

RESOURCE MANAGEMENT ACT 1991

ASHBURTON DISTRICT COUNCIL

PROPOSED PLAN CHANGE 5 – TRANSPORTATION

MINUTE 1 OF THE INDEPENDENT HEARINGS COMMISSIONER

INTRODUCTION

1. This Minute is being sent to you as a submitter to Plan Change 5 (**PC5**) to the Ashburton District Plan (**ADP**).
2. The Ashburton District Council has appointed me as Commissioner pursuant to s34A of the Resource Management Act (1991) to hear and make a recommendation to the Council on Proposed Plan Change 5 to the ADP. PC5 addresses:
 - Consequential amendments to various sections resulting from the implementation of the National Policy Statement on Urban Development.
 - Provision of mobility parking and cycle parking standards.
 - Provision for the assessment of high trip generating activities.
 - Updates to the Roding Hierarchy tables in the Transportation section.
3. The purpose of this Minute is to address some preliminary and procedural matters to enable the orderly and efficient running of the hearing of submissions.

DATE OF HEARING

4. The hearing, if required as discussed below, will be undertaken on **Monday 18 December** commencing at **10am**. It is not considered that additional days will be necessary.

VENUE OF THE HEARING

5. The hearing if required as discussed below, will be held at the **Ashburton Council Chamber (Baring Square West/Havelock Street)**.

PRE-PROVISION OF EVIDENCE – DISCRETION AS TO WHETHER A HEARING IS HELD

6. Given the nature of the Plan Change, and the discussions that I understand have been held between Council Officer's and submitters to seek to resolve matters of dispute, I have set out the following timetable in terms of an exchange of evidence, on the basis that as set out in Clause 8C of Schedule 1 of the Act a discretion is provided as to whether a Hearing needs to be held. Accordingly, I direct:

- a. The Council will circulate the section 42A Officers' Reports to all parties no later than **Monday 27 November** at **5pm**, being 15 working days before a Hearing;
- b. Any person who has made a submission and is calling expert evidence must provide briefs of evidence / statements by no later than **Monday 11 December** at **4pm**, being 5 working days prior to a Hearing. In addition:

Those submitters that notified the Council that they wished to be heard are to advise on **Monday 11 December** at **4pm** whether based on the receipt of the s42A Report and their evidence / statements whether they still wish to be heard, and that a Recommendation could otherwise be made 'on the papers'.
- c. Accordingly, as pursuant to Clause 8C of Schedule 1 of the Act I will then issue a Minute no later than **Wednesday 13 December** as to whether the Hearing will be held. In advance I advise that in making that determination, a Hearing will not be held where:
 - i. **Every** submitter has advised that he or she no longer wishes to be heard, **and** a Decision can be made 'on the papers' that is the s42A Report and corresponding evidence and statements received from the parties; and
 - ii. I consider that a Hearing remains unnecessary as **no additional questions arise** from the s42A Report and corresponding evidence and statements received from the parties.
- d. Where a Hearing is still to be held, any accompanying Legal Submissions are to be received no later than **Friday 15 December** at **4pm**.

CONCERNS WITH PROCEDURE

7. If there are any issues with the procedure outlined in this memorandum, I ask that you please set out your concerns in writing to Nicholas Law at nicholas.law@adc.govt.nz by no later than 25 November. Any concerns will be passed on to me for consideration and further determination if required.



Matt Bonis
Hearings Commissioner

16 November 2023