

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 6 OF COMMISSIONER DAVID CALDWELL RESPONDING TO
MEMORANDA OF COUNSEL DATED 28 APRIL 2023 AND 2 MAY 2023**

Dated 9 May 2023

1. By Memoranda of 28 April 2023 and 2 May 2023, Mr Gordon has sought a deferral of the hearing of PC74 to the week commencing 4 September 2023.
2. In support of the deferral Mr Gordon advises that HDL accepts that it must proceed with expert conferencing on economic and planning matters on the basis of the economic inputs and methodology disclosed. He states that given the timing of the process, further expert conferencing and any amendments to the s42A report remain incomplete so considers a hearing date of 15 May is untenable. I agree and have previously confirmed that.
3. On the basis of commitments of HDL's witnesses through May and June, he notes that a late June/early July date could be practicable but records that he is overseas between 8 June and 12 July. While there is reasonable scope for PC74 to be heard in late July or August, the PDP rezoning decisions on submissions, including an equivalent to PC74, are due to be released in mid August.¹ He states that PC74 was commenced before the PDP process and may be overtaken by the August decisions such that PC74 could be deemed "surplus to requirements". He submitted that a September date for the potential hearing of PC74 was a more realistic use of time and resources.²
4. By Memorandum of 2 May 2023, Mr Gordon provided further information in support of a further deferral. He advised that when revisiting the information which had previously been uploaded to the plan change website, the Applicant's planner had identified that it had been replaced by a hyperlink to a different version of the report being *Selwyn Residential Capacity and Demand Model – Economic Assessment* (dated 13 April 2023).³ He advised that Part 1 of the 13 April version is word for word the same as the 22 March report but that changes had been made. He identified that the report no longer incorporates West Melton as a separate township and advised that the Other Townships section had been removed altogether.⁴
5. Mr Gordon outlined a number of "preliminary questions" in his paragraph [7].

Consideration

6. As a preliminary point, I note that Mr Foy has been subject to some criticism in the various memoranda that have been lodged. I understand, from Mr Foy's summary, that he was not asked to review this plan change request. At the request of the Applicant and with the agreement of SDC, he did undertake conferencing with Mr Colegrave on 23 February 2023 which culminated in the Joint Witness Statement dated 28 February 2023.⁵ Mr Foy's summary statement records that it was after the Applicant's economic evidence being produced by Mr Colegrave that he was asked to provide the summary statement. That timing is unfortunate

¹ Memorandum of Counsel 28 April 2023 at para [6]

² Memorandum of Counsel 28 April 2023 at para [7]

³ Memorandum of Counsel 2 May 2023 at para [4]

⁴ Memorandum of Counsel 2 May 2023 at para [6]

⁵ Derek Foy Summary statement of position, Economics, Selwyn District Council at para [6]

but it provides some explanation as to why the s42A report did not contain anything from Mr Foy, other than the Joint Witness Statement.

7. I have been through the economic assessments dated 22 March 2023 and 13 April 2023. I have not been able to identify any obvious differences between the two reports other than the removal of 4.5. West Melton is discussed in 2.3 of both reports and in Appendix A to both reports – Zone Density Assumptions.
8. I have considered the further questions that Mr Gordon has identified. I consider it would be useful to have confirmation as to whether the 13 April version supersedes the 22 March version. I also request “clarity” as to which economic inputs and methodology should form the basis of the ongoing expert conferencing on economic and planning matters, and confirmation as to whether further iterations are intended and, if so, the timing and expectation of those. I consider those matters should be responded to.
9. I am reluctant to adjourn this hearing to the week commencing 4 September noting that the original plan change request was lodged on 24 November 2020 and, following a further information request and response, was accepted for notification on 27 April 2022. My duty is to avoid unreasonable delay but I also wish to ensure that no parties are prejudiced. It appears to me that if the questions which I have identified in paragraph 8 of this Minute can be answered, then there is no reason why conferencing cannot proceed.
10. As I stated in my Minute No 5 of 18 April 2023, the areas of disagreement between Mr Foy and Mr Colegrave appear to be more discrete than previously outlined.⁶ I remain of the view that those matters can be appropriately addressed through witness conferencing and any questioning at the reconvened hearing.

Directions

11. I direct that the identified questions be answered, I anticipate through Mr Friedel, by **4.00pm Monday 15 May 2023**. I also request that Mr Gordon liaise with his team and identify any earlier dates which may be suitable. I can confirm that I am not available on 6 and 7 June, 13-16 June, nor 20-28 June.
12. If there are any issues arising from this Minute, they are to be raised, in writing, through submissions@selwyn.govt.nz.



David Caldwell
Hearing Commissioner

Dated: 9 May 2023

⁶ Minute No 5 of Commissioner dated 18 April 2023 at paras [10] – [12]