

HAMILTON CITY COUNCIL

HEARING OF RESOURCE CONSENT APPLICATION BY FOODSTUFFS NORTH ISLAND LIMITED

DIRECTIONS OF COMMISSIONER HEARING PANEL: No.4

Publicly Notified Application:

This application seeks resource consent for the construction and operation of a new PAK'nSAVE supermarket with a drive-through fuel facility, at-grade car parking and all other associated enabling works. The new supermarket building will be developed to abut the western boundary of the site at 980 Te Rapa Road with a gross floor area (GFA) totalling approximately 6358m². This GFA figure includes all the back-of-house delivery, service and storage areas plus the main retail and mezzanine levels.

Background

Directions 3 of 9 May 2019 from the Hearing Panel set out a process for caucusing between the transportation experts acting on behalf of the parties to this resource consent application.

The Panel has recently received a copy of a statement titled "*Caucusing of Traffic Experts. 23rd May 2019 – 10:00am and subsequent technical discussions*". In various parts of this Statement reference is made to an updated application and revised drawings needing to be prepared. At the conclusion of the Statement it is recorded: "*We have been advised that an updated application will be lodged with HCC in due course.*"

On the basis of receiving this information and liaison with the Planning Guidance Unit at the Hamilton City Council, we now make the following Directions updating and confirming the hearing days and the timetable for evidence exchange.

Hearing Dates

1. The hearing is set down for **Monday 7 October** and **Tuesday 8 October 2019** and provision is made for a 'back up' day or part day for **Wednesday 9 October 2019**.
2. The hearing is to commence at **10am** on Monday 7 October 2019, at a venue to be confirmed by the Planning Guidance Administration team.

Evidence Exchange Timeframes

1. Pursuant to RMA s42A (1) & (3) and s103B (2), that **the Addendum** to the Council's section 42A report be provided to Foodstuffs North Island Limited (the Applicant) and submitters by **9am, Monday 16 September 2019¹**.
2. Pursuant to RMA s41B (1) & (2), that Foodstuffs North Island Limited expert evidence in chief be provided to the Hamilton City Council by no later than **5pm, Friday 20 September 2019**.

¹The Hamilton City Council will make the s42A report and all evidence available on the Council website (www.hamilton.govt.nz/foodstuffs) and a hard copy will be available for viewing on the Ground Floor of the Municipal Building, Hamilton City Council, Garden Place during office hours (7.45am to 5.00pm Monday to Friday).

3. The Hamilton City Council shall make available to all parties to these proceedings a copy of Foodstuffs North Island Limited expert evidence in chief by **9am, Monday 23 September 2019¹**.
4. Pursuant to RMA s41B (3) & (4), any submitter who intends to present expert² evidence is to provide a written brief of that evidence to Hamilton City Council by no later than **5pm, 27 September 2019**.
5. The Hamilton City Council shall make available to all parties to these proceedings a copy of the submitter's expert evidence by **9am, Monday 30 September 2019¹**.
6. Pursuant to RMA s41B (1) & (2), that if Foodstuffs North Island Limited intends to present evidence in rebuttal of the section 42A report or any pre-circulated submitter evidence, then a written brief is to be prepared by the Applicant's witnesses to be presented by each witness as part of the hearings process.

Requirement for Waivers and Extensions - Section 37A RMA 1991

The Act requires a Panel prepare and release its decision within fifteen working days of the formal close of a hearing.

While it is premature to speculate how this re-scheduled hearing will proceed, the Panel advises that the Chair will be overseas during the period Tuesday 15 October - Thursday 7 November 2019. The Panel will be unlikely to release its decision in compliance with this statutory timeframe in this circumstance.

In anticipation of this possibility, the Panel seeks authority to extend the reporting time period by up to twice the maximum period specified by the Act; that is, up to 30 working days from the close of the hearing. The Panel seeks this extension with the agreement of the Applicant, and also invites submissions from the other parties on the matter should they choose to do so, by **5pm, Friday 30 August 2019**.



Murray Kivell
Panel Chair

Russell De Luca
Commissioner

23 August 2019

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²The term 'expert' means a person recognised as an expert in his or her field due to relevant qualifications and/or experience. An expert witness must exercise independent and professional judgement and must not act on instructions or directions of any person.