

**BEFORE THE SELWYN DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991

**AND**

**IN THE MATTER** Of a request to change the Operative Selwyn District Plan –  
Plan Change 71

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**MEMORANDUM ON BEHALF OF FOUR STARS DEVELOPMENTS LTD  
AND GOULD DEVELOPMENTS LIMITED REQUESTING  
CLARIFICATION AS TO LOCATION OF DEVELOPMENT LINE**

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## **MAY IT PLEASE THE COMMISSIONER**

### **1 PURPOSE OF MEMORANDUM**

- 1.1 Paragraph 386 of the Interim Recommendation dated 07 June 2022 provides:

*386. The Applicant will be anxious to have this Recommendation finalised. I also wish to ensure that it is finalised as soon as possible. While I do not make any directions in relation to the timing for the Applicant to engage and provide the final proposed package, it needs to be with me as soon as possible. If there are any difficulties with finalising that package, or any uncertainties arising from my Recommendation, I reserve leave for those issues to be raised by way of Memorandum*

- 1.2 Ms Aston for the Requester and Ms White have sought to finalise the proposed package as soon as practicable after release of the Interim Recommendation. Uncertainty has however arisen as to where precisely the "development line" should be shown on the Outline Development Plan for PC71.

- 1.3 As the Commissioner will be aware, the "development line" was first proposed by Mr. Nicholson in Figure 2 of the summary presented by him on the final day of the hearing.

- 1.4 Mr Nicholson's development line is located approximately 140 metres south of Levi Road, noting of course that Mr. Nicholson is on record as stating his proposed line was not a fixed "line in the sand".

- 1.5 Para 42 of the Interim Recommendation records:

*42. Ms Lauenstein advised that she had had discussions with Mr Nicholson following the hearing and that his main criteria for the exact location was to ensure a "walkable distance" is achieved from any dwelling within the norther part of the development to Levi Road. Ms Lauenstein noted that she and Mr Nicholson agree that in a standard residential development 400m – 500m (as the crow flies) was generally considered an appropriate walking distance.*

- 1.6 In her Reply evidence, Ms Lauenstein suggested an alternative to the development line.

- 1.7 Para 374 of the Interim Recommendation states:

*374. It included additional wording which reflected Ms Lauenstein's reply evidence. I prefer the approach supported by Mr Collins and Mr Nicholson in relation to the 'development line' and associated rule. The words "construction of any part ..." through to "... ODP 4" can be deleted. I do however consider that the following wording remains appropriate even with the adoption of the development line approach...*

- 1.8 So, while a development line and associated rule is to be inserted into the final package of provisions for PC71, Ms White and Ms Aston are uncertain as to where that line should be located on the ODP, having regard to the evidence presented as to the "walkable distance" rationale supporting its inclusion. It is respectfully suggested that the Interim Recommendation does not specifically address or decide this matter.

- 1.9 Accordingly, clarification is sought from the Commissioner as to where the Development Line should be located on the ODP.

G J Cleary

16 June 2022.