

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 80 being a request by Two Chain Road Limited to rezone approximately 98 hectares of current rural land at 7-183 Two Chain Road, on the south side of Two Chain Road between Walkers Road and Jones Road, and Main South Road, Rolleston to Business 2A

**MINUTE NO 2 OF COMMISSIONER DAVID CALDWELL
ADDRESSING SITE VISIT AND RELATED MATTERS
Dated 28 October 2022**

1. At the conclusion of the hearing day on 21 October 2022 I had some brief discussions with Ms Appleyard in relation to progressing the hearing towards closing.
2. During the hearing, I discussed with Ms Seaton, Ms White and Ms Appleyard (in particular) that one of the matters I would be considering would be the appropriateness or otherwise of potentially modified versions of the Applicant's proposed Rules 13.1.4, 13.1.7.3 and 13.1.11.3. Those rules addressed the activity status for certain activities within 500m of the Walkers Road boundary of Rolleston Prison. Additionally proposed Rules 22.9.6, 22.9.7 and 22.9.7.1 provide that any activity within 150m of the Walkers Road boundary of Rolleston Prison between the hours of 10.00pm and 7.00am shall be a restricted discretionary activity.
3. The rules that I have identified can be found in Attachment 1 to Ms Seaton's Summary of Evidence dated 20 October 2022 which is on Council's Plan Change website (www.selwyn.govt.nz/pc80).
4. I note the operative District Plan provisions record in the Explanations and Reasons to Policy B3.4.6 that while the Business 2A zone is surrounded by rural zoned land, Armack Drive contains rural residential development. The explanation notes that this has been recognised in the development controls that apply along the western boundary of the Business 2A zone.
5. As indicated at the hearing, I consider it is appropriate that the owners and/or occupiers of the properties directly opposite the PC80 site, as identified in the group submission, PC80-0010 (**Submitter**), be provided with an opportunity to comment on the additional rules referred to in paragraph 2 above. I am interested in receiving written comment from the Submitter as to whether an amended version of those rules could potentially address their concerns.
6. I therefore direct that the Submitter provide any comments, in writing, the group may wish to make on this issue by no later than **5.00pm Friday 4 November 2022** through the email address provided in paragraph 14 of this Minute.
7. I also record my view that it would be very helpful if the Applicant's representatives were able to explore with the Submitter whether there is any potential common ground in relation to a potentially modified version of the rules identified above. I do not make any directions in that regard but raise it as something for the Applicant and the Submitter to consider.
8. Ultimately of course it is for me to determine whether the proposal, or any amended rules, are the most appropriate method for achieving the policies of the ODP, and ultimately the purpose of the Act. I wish to make it clear that I have not reached any view on the appropriateness or otherwise of any such provisions.

Applicant's Reply

9. At this stage, I do not consider it appropriate to make any direction as to the Applicant's reply and I will issue a further Minute in that regard. I can indicate that I will likely issue directions early in the week commencing 7 November 2022.

Site Visit

10. As discussed at the hearing, I wish to undertake a site visit. As part of that site visit, I wish to access a number of the land parcels which make up the overall application site. I am particularly interested in those areas where the stockwater races terminate, and where the main stockwater race passes through the site. I will need to be escorted on that part of the site visit.
11. In relation to the application site itself, it has been suggested that Mr Bruce Van Duyn, who I understand is an employee of the Applicant, escort me. I am happy with that. Mr Van Duyn has escorted me on other plan change matters. He did not appear at the hearing and he is subject to the same rules that I have identified in the following paragraph. I do not require Mr Van Duyn to accompany me on the remainder of the site visit.
12. I also wish to go on to the most directly potentially affected properties owned or occupied by the Submitter. I do not consider that I need to go on to each and every property but certainly those in close proximity to the site. If that is impractical then I will view what I am able from the road reserve. During that part of the site visit, I am comfortable to be escorted by either the owner/occupier, or by a representative. As discussed at the hearing, and again I make it clear, site visits are not an opportunity for any participant to provide additional evidence. All I require is that access be provided and any potential health and safety issues identified.
13. I would like to undertake the site visit sooner rather than later, and ideally in the week commencing 31 October 2022. I ask that the Applicant and representative of the Submitter liaise with Ms Goh to identify potential dates and a brief itinerary.
14. Any responses to this Minute, or any issues any party may identify with the directions and the proposed course of action, are to be raised in writing through Heather Goh at submissions@selwyn.govt.nz.

**David Caldwell**

Hearing Commissioner

Dated: 28 October 2022