

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 73 being a request by Rolleston West Residential Ltd in relation to approximately 160 hectares of land generally on the western side of the Rolleston Township, to the west of Dunns Crossing Road and south of Main South Road (State Highway 1)

MINUTE NO 1 OF COMMISSIONER DAVID CALDWELL
Dated 19 August 2021

1. The Selwyn District Council has, pursuant to s34A of the Resource Management Act 1991 (**RMA**), appointed me to hear, recommend and write the recommendations on Proposed Plan Change 73 to the District Plan in relation to land generally on the western side of the Rolleston Township, to the west of Dunns Crossing Road and south of Main South Road (State Highway 1).
2. I understand the hearing has been set down for Tuesday 28 September 2021 and Wednesday 29 September 2021 (and Thursday 30 September 2021 if required), commencing at 9.00am. I understand a Hearing Notice will shortly issue.
3. The purpose of this Minute is to address the pre-circulation of evidence prior to the hearing, and unavailability of a Council expert to attend the hearing.

Pre-provision of Evidence

4. I consider that pre-provision of expert evidence will reduce the length of the hearing by reducing the need to have all evidence read. It also enables the focus to be on matters in contention and conflicting opinions.
5. It will also help me to better prepare for the hearing and will enable the reporting officer to consider the evidence of expert witnesses prior to the hearing and to seek further opinion from other Council staff or consultants if necessary.
6. For the above reasons, and pursuant to s41B of the RMA, it is directed that evidence be pre-provided in accordance with the following timetable:
 - (a) The Council must circulate the s42A Officers Report to all parties by no later than **Monday 6 September 2021**, being 15 full working days before the hearing;
 - (b) The Applicant must provide briefs of evidence to the Council in an electronic form by no later than **Monday 13 September 2021**, being 10 full working days before the hearing; and
 - (c) Any submitter who is intending to call expert evidence must provide briefs of evidence to the Council in an electronic form by no later than **Monday 20 September 2021**, being 5 full working days before the hearing.
7. Briefs of evidence are to be emailed to Emma Robertson at the following email address: Emma.Robertson@selwyn.govt.nz.
8. Expert evidence is evidence prepared by independently qualified persons such as landscape architects, transportation experts, ecologists and planners.
9. Submitters who do not intend to call expert evidence do not have to comply with the timeframe specified in 6(c) and will be able to present their own evidence at the hearing.

10. I direct that all experts (including the reporting officers) provide a summary of the key points of their evidence which will be read at the hearing. To be of benefit, the summaries should focus on key assumptions, methodology, conclusions and reasons for those conclusions. It would be particularly helpful if any areas of disagreement can be identified.
11. Legal submissions do not need to be pre-circulated and can be presented at the hearing.

Unavailability of Council Expert

12. I have been advised that the expert engaged by Council to provide urban design advice is unable to attend on the hearing dates due to a prior commitment. I am considering how that can best be addressed.
13. One option would be for the expert urban design witnesses to confer and attempt to reach agreement on issues, or at least identify any issues on which they cannot agree, and the reasons for that disagreement.
14. If expert conferencing does occur, I would expect that to result in a Joint Witness Statement which, if possible, could be provided prior to the commencement of the hearing.
15. Another option is for me to put written questions to the expert, or questions by way of AVL following the hearing but prior to the Applicant's right of reply. Mr Nicholson has advised that he is available both the week before the hearing (week commencing 20 September) and the week after the hearing (week commencing 4 October).
16. I ask that the Applicant, and any submitter who intends calling urban design evidence, provide their views on those options **by 5.00pm 25 August 2021**.
17. The responses to the suggested options, and any issues arising from these directions, must be provided, in writing, through Ms Robertson.



David Caldwell
Hearing Commissioner

Dated: 19 August 2021