

Before the Independent Commissioner

Under the Resource Management Act 1991

In the matter of an application by Foodstuffs (South Island) Properties Limited for the establishment and operation of a PAK'nSAVE supermarket and fuel station at 191 Main North Road, and associated car parking, vehicle access, landscaping, signage, and storm water treatment (RMA/2018/2029)

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**Memorandum of Counsel No.2 on behalf of Foodstuffs (South Island) Properties Limited**

24 October 2019

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**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**). It provides an update of pre-hearing discussions and conferencing in response to Minute 2 of Commissioner. It has been reviewed by Nathan Harris, for the Christchurch City Council (the **Council**), who agree with the content in paragraphs 3-12 and 15 below.

## Additional experts

- 2 The Applicant has instructed an urban design expert (Andrew Burns). This instruction was made in response to Mr Harris advising the Council continues to have concerns in relation to urban design (after the Council's response to Minute 1 on Tuesday 8 October 2019). Mr Burns has made initial contact with Mr David Hattam for the Council and will join the urban design and landscape conferencing session.
- 3 Following the transport modelling conferencing, the Council and the Applicant agreed that there is merit in an independent peer review being undertaken of the models prepared. It was agreed that John Falconer from QTP is an appropriate reviewer. Mr Falconer has been jointly instructed by the Applicant and the Council to complete a peer review. I understand the peer review is estimated to take approximately 2 weeks, and will be available for circulation prior to the exchange of evidence.

## Pre-hearing conferencing

- 4 The following conferencing has occurred since 7 October 2019.

### *Transportation – modelling*

- 5 Technical representatives on behalf of the Council, New Zealand Transport Agency (**NZTA**) and the Applicant met for a 4<sup>th</sup> conferencing session on 15 October at Anderson Lloyd offices. The parties produced a Joint Witness Statement (**JWS**) dated 18 October which is **attached**. I am advised by the experts that no further conferencing is required.

### *Transportation – general*

- 6 Technical representatives on behalf of Environment Canterbury, the Council, NZTA, Advanced Traffic (Christchurch Transport Operations Centre), and the Applicant met for conferencing on 16 October at Anderson Lloyd offices. A JWS statement is **attached**. I am advised by the experts that no further conferencing is required.

- 7 The Applicant is currently drafting proposed conditions of consent in relation to matters raised during the conferencing and these will be provided to the Council.

*Planning and policy*

- 8 Planning and policy conferencing took place on Monday 21 October at the Council offices. Nathan Harris (Council), Emma Chapman (Council), Joanne Stapleton (Environment Canterbury), and Mark Allan (the Applicant) attended and discussed which provisions are relevant.
- 9 A JWS is being prepared and will be provided to Ms Ferrari for circulation. This will be provided prior to 1 November.

*Urban design and landscape*

- 10 Urban design and landscape conferencing is scheduled to occur tomorrow (25 October). David Hattam (Council), Jennifer Dray (Council), Niko Young (the Applicant) and Tony Milne (the Applicant) are planning to attend. Andrew Burns (the Applicant) will also attend the conferencing via video conference.
- 11 Initial conversations have been occurring between the experts representing the Council and the Applicant. It is foreseeable based on these discussions that there will be further conferencing required next week for urban design when Mr Burns returns to New Zealand. The landscape and urban design aspects may also be separated and a separate JWS provided.
- 12 The experts are aware of the Commissioner's expectation of completing conferencing by 1 November. Any JWS prepared will be provided to Ms Ferrari for circulation as soon as possible following the completion of conferencing.

**Pre-hearing discussions with submitters**

- 13 The Applicant has met again with submitter Environment Canterbury about public transport matters (21 October). No additional changes are proposed to the application as a result of this discussion.
- 14 The Applicant met with submitter Mary-Clare Clemence today (Redwood Family Dentists). No additional changes are proposed to the application as a result of this discussion.

**Draft conditions of consent**

- 15 The Applicant and the Council are working on agreeing conditions of consent (where possible) should resource consent be granted. It is anticipated this process will be completed in advance of Mr Harris' Section 42A Report.

Dated this 24<sup>th</sup> day of October 2019



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Alex Booker/Jen Crawford  
For the Applicant