

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 74 being a request by Hughes Development Limited to rezone approximately 20 hectares of current rural land in West Melton to residential land

MINUTE NO 1 OF COMMISSIONER DAVID CALDWELL
Dated 5 December 2022

1. The Selwyn District Council has, pursuant to s34A of the Resource Management Act 1991 (**RMA**), appointed me to hear and write recommendations on Proposed Plan Change 74 to the District Plan in relation to land at 163 Halkett Road and 1066 West Coast Road, West Melton.

Hearing Dates and Times

2. The hearing has been set down for **Monday 27 and Tuesday 28 March 2023** commencing at 9.00am and is to be held at the Selwyn Health Hub, Norman Kirk Drive, Rolleston. Given the number of submitters who have indicated they wish to be heard, I have requested that **Thursday 30 March 2023** be reserved.
3. The hearing will commence at 9.00am each day. The hearing will generally conclude at 5.00pm each day.
4. Breaks will generally be taken as follows:
 - (a) Morning tea: 10.30am – 10.45am;
 - (b) Lunch: 12.30pm – 1.30pm;
 - (c) Afternoon tea: 3.00pm – 3.15pm.
5. The hearing administrator is Heather Goh – submissions@selwyn.govt.nz. The hearing administrator will be in contact with the submitters to arrange an order of appearance and to allocate approximate speaking times. Submitters need to be aware that speaking times will be indicative only.
6. At the commencement of the hearing there will be the opportunity for submitters and others to raise any procedural matters or matters of a housekeeping nature. The order of the hearing will generally be as follows:
 - (a) The proponent – Hughes Development Limited;
 - (b) Submitters in support;
 - (c) Submitters in opposition;
 - (d) Council s42A reporting officers; and
 - (e) Proponent's reply.
7. I note the reply may be given in writing and the timeframe for the provision of that reply will be discussed at the hearing.

8. Again in general terms, individual submitters who wish to be heard and are not calling witnesses, will be allocated 15 minutes to speak to their submissions. If any submitter anticipates that a longer time allocation will be required, that is to be specifically requested.

Pre-provision of Evidence

9. 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.
10. 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.
11. 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 s42A Officers Report must be available on or before **Friday 3 March 2023**, 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 **4.00pm Friday 10 March 2023**, 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 **4.00pm Friday 17 March 2023**, being 5 full working days before the hearing.
12. Briefs of evidence are to be lodged with the hearing administrator by email to: submissions@selwyn.govt.nz. If any party is unable to provide material by way of email, it can be posted to the hearing administrator, or hand-delivered, but it must be received within the timeframes specified.
13. As soon as possible after its receipt, it will be placed on the Selwyn District Council website at: www.selwyn.govt.nz/pc74.
14. For clarity, expert evidence is evidence prepared by independently qualified persons such as landscape architects, transportation experts, ecologists and planners. I expect all expert witnesses to have read and agree to comply with the Environment Court Consolidated Practice Note (2014) – Expert Witness Code of Conduct
15. Submitters who do not intend to call expert evidence do not have to comply with the timeframe specified in 11(c) and will be able to present their own evidence at the hearing.
16. Legal submissions do not need to be pre-circulated and can be presented at the hearing.

17. 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.
18. Once the evidence is provided, I will consider any request for conferencing of expert witnesses.

Site Visit

19. I intend to undertake a preliminary site visit prior to the hearing commencing. I will undertake a further site visit prior to the closing of the hearing. If there are any key areas, viewshafts or similar which any participant considers I should visit or see, they can be identified during the hearing and prior to the further site visit.
20. If there are any issues arising from these directions, they may be raised, in writing, through submissions@selwyn.govt.nz.

**David Caldwell**

Hearing Commissioner

Dated: 5 December 2022