

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)

**MINUTE NO 2 OF COMMISSIONER DAVID CALDWELL
IN RELATION TO EXPERT WITNESS CONFERENCING**

Dated 18 March 2025

1. Counsel for the Applicant (Foodstuffs) has, by way of Memorandum, sought directions in relation to expert conferencing.¹
2. In summary, Counsel seeks directions that conferencing be undertaken by the noise experts, being Mr Rob Hay and Mr Jeremy Trevathan. The issue identified is whether the additional information provided satisfies Mr Trevathan in relation to a break in the north-eastern boundary.
3. In terms of servicing, conferencing is sought of Mr Thielmann and Mr Blake-Manson. That relates to serviceability of the site in terms of water and wastewater, and again whether the additional information provided is sufficient.
4. Planning conferencing between Mr Allan and Mr Friedel is also sought. The topic is proposed amendments to the partially operative Selwyn District Plan.
5. I consider that the efficiency of the hearing process may be assisted by the expert witnesses conferencing. That is to be in accordance with the Code of Conduct. As the experts will be fully aware, expert conferencing is confidential to the experts who participate in it and there is to be no communication of what took place during the expert conferencing or the outcome other than by way of Joint Witness Statement produced by the experts. The expert witnesses must of course exercise independent and professional judgement and must not act on instruction or direction of any person to present an opinion or withhold or avoid agreement. As the experts will be aware, the expert conference is an evidential process and not an alternative disputes resolution process. While the experts may agree on matters within their fields of expertise, their agreement does not bind any party, nor of course the decisionmaker.
6. Again, I expect the Joint Witness Statements will identify the materials regarded by the experts as the primary data, and the key facts and assumptions agreed upon by the experts.
7. Given the short timeframes between the date of the request and the hearing, I direct, pursuant to s41C, that the witnesses identified above confer and that the Joint Witness Statements be provided to the SDC by no later than **5.00pm Thursday 20 March 2025** to enable that material to be circulated to all parties prior to the hearing.
8. Any issues arising from this Minute can be addressed in the usual manner through policy.planners@selwyn.govt.nz.



David Caldwell
Hearing Commissioner

Dated: 18 March 2025

¹ Memorandum of Counsel Requesting Expert Conferencing dated 17 March 2025.