

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 69 being a request by Rolleston Industrial Developments Limited for rezoning of approximately 190 hectares of rural land to mainly residential land together with a small commercial zone, generally located on the south side of the Lincoln township, to the east and west of Springs Road, and to the north of Collins Road

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**MINUTE NO 3 OF COMMISSIONER DAVID CALDWELL  
REGARDING SITE VISIT AND ISSUES ARISING FROM THE HEARING  
Dated 30 November 2021**

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1. As the parties are aware, this matter was heard over five days, commencing on 22 November 2021.
2. This Minute addresses the following:
  - (a) Site visit arrangements;
  - (b) Reverse sensitivity – Lincoln Wastewater Treatment Plant; and
  - (c) Further comments received.

### **Site visit**

3. I intend to undertake the site visit on Thursday 2 December 2021 commencing at 9.00am.
4. As the site is a working farm, I will need to be escorted for health and safety reasons. I intend to view as much of the site as possible. Without limiting that, I wish to view the homestead and its surrounds, and the various waterways and springs identified.
5. As the Applicant is aware, and as the submitters should be aware, site visits are not an opportunity for further evidence to be given. The person escorting me is simply there to facilitate access and to point out particular features which may not be readily apparent.
6. I ask that the Applicant identify who they propose to escort me. Obviously it will not be somebody who has given evidence at the hearing. The location to meet, and the contact details of the person escorting me, should be provided to Grace Hadfield/Jocelyn Lewes (details below) as soon as possible, so that my arrangements can be finalised.
7. I also wish to visit the Lincoln Wastewater Treatment Plant. I anticipate that I will need to be provided with access and that I may need to be escorted for health and safety reasons. It is my intention to undertake that part of the site visit at around 10.00am or shortly thereafter. Again, if I can be provided with confirmation as to who will escort me and their contact details. For the avoidance of doubt, it should not be anybody who has given evidence in the hearing.

### **Reverse sensitivity – Lincoln Wastewater Treatment Plant**

8. An issue in relation to this matter arose when Ms Nieuwenhuijsen advised that she had received further information from Selwyn District Council (**SDC**) which she had not had the opportunity to fully consider. She properly advised that her evidence was prepared on the basis of the information that she had at that time, and her assessment was essentially on the basis of the plant continuing to operate in the manner that it had. On that basis I understood her opinion to be that a smaller setback than that presently in the Plan may be appropriate. Mr Phillips, in his summary, advised that retention of the 150 metre setback may be the appropriate precautionary approach.

9. Ms Appleyard advised that there had been discussions between Mr England from SDC and the Applicant, and that they had arrived at an agreed position which, so far as it concerned the planning documents, was for a 100 metre setback from the edge of the pond, together with no complaints covenants applying within 150 metres of the edge of the pond. I understand there were other agreements reached in relation to the consenting and potential upgrade of the plant, but they were not put forward as matters to be included in the Plan.
10. Mr England addressed this in his presentation at the hearing. Mr Bender provided his expert opinion in his role as reporting officer that the matters agreed were appropriate to address any issues of odour and reverse sensitivity.
11. The setback was addressed by a number of submitters. Without limitation, it was addressed quite comprehensively by Ms Borrie in her submission and in her evidence. In discussions with me at the hearing, she became aware of what was being proposed. Ms Borrie subsequently corresponded with Mr England, identifying a number of concerns. Ms Borrie asked that a copy of that correspondence be provided to me so that I was aware of it.
12. As I made clear at the hearing, it is incumbent on me to determine whether the setback remains in relation to the Plan Change 69 land and if so, the appropriate width. The fact that the Applicant and Council officers may have agreed to what they consider to be an appropriate outcome is not, in any way, determinative. This is a matter I will need to carefully consider.
13. Given this issue arose during the hearing, it is important that the submitters who identified this as an issue in their submissions, have the opportunity to comment. I therefore direct that any comments those submitters may wish to make in relation to this particular issue, should be made, in writing, by **5.00pm Wednesday 8 December 2021**. Those comments are to be provided electronically to Grace Hadfield via [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz) and to Ms Lewes at [Jocelyn.Lewes@selwyn.govt.nz](mailto:Jocelyn.Lewes@selwyn.govt.nz). If any submitter is unable to provide their comments in electronic format, they should contact Ms Lewes so that alternative arrangements may be made. Comments made other than by way of email must still comply with the timeframes set.
14. Once I have received those comments, I will issue directions in relation to the Applicant's Reply. At this stage, I anticipate that I will be directing the Reply be provided by no later than 5.00pm on Wednesday 15 December 2021.

#### **Further Comments**

15. At the commencement of the hearing, and indeed throughout the hearing, the proponent made a number of changes to the ODP. A number of submitters raised concerns about the changes and the difficulties in keeping track. At this stage I have not considered the merits of the changes made.
16. As discussed at the hearing, on Thursday 25 November I received a request from a submitter, Ms Denise Carrick (Submitter PC69-0250), that she be heard. Ms Carrick identified that her

request arose due to her concerns regarding the number of changes that had been made to the ODP and the difficulties there were in keeping up with those changes.

17. I indicated that I would likely accept Ms Carrick's request to be heard. Ms Carrick was unavailable to attend the hearing. She provided written comments which I will consider and which will form part of my decision-making. If it has not yet been done, those additional comments must be provided to the Applicant and placed on the website: [www.selwyn.govt.nz/pc69](http://www.selwyn.govt.nz/pc69).
18. If there are any issues or concerns arising from this Minute, they must be raised, in writing through Grace Hadfield ([submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz)) and Jocelyn Lewes ([Jocelyn.Lewes@selwyn.govt.nz](mailto:Jocelyn.Lewes@selwyn.govt.nz)).



**David Caldwell**

Hearing Commissioner

Dated: 30 November 2021