

IN THE MATTER OF the Resource Management Act 1991

A N D

***IN THE MATTER OF a request by Urban Holdings Limited,
Suburban Estates Limited and Cairnbrae
Developments Limited to change the
Selwyn District Plan under Clause 21 of the
First Schedule of the Resource
Management Act 1991 (Plan Change 68)***

***MINUTE OF COMISSIONER APPOINTED BY THE SELWYN DISTRICT
COUNCIL***

DATED 25 FEBRUARY 2022

1. ***My appointment***

I have been appointed to hear and determine a request for a change to the Selwyn District Plan by Urban Holdings Limited, Suburban Estates Limited and Cairnbrae Developments Limited ("the applicants") relating to land situated at Trents Road/Hamptons Road/Shands Road and Sterling Park, in Prebbleton.

2. ***Hearing arrangements***

Timing/venue

2.1 A hearing is being set down for the week of 21 March 2022, to be held at the Tai Tapu Community Centre.

2.2 As a preliminary outline, I expect the case for the applicants to take all of Monday 21 March 2022 and the morning of Tuesday 23 March 2022. I then expect to hear from submitters in the afternoon of Tuesday 22 March 2022 and on the following days. These times are only indicative and I will do what I can to accommodate the convenience of the parties. The presentation from Council officers is expected to follow the presentations from submitters. Depending on the progress of the hearing, and the matters raised, the applicants may continue their right of reply later in the week scheduled, or in writing at some later date.

Planning report

2.3 The planning report on behalf of the Council is to be circulated to all parties, including submitters, not later than 28 February 2022.

2.4 Following the receipt of that report, submitters who expressed a desire to speak at the hearing can expect an email approach from Council administration staff seeking confirmation of their intention to appear, whether they are part of any group presentation, how long they envisage that they will need to present their case, and an indication of which day (morning or afternoon) that they would like to make their presentation. I will endeavour to enable submitters to make their presentation in the time period sought but that will depend on the progress of the hearing and the number of submitters who seek to be heard in each time period.

Evidence

- 2.5 Evidence on behalf of the applicants must be provided to the Council by **Monday 7 March 2022** and the Council will then circulate that evidence to the parties, including submitters.
- 2.6 Any submitters who choose to provide expert evidence on their behalf must provide that evidence to the Council no later than **Monday 14 March 2022**. That evidence will also be circulated to all parties. Submitters do not need to provide their own personal statement or submission ahead of the hearing.
- 2.7 It would be helpful for any statements by submitters (over and above the submissions lodged) to be in writing, with at least 10 copies available at the hearing. It is not a requirement for submitters to produce a written statement, and I will hear their submissions in whatever form they feel most comfortable providing.

Site visit

- 2.8 It is my intention to conduct a site inspection from the surrounding roads before the hearing and to undertake a full site visit either during or after the hearing.
- 2.9 I propose making arrangements regarding the post hearing site visit during the hearing so that all parties are made aware of the specific arrangements which are to be made to facilitate access to the property in question.

3. Matters relating to my appointment as commissioner

- 3.1 Prior to acceptance of my appointment, I was provided with a list of persons or bodies that had made submissions in relation to the request, it having been publicly notified.
- 3.2 Following the receipt of the list of persons/bodies who had made submissions in relation to the application, I communicated to the Council by email on 23 November 2021 in the following terms ...

As to checking the position regarding conflicts, I have noted that S J Shamy is a submitter. He is a barrister who is known to me but is not a friend and I have no social contact with him other than in the context of legal professional functions. In addition I have noted Trevor Holder is a submitter. I believe that Mr Holder is a person

that I acted for a number of years ago but I have had no association with him since that time. I do not regard either association as giving rise to an actual or potential conflict of interest but, consistent with my previous practice, I would propose declaring the position in a minute at the appropriate time.

3.3 This minute follows my communication with the Council. In addition I note the following in relation to the applicants:-

- (i) that a number of years ago, I believe in the 1990s, I was instructed in relation to certain matters relating to Suburban Estates Limited, which have no relevance to the present request. I know Mr Chris Wilson, the director and shareholder of the company. He is not a personal friend and whilst I may come across him from time to time, I have not handled any legal matters for him or his company for a number of years. My belief is that this is in excess of 20 years;
- (ii) I have noted that the directors and shareholders of Cairnbrae Developments Limited are Maurice Joseph Coffey and Nicola Jane Coffey. Years ago I acted for a Mr Coffey in relation to certain property matters. I am unsure whether Maurice Joseph Coffey and Nicola Jane Coffey have any relationship with the Mr Coffey that I acted for but note that I have had no association with either of them.

3.4 I do not regard my association with any of the submitters or officers of the applicants as giving rise to an actual or potential conflict of interest but it is proper that the parties interested in the request should be made aware of my position.

3.5 Consistent with the terms of my letter to the Council, this minute is issuing to ensure that all parties involved are made aware of my position and to give such parties an opportunity to comment should they regard that as appropriate.

4. ***My direction***

4.1 I direct that if any party wishes to make a submission in relation to the issue of my involvement in the hearing of this application, that party should lodge with the Council a written memorandum setting out the submissions of that party by ***5pm on Thursday 3 March 2022.***

5. ***Further directions***

- 5.1 I note that it is possible that there will be the need for further directions as to the manner in which the hearing is to be conducted associated with Covid requirements, in which case a further minute will issue.

DATED this 25th day of February 2022

A handwritten signature in black ink, appearing to read 'A C Hughes-Johnson', is written over a horizontal line.

**A C HUGHES-JOHNSON QC
COMMISSIONER**