

Terms of Reference

Hearings Panel for the Christchurch Replacement District Plan

8 September 2014

Hearings Panel for the Christchurch Replacement District Plan

1. Order in Council

1.1 These terms of reference are to be read in conjunction with the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (the Order). In the event of any conflict between these Terms of Reference and the Order, the Order prevails.

2. Establishment of a hearings panel

2.1 The Minister for Canterbury Earthquake Recovery and the Minister for the Environment pursuant to the Order establish a hearings panel (the panel) to hold hearings and make decisions on proposals that will comprise the replacement Christchurch District Plan.

2.2 It is intended that the panel will comprise of six members, including the already appointed Chairperson the Hon Sir John Hansen. The remainder of the panel will be appointed as soon as possible. These Terms of Reference will be provided to and apply to all members of the panel once appointed.

3. Matters of priority

3.1 Pursuant to clause 9(2)(a) of the Order, the following have been identified as the matters of priority for first decisions by 28 February 2015:

- (a) the Strategic Directions proposal;
- (b) temporary activities related to earthquake recovery, such as house lifting activities;
- (c) provisions for repair and rebuilding of multi-unit residential complexes;
- (d) rezoning for exemplar housing areas under Action 8 of the Land Use Recovery Plan that are publicly notified in the first draft proposals.

3.2 Pursuant to clause 9(2)(b) of the Order, the following matters are also to be given priority over other matters but a decision need not be made by 28 February 2015:

- (a) the Natural Hazards proposal;
- (b) the Residential proposal;
- (c) designations;
- (d) the Commercial proposal;
- (e) any other discrete matter identified by the panel resulting from the submissions process that is an impediment to recovery.

3.3 In considering matters identified in 3.1 and 3.2, the panel should interpret those priority matters to also include any consequential amendments to related provisions as they relate to the matters identified, such as maps and definitions.

3.4 Pursuant to clause 9(2)(b) of the Order, the panel shall consider the scheduling of all proposals related to the achievement of Action 24 (viii) of the Land Use Recovery Plan and an integrated approach to land uses located near Christchurch airport.

4. Procedural matters

4.1 The panel must determine its own procedures for hearing submissions and deliberating on proposals for the replacement district plan. This includes determining procedural matters including the design, timing and sequencing of the pre-hearings and hearings processes.

4.2 The panel, in determining the procedural matters, will consider the appropriate use of expert conferencing, alternative dispute resolution and pre-hearings ahead of the hearings.

5. Procedures for managing conflicts of interest

5.1 The panel will determine its own procedures for the conduct of the panel including the management of conflicts of interest throughout the hearings process.

6. Support for the hearings panel

6.1 Support for the panel will be provided by an Independent Secretariat.

6.2 The Independent Secretariat will work with the Christchurch City Council to develop a Service Level Agreement to confirm the expectations of each party (e.g. in respect of addressing any disputes or queries pertaining to the costs or resource requirements of the panel).

7. Costs and administration

7.1 The Christchurch City Council is responsible for all costs incurred by the panel, as set out in schedule 2 clause 4 of the Order.

8. Amendment to the Terms of Reference

- 8.1 The Minister for Canterbury Earthquake Recovery and Minister for the Environment may, after consulting Christchurch City Council, amend the Terms of Reference for the panel, including the date by which decisions on priority matters are to be made.