

ASHBURTON DISTRICT COUNCIL
RESOURCE CONSENT APPLICATIONS LUC25/0028 & LCA25/0007
ASHBURTON MUSEUM AND ART GALLERY, 329 WEST STREET, ASHBURTON
MINUTE #1 OF THE HEARING COMMISSIONER
REQUEST FOR ADJOURNMENT OF HEARING

- [1] The hearing of applications LUC25/0028 & LCA25/0007 pertaining to the Ashburton Museum and Art Gallery has been set down for 15 October 2025.
- [2] I have received a memorandum from Ms Limmer, Counsel for the joint submitters dated 30 September, requesting adjournment of the hearing due to:
1. Unavailability of the submitter's contact person Mr Argyle due to him being overseas, and due to attend a conference in Australia in the week prior to the hearing; and
 2. The submitter's acoustic consultant being unavailable for 3 weeks until 24 October due to parental leave; and
 3. Unavailability of the submitters appointed legal counsel on 15 October due to High Court commitments.
- [3] Ms Limmer has requested adjournment of the hearing, and liaison as to a rescheduled hearing date. The joint submitters are the only submitter party in respect of the application.
- [4] I have also received a subsequent memorandum from the applicant's Counsel, Mr Schulte, advising that the applicant is reluctant to agree to a delay, due to the situation with HVAC systems at the museum reaching a critical stage. He notes that the required 15 working day notice of hearing has been given and that the application has been pending for several months. The applicant's preference is to proceed on 15 October, however if an adjournment is to be granted, they seek that any delay be as short as possible.
- [5] I have considered the request. I am not convinced that the unavailability of Mr Argyle in the week prior to the hearing is a critical matter, given that legal Counsel has been instructed, and has presumably been well briefed.
- [6] However, I agree that the unavailability of the submitter's acoustic consultant, Mr Reeve, due to parental leave commitments, and the unavailability of Legal Counsel due to High Court fixture commitments are both critical matters that are largely outside the control of the submitters. Whilst the setting of a hearing date sometime in October may have been foreseeable by the submitters, it is unfortunate that this has coincided with these events.
- [7] Acoustic evidence is critical to the matters pertaining to the applications therefore I consider it important that the submitters have fair and reasonable opportunity to present evidence. It

would be unreasonable to expect a replacement acoustic consultant to be appointed in the time available.

- [8] I also agree that the right and ability for the submitters to be properly represented by Counsel is necessary in terms of maintaining natural justice. The clash with existing High Court fixture dates is again outside the control of submitter's Counsel.
- [9] For these reasons I consider that the request for an adjournment of the hearing should be granted.
- [10] However, I am also cognizant of the fact that the correct notice of hearing has been given, and that the above matters do not arise due to any error or omission by the Council or the applicant. I note the applicant's concern with ongoing issues concerning the HVAC system, and their request that if an adjournment is granted that any delay be as short as practicable.
- [11] I agree that any delay should be kept as short as practicable. Whilst Mr Reeve is unavailable from this Friday until after 24 October, I note that Council s42A reports and the applicant's evidence are now available, therefore I would expect that he could have most if not all of his evidence prepared this week. I consider it reasonable to expect that it could be finalized and submitted by Wednesday 29 October following his return from leave.
- [12] This leaves the possibility of a hearing in the first half of November. I have existing commitments on 6, 7 and 10 November, and am unavailable on the morning of 11 November. Canterbury Anniversary day also falls on 14 November. Other days within this period are suitable for me.
- [13] I therefore direct that:

- 1. The hearing set down for 15 October be adjourned; and**
- 2. The date for lodgment of expert evidence by the joint submitters be amended to 5pm on Wednesday 29 October; and**
- 3. That Ashburton District Council staff liaise with counsel for the applicant and submitters over the setting of a new hearing date to be no later than Wednesday 19 November 2025, and a replacement notice of hearing be issued accordingly; and**
- 4. That this minute be circulated to all parties.**

- [14] I am presently overseas until 9 October. I have limited internet connectivity and am not contactable by phone. Any enquiries or further representations on this matter should be directed to the Ashburton District Council District Planning Manager, Brad Thomson by email Brad.Thomson@adc.govt.nz or phone 03 3077744.

Dated 1 October 2025

A handwritten signature in black ink, appearing to be 'GT', written in a cursive style.

Graham Taylor
Hearing Commissioner