

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 80 being a request by Two Chain Road Limited to rezone approximately 98 hectares of current rural land at 7-183 Two Chain Road, on the south side of Two Chain Road between Walkers Road and Jones Road, and Main South Road, Rolleston to Business 2A

---

**MINUTE NO 6 OF COMMISSIONER DAVID CALDWELL ADDRESSING MATTERS  
RELATING TO THE NPS-HPL AND RECENT GUIDE TO IMPLEMENTATION**

**Dated 18 January 2023**

---

1. I have made significant progress on finalising my Recommendation on Plan Change 80.
2. As the parties are aware, one of the key issues relates to the 18.1 hectares (approximately) of LUC3 land within the site. The LUC3 land is “highly productive land” for the purposes of the NPS-HPL.
3. I have received comprehensive legal submissions from Counsel for the Applicant, both in Opening and in Reply. I have also had the benefit of comprehensive expert evidence from Mr Mthamo and Mr Everest, together with planning evidence from Ms Seaton and Ms White. The issue has been well traversed.
4. In the course of my deliberations I have become aware that MfE has published a Guide to Implementation of the NPS-HPL. This was published on 16 December 2022.
5. While the Guide is simply that – a guide – I am of the view that it would be artificial to ignore it. It would also be improper to have regard to it without providing the parties with an opportunity to comment on the relevant provisions of that guidance. Without limitation, the commentary on rezoning HPL to an urban zone at page 39 through to page 49 of the guidance appears to be particularly relevant.
6. I anticipate that comments would be in the form of either legal submissions or a brief statement. This includes Ms White as reporting officer. I do not consider there is a need for any further evidence.
7. To avoid unnecessary delay I consider that a period of five working days to be more than sufficient to provide any submissions/commentary. I consider that any submissions/statements can be lodged contemporaneously. There is no need or benefit in a sequential timetable. I therefore direct that all responses are to be filed **by 3.00pm Wednesday 25 January 2023** by email to Heather Goh at [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz).
8. While the timing of the Guide is unfortunate, given the issue’s importance, and given that Plan Change 80 appears to be the first of the plan changes where the NPS-HPL has been directly relevant, it is important that I am as fully informed as possible.
9. If any party has any issue with any matters arising from this Minute, they can be raised in the normal manner through Heather Goh at [submissions@selwyn.govt.nz](mailto:submissions@selwyn.govt.nz).



**David Caldwell**  
Hearing Commissioner

Dated: 18 January 2023