

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

**MINUTE NO 7 OF HEARING COMMISSIONER DAVID CALDWELL
RELATING TO FURTHER INFORMATION FOLLOWING NOTIFICATION OF THE IPI**

Dated 15 September 2022

1. As the parties will recall, I closed the hearing by Minute of 6 September 2022. In closing, I noted that I had earlier addressed whether I needed further submissions in relation to the Intensification Planning Instrument – Variation 1 (**IPI**) and concluded that I had sufficient information in that regard. The Applicant and various witnesses had in essence anticipated the IPI.
2. I am making good progress in my deliberations but, despite my earlier view, I consider it is appropriate that I raise the issue of what effect, if any, the notification of Variation 1 has on my consideration of the relevant objectives and policies.
3. In particular, I have been considering whether s77M has any relevance to this application. That addresses the effective incorporation of MDRS in district plans on new applications for resource consents and on some existing designations.
4. Subsection (1) appears to relate only to activities to which the MDRS are proposed to apply in a relevant residential zone and that are lodged on or after the date on which the specified territorial authority notifies its IPI incorporating the MDRS in its district plan.
5. I note this application does not appear to meet either ss(1)(a) or (b). My preliminary view is that the relevant objectives and policies of the Operative District Plan (**ODP**) and the Proposed Plan (**PSDP**), as identified in the application and evidence, remain as matters to which I must have regard to. These are identified in the application in Section 8.8 (ODP) and 8.9 (PSDP).
6. I consider the same approach is appropriate in relation to the CRPS. Again my preliminary view is that ss(2)(a) does not apply.
7. I consider the objective and policies of the IPI are also provisions which I must have regard to.
8. Given the timing of the hearing, these issues were not addressed in any detail. The focus of the discussions and evidence in relation to the MDRS related more to the appropriate environment. Given the significance of this application, and in fairness to the parties, I consider it appropriate I provide my preliminary views in relation to the relevant objectives and policies to which I must have regard.
9. I therefore direct that the reporting officer, the Applicant, and any submitter who wishes to do so, provide brief Memoranda on the matters I have identified above as to my preliminary view on the approach to be taken. I wish those to be provided as soon as possible and no later than **5.00pm Tuesday 20 September 2022**. To enable these matters to be considered, I therefore partially reopen the hearing but only to enable the matters raised in this Minute to be addressed. The Memoranda are to be provided in the usual manner to rc.hearings@selwyn.govt.nz.

10. If there are any issues arising from this Minute, they are to be raised, again in the usual manner, to rc.hearings@selwyn.govt.nz.

A handwritten signature in blue ink, appearing to read 'D Caldwell', is positioned above a horizontal line.

David Caldwell
Hearing Commissioner

Dated: 15 September 2022