

**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)

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**MINUTE NO 5 OF COMMISSIONER DAVID CALDWELL RESPONDING TO  
MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT DATED 21 OCTOBER 2021**

**Dated 22 October 2021**

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1. In accordance with my Minute No 4 dated 7 October 2021, I have received a Memorandum of Counsel on behalf of the Applicant identifying matters it proposes to address in reply.
2. The matters identified in paragraph [3] are reasonably comprehensive and appear to be in reply. I anticipate that the Applicant's reply will identify the relevant provisions of evidence and submissions to which they are responding.
3. In paragraph [4] of the Memorandum, it is recorded that Counsel proposes to file supplementary evidence from the Applicant's two odour experts, Ms Nieuwenhuijsen and Mr Van Kekem, to clarify responses given verbally at the hearing and to otherwise respond to the remaining concerns regarding odour.
4. In terms of clarification of responses, I do not recall any uncertainty in relation to the responses given. I understood, and my notes record, Ms Nieuwenhuijsen's opinion to be that there may be some odour beyond 600m and that she was not as confident as Mr Van Kekem that the odour would be acceptable.
5. If the Applicant does propose to lodge further evidence in the manner described, then I will expect an explanation as to how that is a matter in reply. Once received, I will need to consider whether that raises any new issues on which the other parties should be provided with an opportunity to comment.
6. If there are any issues arising from this Minute, they can be raised through Ms Robertson for my consideration ([Emma.Robertson@selwyn.govt.nz](mailto:Emma.Robertson@selwyn.govt.nz)).



**David Caldwell**

Hearing Commissioner

Dated: 22 October 2021