes the inclusion of this land within Residential Heritage Area (RHA) HA3.

Our consideration of the request is to be in accordance with section 37(1)(b) of the Resource Management Act (1991) (RMA). The Act provides that a local authority may waive a failure to comply with a requirement for time or method of the service of documents, but can only do so having taken into account the following:

- a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- c) *its duty under section 21 to avoid unreasonable delay.*

Helpfully, these matters are specifically addressed by CRFU in the waiver application received.

The Hearing Panel agrees to the waiver request. In reaching that decision, the Panel notes:

- The request relates to a further submission only, supporting or supporting in part aspects of the submission made by Melissa Macfarlane (#1003) (the submitter). The scope of the submission #1003 is confined and the requested further submission does not introduce new requests for relief or oppose the relief sought by the submitter.
- Parties who may have wished to oppose the relief sought by the submitter have had the opportunity to do so.
- No directly affected person's interests would be unduly affected by introducing the late submission.
- Allowing the waiver and consideration of the landowner interests of CRFU in relation to the relief sought by the submitter is consistent with the participatory ethos of the plan change process under the RMA. Hearing of those interests will better inform our decision-making on the plan change.<sup>1</sup>
- No additional delay in the proceedings to determine PC13 would occur if the further submission is introduced.

Council records on PC13, and the process from here on, should account for this further submission being accepted.

## KEY DATES

The Panel is mindful of the time available ahead of the hearing, and of wanting to allow adequate time to both produce and consider evidence in advance.

The Panel considers that the pre-provision of expert evidence will, potentially, reduce the length of the hearing by reducing the need to have all of that evidence read. It is also likely to enable the focus to be on matters in contention and conflicting opinions.

It is also likely to help the Panel in preparation for hearing and will enable the reporting officers to consider the expert witnesses' evidence prior to the hearing and potentially seek further opinion from Council staff or consultants if necessary.

Accordingly, the Panel directs;

- The completion and distribution of the Council report prepared on the plan change, pursuant to section 42A of the RMA, no later than **4pm 28 May 2025**.
- The receipt and distribution of expert evidence to be presented in support of submissions and/or further submissions no later than **4pm 6 June 2025**.

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<sup>1</sup> The Panel notes the submissions by CRFU in support of their application as to the merits of the RHA restrictions, and record we make no finding on those matters as this stage of proceedings, nor rely on those merits-based submissions in deciding to accept the waiver request.

Submitters who do not intend calling expert evidence do not have to comply with the timeframes specified above and will be able to present their own evidence at the hearing, either themselves or through authorised representatives.

Submitters have the option of presenting their written submissions and other materials on the day of the hearing and reading that out loud.

If submitters have not sent that written material to the hearing's administrator electronically prior to the hearing, they will need to bring ten copies of any written material to the hearing and supply an electronic copy to the hearings administrator within two days of giving their presentation.

Legal submissions do not need to be pre-circulated and can be presented at the hearing.

We will address matters such as conferencing and similar once that evidence is received.

### **EVIDENCE PRESENTATION / SITE VISITS**

The Panel will review all pre-circulated documents ahead of the hearing, and therefore do not require evidence that has been received in advance to be read out on the day.

Instead, all parties intending to present to the hearing are to prepare a concise written summary statement (1-2 pages) and will be asked to present that summary ahead of questioning by the Panel.

It is the Panels intention to visit the sites and locations that are the subject of submissions ahead of the hearing. We hope to commence those visits on June 3/4, accepting time thereafter may also be required to complete those visits.

The Panel requests that if there are any particular locations or viewpoints that submitters wish us to visit or take particular note of, that should be provided to the hearings administrator no later than 28 May.

**On behalf of the Commissioners,**

**Hearing Panel Chair**

Ken Gimblett



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**23 May 2025**

**Attachments:**

Application for Waiver of Time Waiver Request (20 December 2024)

CFRU Further Submission (14 March 2025)