

**BEFORE THE SELWYN DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER OF** a request by Foodstuffs (South Island) Properties Limited to change the Partially Operative Selwyn District Plan by rezoning approximately 7 hectares of land at 157 Levi Road, Rolleston from Medium Density Residential Zone to Large Format Retail Zone (Variation 2)

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**MINUTE NO 1 OF COMMISSIONER DAVID CALDWELL**  
**Dated 22 January 2025**

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## Introduction

1. The Selwyn District Council has, pursuant to s34A of the Resource Management Act 1991 (**RMA**), appointed me to hear and make recommendations on the request by Foodstuffs (South Island) Limited to change the Partially Operative Selwyn District Plan by rezoning approximately 7 hectares of land at 157 Levi Road, Rolleston from Medium Density Residential Zone to Large Format Retail Zone. The change is identified as Variation 2.

## Familiarity of the Site and Previous Involvement

2. I am familiar with the site. I was previously appointed by the Selwyn District Council as independent commissioner to hear and determine the application by Foodstuffs (South Island) Properties Limited for resource consent to establish and operate a Pak'nSave supermarket together with associated works on part of the site. My decision granting the application for the Pak'nSave supermarket was made on 29 September 2022. I undertook a site visit as part of that process and will of course do so as part of this process.
3. I record that my recommendations on Variation 2 will be made on the basis of the documents provided as part of the application, the submissions and further submission made, and on the evidence and submissions presented at the hearing. The plan change (or variation) is a different statutory process.

## The Hearing

4. The hearing has been set down for **Monday 24 March 2025** and **Tuesday 25 March 2025** commencing at 10.00am, and is to be held at Te Ara Ātea, 56 Tennyson Street, Rolleston.
5. The following directions relate primarily to pre-circulation of evidence prior to the hearing and associated matters.

## Pre-provision of Evidence

6. 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.
7. 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.
8. 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 Council must make the s42A Officers Report, including supporting technical reports and supporting expert evidence, available to all participants no later than **4pm on Friday 28 February 2025**, being 15 full working days before the hearing. The reports will be posted on the Council's Variation 2 Levi Road webpage;
  - (b) The Applicant must provide briefs of evidence to the Council in an electronic form by no later than **4pm on Friday 7 March 2025**, being 10 full working days before the hearing. Again, that evidence will be posted on the Council's Variation 2 webpage; and
  - (c) Any submitter who is intending to call expert evidence must provide the briefs of expert evidence to the Council in an electronic form by no later than **4pm on Friday 14 March 2025**, being 5 full working days before the hearing. Again they will be posted on the Council's Variation 2 webpage.
9. Briefs of evidence are to be emailed to: [policy.planners@selwyn.govt.nz](mailto:policy.planners@selwyn.govt.nz).
  10. Expert evidence is evidence prepared by independently qualified persons such as landscape architects, transportation experts, ecologists and planners.
  11. Submitters who do not intend calling expert evidence do not have to comply with the timeframe specified in 8(c) and will be able to present their own evidence at the hearing. Submitters are of course entitled to present their submissions themselves or through authorised representatives. Submitters have the option of presenting their written submissions and other materials on the day of the hearing and reading that out loud. If submitters have not sent that written material to the Hearings Administrator electronically prior to the hearing, they will need to bring **ten** copies of any written material to the hearing and supply an electronic copy to the Hearings Administrator within two days of completing their presentation.
  12. Generally, submitters will be allocated 15 minutes to speak, but of course if the presentation is anticipated to be longer than 15 minutes that must be raised with the Hearings Administrator to enable additional time to be allocated.

### **Summary of Key Points**

13. 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 areas of agreement and disagreement can be identified and summarised.
14. Legal submissions do not need to be pre-circulated and can be presented at the hearing.
15. Once the evidence is provided, I will consider any request for conferencing of expert witnesses.

16. If there are any issues arising from this Minute and the directions, they are to be raised, at the earliest convenience and in writing, through [policy.planners@selwyn.govt.nz](mailto:policy.planners@selwyn.govt.nz).

A handwritten signature in blue ink, reading "D Caldwell", is positioned above a horizontal line.

**David Caldwell**  
Hearing Commissioner

Dated: 22 January 2025