

**BEFORE THE INDEPENDENT HEARINGS PANEL
AT SELWYN DISTRICT COUNCIL**

UNDER	the Resource Management Act 1991
IN THE MATTER	Submissions and further submissions on the proposed Selwyn District Plan
AND	Hughes Development Limited (DPR-0411)

MEMORANDUM OF COUNSEL

2 May 2023

Counsel acting:
I M Gordon Barrister
Stout Street Chambers PO Box 117
Wellington
P: 04 4729026
Email: ian.gordon@stoutstreet.co.nz

May it please the Commissioner:

1. This memorandum of Counsel is on behalf of Hughes Developments Limited (**HDL**) and is to provide additional relevant information in support of the applicant's application for a further adjournment dated 28 April 2023. This further information came to light on 28 April and its significance was not realised until 1 May 2023.
2. The Commissioner will recall that the Formative report on the Selwyn Capacity for Growth was dated 22 March 2023, just 5 days before the scheduled hearing of PC74 on 27 March 2023 and was introduced at the commencement of the hearing.
3. The information subsequently uploaded to the Plan Change website is identified at Paragraph 6 of Minute #5 and described as:
 - (a) Residential Data – Output of the model [XLSX, 179 KB];
 - (b) Valuation August 2022 – GIS input of the model [ZIP, 6281 KB]; and
 - (c) SCGM22 – 22 March 2023 [PDF, 1244 KB], (titled, *Selwyn Residential Capacity and Demand – IPI 2023*).
4. When revisiting this information last week, the Applicant's planner discovered that it had been replaced by a hyperlink to a different version of the report, entitled, *Selwyn Residential Capacity and Demand Model – Economic Assessment*, dated 13 April 2023.
5. Part 1 of the 13 April version is word for word the same as the 22 March Report and for all intents and purposes it looks to be the same report by the same authors for the same consultancy firm. However, on closer inspection of the April report it becomes clear that certain changes have been made to the contents and text with updated data in the accompanying GIS zip file.
6. Significantly, the report no longer incorporates West Melton. In the 'original' 22 March report, West Melton was separated from Prebbleton – and located in the section entitled, *Other Townships*. The *Other Townships* section has now been removed altogether

from this latest version.

7. Several preliminary questions arise for the Applicant:
- a) Has the 22 March version of the report been superseded by the 13 April version such that it is no longer relevant for consideration of PC 74?
 - b) Notwithstanding that the 'original' report treated Prebbleton and West Melton separately, if West Melton is still relevant, why has the *Other Townships* section of the 22 March report been removed?
 - c) Which economic inputs and methodology should form the basis of on-going expert conferencing on economic and planning matters?
 - d) Why were these changes made without HDL being advised?
 - e) Are further iterations intended by SDC and its consultants and if so, what are SDC's timing expectations?
8. Given the significance of these questions to the economic and planning cases and to the overarching issue of natural justice, HDL respectfully seeks such directions as the Commissioner deems appropriate to clarify and contain the situation.

DATED 2 May 2023



Ian Gordon
Counsel for Hughes Developments Limited