

CHRISTCHURCH REPLACEMENT DISTRICT PLAN**FURTHER SUBMISSION
(For the Memorial Business Park Plan Change)**

To Independent Hearings Panel
C/- Christchurch City Council
Christchurch
By email: dpreview@ccc.govt.nz

Submitter Details: **G N McVICAR NO 1 TRUST**
(as owner of 540 Avonhead Road) **(the Submitter)**

C/- Pru Steven QC
Canterbury Chambers
PO Box 9344
Christchurch

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Further Submitter Status

The Submitter can make a further submission under Schedule 1 Clause 7(3) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 because it is a party who has an interest in a proposal that is greater than the interest the general public has, because it is the owner of land that is affected, and for the further reasons set out in its original submission.

Further Submission Details

The Submitter **opposes** the submission of:

Christchurch International Airport Limited (**CIAL**) (Submitter No M11)
C/- Jo Appleyard / Ben Williams
Chapman Tripp
PO Box 2510
Christchurch 8140

Email address: ben.williams@chapmantripp.com

The particular parts of the submission (and the provisions of the proposal that are addressed by that submission) **opposed** is:

- That part of the submission that relates to the Runway End Protection Area (**REPA**), in particular the relief sought by CIAL, which is that the red shaded area within the site

be controlled through the existing rule provisions or an equivalent for the REPAs including:

- Rule 6.2 Prohibited Activity (Volume 3, Part 9); and
- Rule 6.3.4 Approach Surfaces.

The reasons for the Submitter's opposition are:

- 1 The relief sought is **opposed** for all of the reasons contained in the original submission filed by the Submitter.
- 2 In short, its case is that any constraints that are found justified in light of the designation, is an issue that is being separately decided by the Hearings Panel on hearing the request by CIAL for a modified designation over the Submitter's land. The Submitter is **opposed** to the imposition of any constraints related to the designation sought by CIAL through the underlying zone route, as this would frustrate the Submitter's ability to pursue remedies available to it where a designation renders land incapable of reasonable use.
- 3 There is no legal requirement to consider the provisions of a proposed designation in terms of the orthodox approach where a rezoning is sought (applying the *Long Bay Okura* principles), and nor is there any statutory requirement for an underlying zoning to be consistent with a designation sought to be imposed over the same land.
- 4 The Submitter's approach is entirely consistent with the view expressed by the Commissioner appointed to make recommendations on PC84 where CIAL sought to change the provisions of the underlying Special Purposes Airport zone on terms that would achieve a "high level of duplication" with provisions of the designation which covered most of the same land, in saying:

In my opinion this is not good practice in terms of District Plans where it is more effective and efficient for the underlying zone to a designation to focus on activities that should be enabled on the land in the event that the designation is uplifted and activities that should be enabled but go beyond the scope of activities of the requiring authority.

The Submitter seeks that the Council **rejects** the submission point described above.

The Submitter wishes to be heard in support of this submission.

Dated this 2nd day of March 2015.



P A Steven QC

For GN McVicar No 1 Trust