

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY THE HAMILTON CITY COUNCIL**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Proposed Plan Change 5 to the Hamilton City
District Plan

MEMORANDUM OF COUNSEL FOR WOOLWORTHS NEW ZEALAND LIMITED

13 OCTOBER 2022

**Russell
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MAY IT PLEASE THE HEARING PANEL:

1. We refer to the supplementary evidence of Gregory Akehurst on behalf of Hamilton City Council ("**Council**") filed on 11 October 2022.
2. The Panel requested the economic experts for Council and Woolworths New Zealand Limited ("**Woolworths**"), Messrs Akehurst and Heath, review the differences between their methodology. Mr Akehurst's supplementary evidence follows direct discussions between Messrs Akehurst and Heath.
3. Woolworths is disappointed with the approach taken by the Council to the supplementary evidence. In particular, Woolworths is concerned the supplementary evidence of Mr Akehurst:
 - (a) Seeks to relitigate technical and methodological differences between Messrs Akehurst and Heath.¹ Those concerns are not accepted.
 - (b) Mr Akehurst's supplementary evidence fails to record that in correspondence with Mr Heath after the hearing, Mr Akehurst confirmed he "went back to the 2020 M.E report and looked at both the wording and the tables...I can see where you got the 40% figure from (I originally thought it was a land area to GFA translation figure – because I could not figure out where it had arisen from."²
 - (c) More significantly, these differences are irrelevant to the broader question for the Panel. Both experts agree (and confirmed that agreement through direct discussions after the hearing) a 20,000 m² GFA cap is appropriate.
 - (d) Carries out the very exercise in paragraphs 15-17 he criticises Mr Heath for in paragraph 14.
 - (e) Misstates the position of "the urban designers."
4. Given economists agree there is no "quantum" issue here, and both the Council and Woolworths support the retail cap proposed in PC5, the key issue is whether a supermarket should be enabled on the western side of Peacockes Road, and whether the Road is a "barrier" to the Local Centre. The position of Mr Heath and the rest of the Woolworths experts (including architects, traffic experts, and urban designers) on this issue is clear.
5. Mr Heath is available to appear before the Panel to address any further questions the Panel may have in light of Mr Akehurst's supplementary evidence, if necessary.

DATED: 13 October 2022



A A Arthur-Young
Counsel for Woolworths New Zealand Limited

¹ Supplementary evidence of Mr Akehurst dated 11 October 2022 at [6] and [7].

² Email correspondence between Mr Akehurst and Mr Heath dated 3 October 2022.