

## Sarah Blanchett

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**From:** Douglas Allan <douglas@ellisgould.co.nz>  
**Sent:** Thursday, 9 May 2019 08:25  
**To:** Sarah Blanchett; Sam Le Heron  
**Cc:** 'Allison Arthur-Young'; paige.coulter@russellmcveagh.com  
**Subject:** FW: 2018/9962 Commissioner Hearing Panel Direction (2) 7/05/2019 - Foodstuffs North Island Limited - 980 Te Rapa Road  
**Attachments:** Memorandum of counsel.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sarah and Sam,

We write on behalf of the applicant, Foodstuffs North Island Limited, regarding the **attached** memo from Russell McVeagh. Foodstuffs responds to the memo as follows:

1. Our understanding is that Sam Le Heron is currently endeavouring to schedule the caucusing of traffic experts for a date that suits all consultants.
2. Russell McVeagh's memo seeks a direction that caucusing be set down for a half day only. Foodstuffs cannot oppose the Countdown and Base witnesses attending for only a half day if that is their preference but considers that, if caucusing is to reduce or resolve the differences between experts (which is surely the intention of all parties), then the traffic engineers should be able to caucus for as long as they need to in order to explore those matters fully. That may involve more than half a day and, potentially, may result in further sessions if progress is being made.
3. The memo also seeks a direction requiring Foodstuffs to prepare a detailed agenda and set of questions prior to the meeting. That does not seem necessary in this case. The concerns of Council's consultants are set out clearly in the various reports and statements of evidence and will naturally form the agenda. Essentially, they relate to safety and our expectation is that the discussion will consider ways in which those concerns might be lessened or overcome. It would be helpful, however, to know if the traffic consultants for Countdown and the Base have any additional concerns. Foodstuffs' traffic engineer, John Burgess, is currently reviewing ways in which the concerns of the Council advisors can be addressed and will be able to speak to those at the caucusing.
4. The memo seeks a direction that the Applicant confirm, "*when the further modelling referred to in section 146 of the Council's s42A report will be provided to submitters*". That modelling was being undertaken by Council, not Foodstuffs, and has now been circulated. Our understanding is that it omits the Te Rapa Road access and egress but makes no other changes to the layout so, inevitably, results in increased congestion in certain locations. If the Te Rapa Road access and egress are omitted then there will need to be compensating alterations elsewhere to accommodate the reallocated traffic (being the matters that are being considered by Mr Burgess). That amended layout would in turn need to be modelled.

Please forward this email to the commissioner, along with Russell McVeagh's memo.

Regards,  
Douglas Allan

Douglas Allan **PARTNER**

Level 17, Vero Centre, 48 Shortland Street, Auckland 1140  
PO Box 1509, Auckland, New Zealand  
DX CP 22003

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**From:** Allison Arthur-Young <[allison.arthur-young@russellmcveagh.com](mailto:allison.arthur-young@russellmcveagh.com)>

**Sent:** Wednesday, 8 May 2019 1:37 PM

**To:** [Sarah.Blanchett@hcc.govt.nz](mailto:Sarah.Blanchett@hcc.govt.nz)

**Cc:** [Sam.LeHeron@hcc.govt.nz](mailto:Sam.LeHeron@hcc.govt.nz); Douglas Allan <[douglas@ellisgould.co.nz](mailto:douglas@ellisgould.co.nz)>; Paige Coulter <[paige.coulter@russellmcveagh.com](mailto:paige.coulter@russellmcveagh.com)>

**Subject:** RE: 2018/9962 Commissioner Hearing Panel Direction (2) 7/05/2019 - Foodstuffs North Island Limited - 980 Te Rapa Road

Hi Sarah

Thank you for the email below. Please see **attached** a memorandum on behalf of The Base Te Awa Limited and Woolworths New Zealand Limited. We would be grateful if you could put this before the Commissioners at your earliest convenience.

Kind regards  
Allison

Allison Arthur-Young  
Partner

Russell McVeagh, Vero Centre, 48 Shortland Street, PO Box 8, Auckland 1140, New Zealand  
D +64 9 367 8224 F +64 9 367 8590

[allison.arthur-young@russellmcveagh.com](mailto:allison.arthur-young@russellmcveagh.com)

[www.russellmcveagh.com](http://www.russellmcveagh.com)

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**From:** Sarah Blanchett <[Sarah.Blanchett@hcc.govt.nz](mailto:Sarah.Blanchett@hcc.govt.nz)>

**Sent:** Tuesday, 7 May 2019 9:09 AM

**To:** Sarah Blanchett <[Sarah.Blanchett@hcc.govt.nz](mailto:Sarah.Blanchett@hcc.govt.nz)>

**Subject:** 2018/9962 Commissioner Hearing Panel Direction (2) 7/05/2019 - Foodstuffs North Island Limited - 980 Te Rapa Road

Hi there,

Council has received the second Hearing Commissioner Panel Direction regarding the abovenamed application.

The direction outlines the delay of evidence exchange and the hearing dates to allow for the initiation of traffic caucusing. A subsequent Commissioner Direction will be issued once the traffic caucusing is complete and a hearing date is confirmed.