

Before the Commissioner
Appointed by the Selwyn District Council

Under the Resource Management Act 1991

In the matter of resource consent application for Foodstuffs (South Island) Properties Limited to establish and operate a PAK'nSAVE supermarket and associated access, loading, car parking, signage, earthworks and landscaping at 157 Levi Road, Rolleston (RC216016)

Memorandum of Counsel on behalf of Foodstuffs (South Island) Properties Limited (No 1)

28 July 2022

Applicant's solicitors:
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**anderson
lloyd.**

May it please the Commissioner:

- 1 This memorandum is filed on behalf of Foodstuffs (South Island) Properties Limited (the **Applicant**), in relation to the attendance of its expert witnesses at the hearing on 2 – 4 August 2022.
- 2 In accordance with the hearing timetable the following witnesses will appear (in this order) at the hearing:
 - (a) Rebecca Parish – Applicant representative
 - (b) Matt Mitchell – architect
 - (c) Tony Milne – landscape and amenity
 - (d) Andrew Burns – urban design
 - (e) Dave Smith – transport
 - (f) Rob Hay – acoustic
 - (g) Fraser Colegrave – economics
 - (h) Mark Allan – planning
- 3 Four of these witnesses currently have COVID-19, or are in isolation due to family members having COVID-19, or are otherwise unwell. The Applicant seeks leave from the Commissioner for its experts who are unable to appear in person during the hearing to be able to appear by audio visual link. I have contacted the hearing representative for Selwyn District Council and arrangements have been made for appearances by an audio-visual link if needed. As expert availability may change throughout the hearing, dependent on the expert's recovery and isolation timeframes, this may change the proposed order of experts but I will keep you informed as best I can.
- 4 The Applicant also respectfully seeks leave for the following expert witnesses to be excused from attendance at the hearing and for their evidence to be taken as read:
 - (a) Keegan Brogden – civil engineer
 - (b) Fiona Ambury – stormwater treatment/disposal
 - (c) Guy Knoyle – soil contamination
 - (d) Greg Kitto – lighting

- 5 Leave is sought on the basis there is no areas of disagreement between relevant experts in the above areas of expertise, and in the interests of ensuring hearing efficiency due to the large number of appearances. The Applicant will make these experts available for questions if the Commissioner has any, or if questions arise during the course of the hearing.
- 6 Finally, by way of update, in accordance with the Commissioner Minute 1 the Applicant understands that the noise and transport experts are undertaking informal caucusing in response to the additional information requested in the Officer's Report and will produce Joint Witness Statements prior to the hearing starting on Tuesday.
- 7 I appreciate you considering these matters in advance of the scheduled hearing.

Dated this 28th day of July 2022

A handwritten signature in black ink that reads "A Booker". The signature is written in a cursive, flowing style.

Alex Booker
Counsel for Foodstuffs (South Island) Limited