

Before

**The Canterbury Regional
Council**

In the Matter

Of:

**Proposed Change No. 1 to the
Canterbury Regional Policy
Statement Chapter 12A
(Development of Greater
Christchurch) including
Variations 1, 2, 3 and 4**

12 August 2009

Tenth Minute of Commissioners

1. This minute relates to two recent requests for extensions of time to enable the lodging of late submissions or further submissions. The first was lodged by Jonathon Gillard on 2 July seeking to lodge a submission in respect of areas of land at the base of the Port Hills adjoining Cashmere Road which he seeks to have included as a greenfields area within the RPS. The second is a request lodged by the Ouruhia/Styx Action Group (OSAC) on 24 July clarified on 30 July seeking an extension of time to lodge further submissions against the Apple Fields Limited and Christchurch Golf Resort Limited (CGRL) submissions 220 and 350 respectively.
2. In respect of the latter request submissions have been filed by CGRL and OSAC in response to the timetable we set in the eighth Minute. In the course of those submissions a serious challenge has been raised by Counsel for CGRL as to jurisdiction to even consider the extensions requested by OSAC because of the time limit provisions in s.37 (2) (b) of the Resource Management Act. In respect of the extension in respect of the proposed further Submission to the Apple Fields submission that argument has less weight as Apple Fields have responded that they do not oppose the extension sought. However we have decided the application reserving the issue of any decision on the effect of the limitations imposed in s.37(2)(b) and as will be seen the outcome of our deliberation on the broader issue means that we simply do not need to address that issue.
3. For the decision we have made in respect of both these requests is that in the overall context of the statutory thrust of the RMA, as exemplified by s.21, to carry out the statutory requirements in the Act 'as promptly as is reasonable in the circumstances' means that the extensions of time requested are so great and come at such a late stage in the process that they should not be granted. This has been a very long-running set of hearings covering many months and even to reach that stage other lengthy processes have occurred. The document involved being a Regional Policy Statement has major significance in the region for all of the region's inhabitants. All those considerations militate favouring an approach that avoids any further procedural delays at this stage in completing the hearing process which is near its conclusion. In that regard we have to be mindful of the fact that there are many hundreds of submitters involved in this process, and to open the door at this very late stage in the process to some requests for extensions, may well be taken as opening the door to further such requests.
4. In reaching that decision we have not ignored the merits underlying the requests and we comment as follows.

5. Gillard request – We are not satisfied that the base assertion is correct that the Urban Limit lines or greenfields provision was ‘misleading’ in the manner asserted by Mr.Gillard. In any event, though, there are any number of submissions challenging the adequacy of the s.32 analysis process in respect of the Urban Limits which mean that in all localities we have to re-consider what has been done in that regard. Hence, even without Mr. Gillard succeeding in persuading us that he should have an extension to lodge a specific submission in respect of the Urban Limit line at a particular locality, we are having to address that issue. In short his position is not prejudiced to any significant extent.
6. OSAC request – we have taken into account the fact that a Plan Change request has been lodged with the territorial authority and is expected to be heard in November this year. OSAC have submitted in time on that request which addresses the site specific issues OSAC may have with the proposal.
7. The other aspects of value to it from lodging a further submission are twofold. First, to enable it to advance a jurisdiction argument about CGRL’s own further submissions and submission on PC1 and Variation 4, and secondly to challenge the officer’s recommendation that the CGRL land be included within the Urban Limits.
8. As to the first of those two points, the jurisdiction issue, that arises regardless of whether we grant OSAC an extension of time to lodge a submission. CGRL will have to satisfy us on that particular issue.
9. As to the second we are not bound by the officer’s recommendation and have to assess the issue on the merits as to whether we are satisfied having regard to the statutory tests that the Urban Limits should be upheld, and if so, applied to this piece of land. It is correct that to the extent that OSAC will not be able to address us on the merits that they have missed an opportunity, but in an overall sense we are not limited at all in our consideration of issues.
10. But most importantly the notified Summary of Submissions for Variation 4 did show that residential treatment was sought by submission 350. That is shown clearly on Maps D7 and E7 of the Summary of Submissions, so OSAC did have the opportunity of lodging a further submission in opposition to that course but failed to do so. We appreciate that raises the jurisdiction argument again as OSAC asserts there was no reason for it to check the Summary of Submissions for Variation 4 but in the broader sense that approach carried an aspect of exposure.
11. For all the above reasons the requests for extension of time are refused.

Dated the 12th June, 2009



R.D.Crosby
Chairman of Commissioners.