

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of a resource consent application lodged by Foodstuffs North Island Limited ("**Applicant**") to establish a new supermarket and a drive-through fueling facility ("**Application**") at 980 Te Rapa Road, Pukete, Hamilton ("**Site**")

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE BASE TE AWA LIMITED  
AND WOOLWORTHS NEW ZEALAND LIMITED – DIRECTIONS SOUGHT IN  
RELATION TO CAUCUSING**

**8 MAY 2019**

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**MAY IT PLEASE THE COMMISSIONERS:**

1. We act for two submitters in relation to the Application, The Base Te Awa Limited ("TBTA") and Woolworths New Zealand Limited ("Woolworths").

**Availability for caucusing**

2. We refer to the Directions of the Commissioner Hearing Panel dated 7 May 2019. Further to these Directions, we can advise that the availability of the independent traffic experts for both TBTA and Woolworths are as follows:
  - (a) John Parlane on behalf of TBTA is not available on 14 or 16 May 2019, but is available on 15 and 17 May 2019.
  - (b) Don McKenzie on behalf of Woolworths is not available on 15 or 16 May 2019, but is available on 14 and 17 May 2019.

**Directions sought**

3. Given the matters raised in the s42A report, the work already undertaken by the Council, and recognising the significant additional expense to submitters of expert attendance at caucusing (in addition to evidence preparation and attendance at the hearing), we respectfully request that the Panel directs that no more than half a day be set down for expert caucusing.
4. To ensure a targeted and effective process, and having regard to the efficient use of submitter time and resources, we also respectfully request that the Panel directs the Applicant to prepare a detailed agenda and set of expert questions be circulated and agreed by the parties sufficiently in advance of the caucusing date.
5. To assist with preparation for caucusing, we also respectfully request the Panel directs the Applicant to confirm when the further modelling referred to in section 146 of the Council's s42A report will be provided to submitters.
6. We are happy to join a telephone conference to discuss the above if necessary.

**DATED** 8 May 2019



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**A A Arthur Young / P E Coulter**  
Counsel for The Base Te Awa Limited and Woolworths New Zealand Limited