

Before the Independent Commissioner  
Appointed by Selwyn District Council

Under the Resource Management Act 1991

In the matter of a hearing on submissions to the Partially Operative Selwyn  
District Plan, Variation 2: Levi Road rezoning

**Foodstuffs (South Island) Properties Limited**

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Memorandum of Counsel requesting expert conferencing

17 March 2025

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**Applicant's solicitors:**

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**anderson  
lloyd.**

## May it please the Commissioner

- 1 This memorandum is filed on behalf of Foodstuffs (South Island) Properties Limited (**Foodstuffs**) in relation to the hearing on 24-25 March 2025, regarding a request by Foodstuffs for rezoning land at 157 Levi Road from Medium Density Residential Zone to Large Format Retail Zone.
- 2 In Minute 1 at paragraph 15 the Commissioner signalled that requests for conferencing can be made after the evidence is provided.
- 3 Evidence has now been provided by Foodstuffs and one submitter to the hearing (i.e. Selwyn District Council (**SDC**)). The purpose of this memorandum is to request conferencing of expert witnesses in areas we consider will assist in increasing the efficiency of the hearing.
- 4 It is respectfully requested that conferencing be directed for the following experts:
  - (a) Noise – Rob Hay (Foodstuffs) and Jeremy Trevathan (SDC) – regarding whether the additional information provided satisfies SDC and with respect to a break in the north eastern boundary;
  - (b) Servicing – Ruben Thielmann (Foodstuffs) and Hugh Blake-Manson (SDC) – regarding serviceability of the site (water and wastewater), and particularly on whether the additional information provided satisfies SDC;
  - (c) Planning – Mark Allan (Foodstuffs) and Craig Friedel (SDC) – regarding SDC proposed amendments to the partially operative Selwyn District Plan.
- 5 Given the small number of experts involved, and the limited timeframe to hearing, to assist the Commissioner the following process is proposed:
  - (a) each expert representing Foodstuffs in paragraph 3 above will contact the SDC expert to arrange a time to discuss as soon as possible. The noise and servicing experts will be encouraged to conference prior to planning experts;
  - (b) we will provide a conferencing statement template to the Foodstuffs expert which sets out that the experts are to discuss matters agreed and any remaining points of difference;
  - (c) it is not expected that the template will be completed where original opinions of the experts still stand and there is no change in position;
  - (d) the outcome of conferencing of the experts above will be either made available by the end of the week or the experts will provide an update to the Commissioner as to their position during presentation of their evidence.

- 6 We have contacted Ms Lewes from SDC, who has advised SDC has no issues with the request for conferencing of the above experts.
- 7 If the additional material provided by the Applicant experts has resolved the SDC expert concerns with respect to noise and servicing experts, the Applicant wishes to signal that it is likely that leave will be sought for those experts to be excused from the hearing, unless the Commissioner has any questions.

Dated 17 March 2025

A handwritten signature in black ink that reads "A Booker". The signature is written in a cursive style with a large, stylized 'A' and 'B'.

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Alex Booker

Counsel for Foodstuffs (South Island) Properties Limited