

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF

Clause 21 of the First Schedule of the Resource Management Act 1991 (Plan Change 71) being a request by Four Stars Development Limited and Gould Developments Limited to rezone approximately 53 hectares of land in East Rolleston from Rural Inner Plains Zone to Living Z and Living Z Zone Deferred

**MINUTE NO 6 OF COMMISSIONER DAVID CALDWELL IN RESPONSE TO
MEMORANDUM ON BEHALF OF FOUR STARS DEVELOPMENT LIMITED AND
GOULD DEVELOPMENTS LIMITED REQUESTING CLARIFICATION AS TO
LOCATION OF DEVELOPMENT LINE
Dated 21 June 2022**

1. As the parties will recall, in my Interim Recommendation of 7 June 2022 I directed that the Applicant, in consultation with the Reporting Officer and other parties who provided planning evidence (should they wish to be involved), provide a final version of the changes to be included in the SDP to give effect to my Recommendation. I noted this was not an opportunity to make further submissions or provide further evidence on my findings, rather it was to give effect to those.
2. I reserved leave, should there be any difficulties with finalising the package, or if there were any uncertainties arising from my Recommendation, they could be raised by Memorandum.
3. I have received a Memorandum from Mr Cleary, Counsel for the Applicant, dated 16 June 2022. Mr Cleary's Memorandum advised that Ms White and Ms Aston are uncertain as to where the 'development line' should be. Mr Cleary respectfully suggested that the Interim Recommendation did not specifically address or decide that matter. Mr Cleary sought clarification as to where the development line should be located on the ODP.
4. I apologise for any lack of precision in the Interim Recommendation. I addressed this issue in my Interim Recommendation, including at paragraph [374]. I recorded in that paragraph that I preferred the approach supported by Mr Collins and Mr Nicholson in relation to the development line and associated rule. I anticipated that the line would be in accordance with Mr Nicholson's summary evidence.
5. However, and as noted by Mr Cleary, the development line was first proposed in Mr Nicholson's summary which was presented on the final day of the hearing. Mr Cleary has also noted Mr Nicholson's comment that it was not a fixed "line in the sand". Ms Lauenstein addressed Mr Nicholson's summary in her rebuttal evidence.
6. Given Ms Lauenstein's rebuttal evidence, I am prepared, if the Applicant so wishes, to provide a brief opportunity for Ms Lauenstein and Mr Nicholson to discuss, and if possible identify an agreed position as to the location of that line, which I will consider. I am content if that is provided by way of Memorandum.
7. If that agreement can be reached, and I am satisfied that it reflects my Recommendation, then I will issue a further Minute forthwith to enable preparation of the final planning package. If that agreement cannot be reached, or the Applicant does not wish to avail itself of the opportunity for discussions outlined above, then, in accordance with my Interim Recommendation, that line is to be located as per Mr Nicholson's summary evidence.
8. I am comfortable that I am not functus officio in relation to that issue. Given the nature of the hearings process, and the importance of that issue, I consider that providing this additional opportunity is appropriate.
9. Again, I am conscious that the Recommendation should be finalised as soon as possible. The Applicant will also be anxious to have it finalised.

10. While I do not recall any other party having any particular issue in relation to the development line and its location, I reserve leave to all parties to raise any concerns that they may have with this proposed process. Again, that can be raised by way of Memorandum.
11. Any Memoranda to be filed should be sent by email to submissions@selwyn.govt.nz / Rachael Carruthers (Rachael.Carruthers@selwyn.govt.nz).

A handwritten signature in blue ink, reading "D Caldwell", is positioned above a horizontal line.

David Caldwell
Hearing Commissioner

Dated: 21 June 2022