

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 3 OF COMMISSIONER DAVID CALDWELL
REGARDING ADJOURNMENT OF HEARING AND FURTHER DIRECTIONS**

Dated 28 March 2023

1. At the commencement of the hearing on Monday 27 March 2023, the Reporting Officer, Mr Friedel, advised that he had received a Summary of Evidence from Mr Foy, an economist, which impacted on his recommendation. Mr Foy did not produce a statement as part of the s42A report. That report relied on a Joint Witness Statement of Economists provided through the District Plan Review Hearings.
2. After initial discussions with Mr Gordon, Counsel for the Applicant, I adjourned the matter until 4.00pm to enable the Applicant to consider its position in relation to that evidence. Mr Gordon advised that this was new evidence which had taken the Applicant by surprise. While there are a number of options to address that new evidence, Mr Gordon advised that it had a significant impact on the way that the Applicant had prepared its case.
3. When the matter reconvened at 4.00pm, Mr Gordon sought (as he had earlier indicated) an adjournment of the hearing date, submitting that the potential pathway through the NPS-HPL is narrow and the Applicant now needs to seek and present more nuanced evidence from several of its experts. He sought an adjournment to a convenient date, potentially in May which I understand is the first time that the Applicant's experts are all available.
4. After hearing from Mr Gordon and Mr Friedel, I confirmed that I would grant the adjournment after considering efficiency, fairness, avoiding undue delay, and the interests of the community, and having had proper consideration of the request.
5. We then moved into a discussion of how to progress the matter. We discussed evidence. I advised that amended evidence needs to be focused on the particular issue and that would likely impact on Mr Colegrave's evidence and that of Mr Brown. I advised that in my view additional evidence needed to be kept to a minimum.
6. Mr Gordon indicated that Mr Ford and potentially Mr Jones may also need to amend their evidence. He advised that Mr Colegrave's evidence would need to be substantially rewritten as would Mr Brown's planning evidence. Mr Gordon also advised that he would like to reserve the ability to call further economic evidence by way of peer review. He also expressed a concern that evidence may become less coherent if it is dealt with by way of addendum.
7. Mr Friedel advised that the only point of difference in essence related to the economic matters. He suggested a conferencing of economic experts would be appropriate if possible. He advised that the new economic evidence would need to be considered. He did not anticipate a need to prepare a full and fresh s42A report.
8. Both Mr Friedel and Mr Gordon indicated that a conferencing of planners, following the conferencing of the economic experts, may also be helpful.
9. Finally, an issue was raised in relation to the latest Selwyn Growth Model which I understand may now be available. I do not make any directions in relation to that document but if there are any difficulties, the parties can come back to me.

Consideration and Directions

10. As noted, I confirm that the hearing is adjourned to a date to be arranged but noting that parties should anticipate a hearing in the week of 15 May 2023.
11. I agree that conferencing between the economic experts may be helpful and I direct that they do so. I leave that to Council and the Applicant to arrange. The conferencing will need to be undertaken in accordance with the relevant provisions of the Environment Court Practice Note 2023 and will need to be undertaken promptly.
12. In terms of conferencing of the planning experts, that is likely to be of assistance. That conferencing will obviously need to follow the conferencing of the economic experts. That conferencing also needs to be undertaken promptly and in accordance with the relevant provisions of the Environment Court Practice Note 2023. Again, I direct that conferencing occurs and I leave it to the Council and the Applicant to confer and make arrangements for the same. I note Mr Langman has provided planning evidence for the Canterbury Regional Council and Christchurch City Council. He will need to be involved in both the making of the arrangements and the conferencing.
13. In terms of evidence, at this stage I direct that any necessary additional evidence be provided as follows:
 - (a) Any additions or alterations to the s42A Report, 15 working days before the reconvened hearing;
 - (b) Any additions or amendments to the Applicant's evidence (to address the new economic evidence) is to be filed 10 working days prior to the reconvened hearing;
 - (c) Any amended expert evidence by the submitters (Mr Langman) to be filed 5 working days prior to the reconvened hearing.

Leave

14. Given the unfortunate manner in which this issue has arisen, I reserve leave to any party to raise any concerns with the detail of the proposed way forward. Those issues must be raised by way of Memorandum in the usual manner, through submissions@selwyn.govt.nz.

**David Caldwell**

Hearing Commissioner

Dated: 28 March 2023