

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** The Resource Management Act 1991 (**Act**)

**AND**

**IN THE MATTER OF** Resource consent application RC216016 to establish and operate a PAK'nSAVE supermarket and associated carparking, signage and landscape, and to undertake soil disturbance under NES, at 157 Levi Road, Rolleston

**AND**

**IN THE MATTER OF** **FOODSTUFFS (SOUTH ISLAND) PROPERTIES LIMITED**

**Applicant**

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**MINUTE NO 2 OF HEARING COMMISSIONER DAVID CALDWELL  
ADDRESSING HEARING RELATED MATTERS**

**Dated 29 July 2022**

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1. I have received a Memorandum of Counsel on behalf of Foodstuffs (South Island) Properties Limited (No 1) dated 28 July 2022.
2. The Memorandum addresses the hearing order which is generally in accordance with the timetable previously circulated.
3. The Memorandum advises that four of the witnesses currently have COVID-19, or are in isolation due to family members having COVID-19, or are otherwise unwell. I ask that Ms Brooker identify, by expertise, which witnesses she is referring to. The reason I ask is that expertise may be relevant to the issue of the appropriateness of evidence being given by audio visual link. I anticipate that some of the experts will have further graphic depictions relating to their areas of expertise. Going through such matters can be considerably more difficult if witnesses are not physically present.
4. Subject to the above, I am generally comfortable with the expert witnesses who are unable to appear in person, to do so by audio visual link. For those who are simply isolating, that should not create any difficulties. For the witnesses that are unwell, it would be helpful to have more information about their state of health. I do not doubt at all that they are unwell, but I do not wish to put them under unnecessary pressure and I can signal that I am prepared to consider any request for an adjournment of the hearing to enable those witnesses to recover without the undue pressure of appearing at a hearing.
5. In relation to the second issue which relates to the excusing of expert witnesses from attendance at the hearing, at this stage I can indicate that it is unlikely that the identified witnesses will need to attend the hearing. They will need to be available for questions.

### **Written Approvals**

6. I note that I have received a Joint Witness Statement from the expert witnesses in relation to acoustics. I have only had the opportunity to briefly consider it. I note that it records the witnesses did not address potential effects on PC71 land on the basis that affected party approvals have been provided. While I am of course fully aware of the provisions of s104(3)(a)(ii), I expect that issue, and the sufficiency of the written approvals provided, to be addressed at the commencement of the hearing. I wish to be satisfied that all owners and occupiers in the PC71 site have provided written approval before making any determination as to whether all the effects in relation to PC71 can be disregarded. Until I am satisfied in that regard, the experts will need to be in a position to address those effects.
7. If there are any issues arising from this Minute, they can be raised through [rc.hearings@selwyn.govt.nz](mailto:rc.hearings@selwyn.govt.nz).



**David Caldwell**  
Hearing Commissioner

Dated: 29 July 2022