

UNDER the Local Government Act 2002  
AND Section 22AB of the Land Transport Act 1998  
IN THE MATTER of a proposed Bylaw using a Special  
Consultative Procedure

**PROCEDURAL MINUTE 5  
ISSUED BY COMMISSIONERS  
Dated 03 December 2021**

- 1 This minute is issued for the purposes of case management. We wish to make several amendments to timetable directions in Minute 4. These are set out below. All other directions in Minute 4 remain in place.
- 2 Te Rūnanga a Rangitāne o Wairau (**Te Rūnanga**) requested by memorandum that they have until 5 February 2022 to file their substantive response to the merits of the proposed Bylaw. This followed their initial presentation to Commissioners on 22 November 2021. Commissioners have agreed to this request. Te Rūnanga now has until **8th February 2022** to file any response.<sup>1</sup>
- 3 Any submitter that wishes to respond to Te Rūnanga's additional material may do so by **22 February 2022**.
- 4 Council has received a letter from Te Rūnanga o Ngāi Tahu and Te Rūnanga o Kaikōura dated 3 December 2021. This will be posted to the Council website. As noted in Minute 4, submitters may respond to this letter by **4 February 2022** (if they wish).
- 5 Council has been advised by Ministry for Primary Industries of a likely delay to our request for information.<sup>2</sup> Council will circulate that information as soon as it is received. Once received, we will

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<sup>1</sup> Bearing in mind that 5 February 2022 is a Saturday.

<sup>2</sup> Our request was:

"Ministry of Primary Industries (**MPI**) is requested to provide relevant surveys/baseline data relating to impacts on marine species (flora and fauna) caused by the 2016 earthquake/uplift, within the subject area (MDC southern boundary to Awatere River mouth)."

address any consequential amendments to the timetable. (This will depend on when and what information is provided by MPI.)

- 6 Commissioners have asked that James Bentley address natural character as well as landscape related effects of motor vehicle access within the area that is subject to the proposed bylaw. Our amended request to Mr Bentley is shown (underlined) below:

That Council request James Bentley to provide a written report to explain his opinion that enabling continued vehicle access within the proposed Bylaw area does not adversely affect the Outstanding Natural Landscape values identified in the Proposed Marlborough Environment Plan for the Limestone Coast. In providing this opinion, Mr Bentley should certify compliance with the Environment Court Expert Code of Conduct. For clarity we do not require a lengthy report, but the ONL status is clearly relevant to the proposed Bylaw, and the options under consideration. In addition, we request that Mr Bentley provide an opinion as to whether, and to what extent, motor vehicle access within proposed bylaw areas may affect natural character values for the Limestone Coast (being values identified in the proposed Marlborough Environment Plan). Mr Bentley's statement to be provided by 20 December 2021. If more time is required, then Commissioners will consider that further and make any consequential changes to the timetable.

- 7 We understand that Council has received a map identifying Significant Natural Areas over land adjacent to the proposed Bylaw areas. This will be posted to the Council website, so that submitters may review and (if desired) respond (by 4 February 2022).
- 8 In making these directions, Commissioners have not come to any view on the merits. All submitters have the opportunity to respond to the further information, in writing, and/or by attending our reconvened hearing (if preferred). In light of these changes, a later hearing date is now proposed for **1 March 2022** (and 2 March if needed), or such other date as advised by Council to submitters.

- 9 Our directions in Minute 4 remain in place, except as amended above. Subject to confirmation by Council, our reconvened hearing is on **1 March (and, if needed, 2 March) 2022.**

**Dated** 3<sup>rd</sup> December 2021

A handwritten signature in black ink, appearing to be 'Rob Enright', written over a faint rectangular box.

**Rob Enright**  
**Chair**